# CHIEF'S PREFACE

Dear Fellow Members of the Redwood City Police Department,

The Redwood City Police Department Policy Manual serves as a guide to ensure that we maintain the highest level of professionalism, both on and off duty. As public servants, we are expected to lead with compassion, competence, and care.

The policies contained in this manual are designed to ensure that members of our department uphold the high ethical standards and principles that govern law enforcement and safeguard public trust. Please familiarize yourself with these policies which are intended to support you in performing your duties effectively.

Above everything, I ask that you continue to serve with the highest level of integrity and respect. I am proud beyond measure to serve alongside each and every one of you. Please stay safe.

Sincerely,

Kristina Bell

Chief of Police

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## MISSION STATEMENT

The Redwood City Police Department will continually strive to be the preeminent law enforcement agency in the region. We will utilize the members of our organization to their fullest potential and encourage their professional growth. As part of the community, we value the diversity that exists throughout our city and workforce. We will conduct ourselves in a professional manner at all times and will strive to exceed the expectations of those we serve. We recognize that excellent customer service requires a partnership with the community and that our responsiveness to the community is the foundation of superior police service. It is therefore our primary mission to succeed in providing excellent service with integrity and respect.

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# Chapter 1 - Law Enforcement Role and Authority

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# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the Redwood City Police Department to perform their functions based on established legal authority.

## 100.2 POLICY

It is the policy of the Redwood City Police Department to limit its members to only exercise the authority granted to them by law.

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

## 100.3 PEACE OFFICER POWERS

Sworn members of this department are authorized to exercise peace officer powers pursuant to applicable state law (Penal Code § 830.1 et seq.).

### 100.3.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE REDWOOD CITY POLICE DEPARTMENT

The arrest authority outside the jurisdiction of the Redwood City Police Department includes (Penal Code § 830.1; Penal Code § 836):

a. When the officer has probable cause to believe the person committed a felony.
b. When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.
c. When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.
d. When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
e. In compliance with an arrest warrant.

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

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

### 100.3.2 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE REDWOOD CITY POLICE DEPARTMENT

The arrest authority within the jurisdiction of the Redwood City Police Department includes (Penal Code § 830.1; Penal Code § 836):

a. When the officer has probable cause to believe the person has committed a felony, whether or not committed in the presence of the officer.
b. When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.
c. When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer and the officer reasonably believes there is an immediate danger to person or property, or of escape.
d. When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the officer such as certain domestic violence offenses.
e. In compliance with an arrest warrant.

### 100.3.3 TIME OF MISDEMEANOR ARRESTS

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

1. The arrest is made without a warrant pursuant to Penal Code § 836 which includes:
    1. A misdemeanor committed in the presence of the officer.
    2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).
2. The arrest is made in a public place.
3. The arrest is made with the person in custody pursuant to another lawful arrest.
4. The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

## 100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

a. As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.
b. When an officer enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

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The person arrested out of state must be taken without unnecessary delay before a magistrate of the county in which the arrest was made (ARS § 13-3833; NRS 171.158; ORS 133.440).

## 100.5 CONSTITUTIONAL REQUIREMENTS

All members shall observe and comply with every person’s clearly established rights under the United States and California Constitutions.

## 100.6 REVISIONS

Revised August 2020

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# Chief Executive Officer

## 101.1 PURPOSE AND SCOPE

The California Commission on Peace Officer Standards and Training (POST) has mandated that all sworn officers and dispatchers employed within the State of California shall receive certification by POST within prescribed time periods.

### 101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

Any chief executive officer of this department appointed after January 1, 1999, shall, as a condition of continued employment, complete the course of training prescribed by POST and obtain the Basic Certificate by POST within two years of appointment (Penal Code § 832.4).

## 101.2 REVISIONS

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# Oath of Office

## 102.1 PURPOSE AND SCOPE

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

## 102.2 POLICY

It is the policy of the Redwood City Police Department that, when appropriate, department members affirm the oath of their office as an expression of commitment to the constitutional rights of those served by the Department and the dedication of its members to their duties.

## 102.3 OATH OF OFFICE

All department members, when appropriate, shall take and subscribe to the oaths or affirmations applicable to their positions. All sworn members shall be required to affirm the oath of office expressing commitment and intent to respect constitutional rights in discharging the duties of a law enforcement officer (Cal. Const. Art. 20, § 3; Government Code § 3102). The oath shall be as follows:

“I, (employee name), do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.”

## 102.4 MAINTENANCE OF RECORDS

The oath of office shall be filed as prescribed by law (Government Code § 3105).

## 102.5 REVISIONS

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# Policy Manual

## 103.1 PURPOSE AND SCOPE

The manual of the Redwood City Police Department is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, rules and guidelines of this department. All members are to conform to the provisions of this manual.

All prior and existing manuals, orders and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, procedures, orders and other regulations that have not been included herein shall remain in effect, provided that they do not conflict with the provisions of this manual.

## 103.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that the work of law enforcement is not always predictable and circumstances may arise which warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to members of this department under the circumstances reasonably available at the time of any incident.

### 103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Redwood City Police Department and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for department administrative action, training or discipline. The Redwood City Police Department reserves the right to revise any policy content, in whole or in part.

## 103.3 AUTHORITY

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

## 103.4 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

**Adult** - Any person 18 years of age or older.

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**CCR** - California Code of Regulations (Example: 15 CCR 1151).

**CHP**- The California Highway Patrol.

**CFR** - Code of Federal Regulations.

**City** - The City of Redwood City.

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

**Department/RCPD** - The Redwood City Police Department.

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

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

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

**Manual** - The Redwood City Police Department Policy Manual.

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

**Member** - Any person employed or appointed by the Redwood City Police Department, including:

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Non-sworn employees
- Volunteers.

**Officer** - Those employees, regardless of rank, who are sworn peace officers of the Redwood City Police Department.

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

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

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

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

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

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

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

The term "supervisor" may also include any person (e.g., officer-in-charge, lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank or compensation.

When there is only one department member on-duty, that person may also be the supervisor, except when circumstances reasonably require the notification or involvement of the member’s off-duty supervisor or an on-call supervisor.

**USC** - United States Code.

## 103.5 ISSUING THE POLICY MANUAL

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

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

## 103.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

## 103.7 REVISIONS TO POLICIES

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

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

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

All department members suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their Division Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

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*Policy Manual*

## 103.8 REVISIONS

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# Law Enforcement Code of Ethics

## 104.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that all peace officers are aware of their individual responsibilities to maintain their integrity and that of their departmentat all times.

## 104.2 POLICY

The Law Enforcement Code of Ethics shall be administered to all peace officer trainees during the Basic Academy course and to all other persons at the time of appointment (11 CCR 1013).

## 104.3 LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against abuse or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before god to my chosen profession... law enforcement.

### 104.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

Reference to religious affirmation in the Law Enforcement Code of Ethics may be omitted where objected to by the department.

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# Chapter 2 - Organization and Administration

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# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

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

### 200.1.1 COMMAND STAFF

Command Staff shall consist of the following:

Chief of Police

Deputy Chief of Police

Captain of the Field Operations Division

Captain of the Administrative Services Division

Lieutenant of the Investigations Division

Lieutenants of Patrol

Lieutenant of the Administrative Division

## 200.2 DIVISIONS

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

- Administrative Services Division
- Field Operations Division
- Investigations Division

### 200.2.1 ADMINISTRATIVE SERVICES DIVISION

The Administrative Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Division, which consists of communications, records management, IT support and administrative services.

### 200.2.2 FIELD OPERATIONS DIVISION

The Field Operations Division is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Division. The Operations Division consists of Uniformed Field Operations and Special Operations, which includes Traffic and Police Volunteers.

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### 200.2.3 INVESTIGATIONS DIVISION

The Investigations Division is commanded by a Lieutenant whose primary responsibility is to provide general management direction and control for the Investigations Division. The Investigations Division consists of the Body Crimes and Property Crimes Investigators, Street Crimes Suppression Team, Juvenile Services, Property Unit, Court Liaison and the Police Activities League (PAL).

## 200.3 COMMAND PROTOCOL

### 200.3.1 SUCCESSION OF COMMAND

The Chief of Police exercises command over all personnel in the Department. During planned absences of the Chief of Police and Deputy Chief, a Division Captain will be appointed to serve as the acting Chief of Police.

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

a. Deputy Chief of Police
b. Patrol Division Captain
c. Administrative Services Division Captain
d. Investigations Division Lieutenant
e. Patrol Lieutenants
f. Administrative Lieutenant
g. Watch Captain

### 200.3.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Department. Generally, each employee shall be accountable to one supervisor at any time for a given assignment or responsibility. Except where specifically delegated authority may exist by policy or special assignment (e. g., K-9, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

### 200.3.3 ORDERS

Members shall respond to and make a good faith and reasonable effort to comply with the lawful order of superior officers and other proper authority.

## 200.4 REVISIONS

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# Departmental Directives

## 201.1 PURPOSE AND SCOPE

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

### 201.1.1 GENERAL ORDER PROTOCOL

All Departmental Directives will be immediately incorporated into the manual as required upon approval of the Chief of Police. Departmental Directives will supersede existing policies or create a new policy as appropriate.

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

Any Departmental Directives issued after publication of the manual shall be numbered consecutively starting with the last two digits of the year, followed by the number "01" For example, 08-01 signifies the first Departmental Directive for the year 2008.

## 201.2 RESPONSIBILITIES

### 201.2.1 CHIEF OF POLICE

The Chief of Police shall issue all Departmental Directives.

## 201.3 ACCEPTANCE OF GENERAL ORDERS

All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgment forms and/or e-mail receipts showing an employee's acknowledgment will be maintained by the Administrative Lieutenant.

## 201.4 REVISIONS

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# Emergency Operations Plan

## 202.1 PURPOSE AND SCOPE

The City has prepared an Emergency Operations Plan for use by all employees in the event of a major disaster or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event that the plan is activated (Government Code § 8610).

### 202.1.1 REDWOOD CITY EMERGENCY OPERATIONS PLAN

The Redwood City Emergency Operations Plan will be maintained in the following locations:

- EOC-Emergency Operations Center
- Watch Commander's Office
- Communication Center
- Patrol Division Captain's Office

## 202.2 ACTIVATING THE EMERGENCY PLAN

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

### 202.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated, all employees of the Redwood City Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

Failure to promptly respond to an order to report for duty may result in discipline.

### 202.2.2 DISASTER SERVICE WORKERS

All City employees are designated by both State and City law as Disaster Service Workers. In the event of a declaration of emergency, all public employees are obligated to serve as Disaster Service Workers and may be assigned to perform activities which promote the protection of public health and safety or the preservation of lives and property. *This does not include first responders such as law enforcement, fire services and/or emergency medical services.*

What to do in an Emergency:

**If you are at work:** During a declared citywide emergency while at work, report immediately to your department supervisor or a department designated staging area.

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**If you are otherwise away from work:** During a declared citywide emergency while you are at home or otherwise away from work, first ensure the safety of your family, then follow your department's emergency planning and/or DSW reporting instructions:

- Listen to the radio to receive possible citywide reporting instructions:
- KNBR (680AM) KCBS (740AM) KGO (810AM) KQED (88.5FM) KSJO (92.3FM) or any accessible public radio broadcast.
- Contact Police Communications/Dispatch to receive reporting instructions, (Be prepared to be put on hold and remain on the line for reporting instructions as communications is likely to be extremely busy during the onset of an emergency)
    - In the event that you are unable to reach communications, off duty personnel shall do the following:
        - Respond to the city and be prepared for field deployment at the beginning of your shift regardless of whether or not you were scheduled to work. For example; If a citywide emergency occurs at 0300 hours, all off-duty midnight-shift personnel should respond to the city immediately. All off duty day-shift personnel should plan on responding at the beginning of the next day shift and all off duty swing-shift personnel should come in at the beginning of the next swing shift.
- Follow the procedures for reporting to your normal work location or designated Staging Area.
- Be sure to have your Disaster Service Worker Identification Card (Police Identification) with you. It will be required to rapidly access emergency transportation routes.

202.2.3 CALIFORNIA CODES GOVERNMENT CODE SECTION 3100-3109

3100 - It is hereby declared that the protection of the health and safety and preservation of the lives and property of the people of the state from the effects of natural, manmade, or war-caused emergencies which result in conditions of disaster or in extreme peril to life, property, and resources is of paramount state importance requiring the responsible efforts of public and private agencies and individual citizens. In furtherance of the exercise of the police power of the state in protection of its citizens and resources, all public employees are hereby declared to be Disaster Service Workers subject to such disaster service activities as may be assigned to them by their superiors or by law.

3102 (a) - All disaster service workers shall, before they enter upon the duties of their employment, take and subscribe to the oath or affirmation required by this chapter

## 202.3 LOCATION OF THE PLAN

The Emergency Operations Plan is available in EOC, Watch Supervisor's Office, Communications Center and the Patrol Division Captain's Office. All supervisors should familiarize themselves with the Emergency Operations Plan. The Administrative Division supervisor should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

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## 202.4 UPDATING OF MANUALS

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

## 202.5 REVISIONS

Reviewed July 2020

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# Training

## 203.1 PURPOSE AND SCOPE

It is the policy of this department to administer a training program that will provide for the professional growth and continued development of its personnel. By doing so, the Department will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the community.

## 203.2 PHILOSOPHY

The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the Department will use courses certified by the California Commission on Peace Officer Standards and Training (POST).

## 203.3 OBJECTIVES

The objectives of the Training Program are to:

a. Enhance the level of law enforcement service to the public.
b. Increase the technical expertise and overall effectiveness of our personnel.
c. Provide for continued professional development of department personnel.
d. Ensure compliance with POST rules and regulations concerning law enforcement training.

## 203.4 TRAINING PLAN

A training plan will be developed and maintained by the Training Sergeant. It is the responsibility of the Training Sergeant to maintain, review, and update the training plan on an semi-annual basis. The plan will address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training
- Departmental Training

## 203.5 TRAINING NEEDS ASSESSMENT

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

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## 203.6 TRAINING COMMITTEE

The Administrative Lieutenant shall establish a Training Committee, which will serve to assist with identifying training needs for the Department. The Training Sergeant will incorporate the identified training-needs into the semi-annual training-needs assessment for review by staff in accordance with section 208.5.

## 203.7 TRAINING PROCEDURES

a. All employees assigned to attend training shall attend as scheduled unless previously excused by their immediate supervisor. Excused absences from mandatory training should be limited to the following:

    1. Court appearances
    2. First choice vacation
    3. Sick leave
    4. Physical limitations preventing the employee’s participation.
    5. Emergency situations

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

    1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
    2. Document his/her absence in a memorandum to his/her supervisor.
    3. Make arrangements through his/her supervisor and the Training Sergeant to attend the required training on an alternate date.

## 203.8 REVIEW OF TRAINING FILES

203.8.1 EMPLOYEE REVIEW OF TRAINING FILE

1. If a member comes to see their own folder, the Training Sergeant, Administrative Lieutenant or Administrative Captain will recover that folder from the locked Employee Training Records file cabinet. The member will be allowed to review the folder at the table in the Training Sergeant's office.
2. The member will not be allowed to; (1) remove any papers from the file, (2) take the folder from the immediate area, and/or (3) personally copy any papers.

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3. If the member needs copies of any papers in the folder, the Training Sergeant, Administrative Lieutenant or Administrative Captain will assist the member with that request.

The Training Sergeant, Administrative Lieutenant or Administrative Captain member will insure that the member completes the sign-out log for the folder

203.8.2 SUPERVISOR REVIEW OF EMPLOYEE'S TRAINING FILE

1. If a supervisor comes to see the training folder(s) of another member, the Training Sergeant, Administrative Lieutenant or Administrative Captain will insure that supervisor has **the right and the need** to review the folder.
2. If the supervisor has the right and need to review the file, the Training Sergeant, Administrative Lieutenant or Administrative Captain will recover that folder and allow the supervisor to review the folder(s) at the table in the Training Sergeant's office.
3. The supervisor will not be allowed to; (1) remove any papers from the file, (2) take the folder from the immediate area, and/or (3) copy any papers.
4. The reviewing supervisor cannot have copies of any materials contained in the folders of other officers. They may make notes only.
5. The Training Sergeant, Administrative Lieutenant or Administrative Captain will insure that the supervisor completes the sign-out logs for the folder.

## 203.9 POLICY

The Department shall administer a training program that will meet the standards of federal, state, local, and POST training requirements. It is a priority of this department to provide continuing education and training for the professional growth and development of its members.

## 203.10 TRAINING SERGEANT

The Chief of Police shall designate a Training Sergeant who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Sergeant should review the training plan annually.

203.10.1 TRAINING RESTRICTION

The Training Sergeant is responsible for establishing a process to identify officers who are restricted from training other officers for the time period specified by law because of a sustained use of force complaint (Government Code § 7286(b)).

## 203.11 REVISIONS

Revised December 2021

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# Electronic Mail and Voice Mail

## 204.1 PURPOSE AND SCOPE

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

## 204.2 EMAIL RIGHT OF PRIVACY

All email messages, including any attachments, that are transmitted over department networks are considered department records and therefore are department property. The Department reserves the right to access, audit or disclose, for any lawful reason, any message including any attachment that is transmitted over its email system or that is stored on any department system.

The email system is not a confidential system since all communications transmitted on, to or from the system are the property of the Department. Therefore, the email system is not appropriate for confidential communications. If a communication must be private, an alternative method to communicate the message should be used instead of email. Employees using the Department’s email system shall have no expectation of privacy concerning communications utilizing the system.

Employees should not use personal accounts to exchange email or other information that is related to the official business of the Department.

## 204.3 PROHIBITED USE OF EMAIL

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users. Personal advertisements are not acceptable.

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

## 204.4 MANAGEMENT OF EMAIL

Because the email system is not designed for long-term retention of messages, email that the employee desires to save or that becomes part of an official record should be printed and/or stored in another

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database. Users of email are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once every 90 days. All messages in excess of 90 days will be deleted at regular intervals from the server computer.

Every employee of the police department has been assigned a Microsoft Outlook mailbox. Generally, at a minimum, employees should check the mailbox at least once during their duty day. In no case should an employee fail to check their mailbox more than two consecutive duty days in a row without supervisor approval. Employees who are unable to access their electronic mailbox shall make an IT-HITS ticket and notify their direct supervisor.

204.4.1 MANAGEMENT OF VOICE MAIL

a. System-Wide Standards

1. The voice mail system will be available for use 24 hours a day to accommodate the public for key police services and allow employees to direct calls to voice mail during non-business hours.

2. Emergency service telephone lines, such as the "911," shall not be directed to the voice mail service.

b. Departmental Standards

1. Information about special and ongoing police events may be made available to the public via the voice mail system, especially when a high volume of telephone calls is anticipated.

2. Each division will have at least one telephone line that is always answered by a person during the division's normal business hours. This line shall not be forwarded to an automated attendant during these hours. During non-business hours, it is permissible to have a voice mail message handled by the automated attendant features.

3. Divisions that cannot assure constant staffing of the telephone line, (due to absences, work-related activities, etc.), must make arrangements with other divisions to provide adequate coverage when departmental clerical assistants are absent or unavailable for more than thirty minutes. If a telephone line will be unattended for less than fifteen minutes, it is permissible to utilize the automated attendant feature, provided that voice messages are checked immediately upon return.

4. The voice mail system requires daily supervision on the part of each division.

c. Individual Standards

1. Personal phone calls should be kept to a minimum.

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2. Personnel making long distance personal calls via departmental telephones shall identify those calls to their supervisor and reimburse the department for those calls.

3. Upon the approval of the division commander, telephone numbers assigned to an individual employee may be directed to voice mail when that person is not able to answer the telephone. All other employees will be assigned a voice mailbox.

4. Individuals who are assigned a voice mailbox will be responsible for checking their mailbox on workdays for messages. Messages left by callers shall be answered promptly. At a minimum, individuals shall check their voice mailbox at least once each work day near the beginning of their workday.

5. Voice mailboxes shall be maintained with outgoing messages that are: professional, timely, and current. Greetings shall not include nicknames, jargon, background noises or other inappropriate messages. During periods of extended absences, box owners should include an extended absence greeting on their voice mail.

d. Public Telephone Directory Listings

1. The telephone number published as the police department's main business line (780-7100), which is answered by Records personnel, shall always be answered by staff members during normal business hours. The telephone numbers for specific informational lines will be published to allow callers direct access to the voice mail system for frequently requested information.

## 204.5 REVISIONS

Reviewed July 2020

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# Administrative Communications

## 205.1 PURPOSE AND SCOPE

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

## 205.2 MEMORANDUM

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

Memorandi will also function as the primary mechanism for formal written communications throughout the Department in the absence of other specific forms. All memorandum will be typed in the Redwood City Police Department memorandum format using the following headings in the body of the memorandum:

**BACKGROUND** (bold; underlined; capitalized)

This section will provide the reader with a brief overview of the memorandums purpose and a summary of its contents.

**ANALYSIS** (bold; underlined; capitalized)

This section will provide an in-depth analysis of any data, an explanation of theory, cause and effect, and predicted or desired outcomes.

**RECOMMENDATIONS** (bold; underlined; capitalized)

This section will provide recommendations for action based on the above analysis. Formal proposals will include precise language recommended for inclusion in the Policy Manual.

**ORDER** (bold; underlined; capitalized)

This section will be included in lieu of **RECOMMENDATIONS** when orders or directives are being issued to department personnel by command staff.

When memorandi are addressed to the Chief of Police they will be routed via the chain of command through the use of a departmental Transmittal Form. Letters of commendation will be typed in the Department memorandum format and will be addressed directly to the commended officer.Letters of commendation will be routed to the Chief of Police via the chain of command through the use of a departmental Transmittal Form.

Members wishing to issue department-wide announcements of changes to procedure or process not covered by an existing policy shall prepare a memorandum addressed to appropriate Department

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personnel from the Chief of Police and route it through their chain of command using a departmental Transmittal Form. A Department member wishing to enact a change to existing policy shall follow the guidelines set forth in Policy Manual policy

This section will not preclude members from communicating via E-Mail or other informal means when appropriate.

## 205.3 CORRESPONDENCE

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

## 205.4 SURVEYS

All surveys made in the name of the Department shall be authorized by the Chief of Police.

## 205.5 REVISIONS

Reviewed December 2021

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# Staffing Levels

## 206.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that proper supervision is available for all shifts. The Department intends to balance the employee's needs against the need to have flexibility and discretion in using personnel to meet operational needs. While balance is desirable, the paramount concern is the need to meet operational requirements of the Department.

## 206.2 MINIMUM STAFFING LEVELS

Minimum staffing levels were first memorialized through a memorandum dated 2/1/1999, and were updated in Memorandum M2015-056. The current minimum staffing levels based on mutual agreement between the Department and the Redwood City Police Officer's Association.

A-Watch 4/10 - 5 officers

B-Watch 4/10 - 6 officers

C-Watch 4/10 - 7 officers

A-Watch 3/12 - 6 officers

B-Watch 3/12 - 6 officers

C-Watch 3/12 - 4 officer

Watch Commanders will ensure that at least one field supervisor is deployed during each watch.

### 206.2.1 SUPERVISION DEPLOYMENTS

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

With prior authorization from the Field Operations Division Commander, an officer may act as the Watch Commander **for a limited period of time.**

## 206.3 REVISIONS

Revised August 2022

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# License to Carry a Firearm

## 207.1 PURPOSE AND SCOPE

The purpose of this policy is to provide a written process for the application, issuance, denial, appeal, and revocation of a license to carry a firearm (Penal Code § 26150; Penal Code § 26155).

### 207.1.1 APPLICATION OF POLICY

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

## 207.2 POLICY

The Redwood City Police Department will follow the San Mateo County CONCEALED WEAPONS PERMIT PROCEDURES for the issuance of a license to carry a firearm.

## 207.3 REVISIONS

Reviewed July 2020

## 207.4 WRITTEN NOTICE FOR DENIAL OF LICENSE

The Chief of Police or the authorized designee shall give written notice to the applicant for a new license that the license is approved or denied within 120 days of the initial application or within 30 days after receipt of the applicant's criminal background check from the California DOJ, whichever is later (Penal Code § 26205).

Written notice to an applicant for a renewal license that is approved or denied shall be given within 120 days of receiving the completed application (Penal Code § 26205).

Additionally, regardless of the type of license, if the license is denied, the notice shall state which requirement was not satisfied (Penal Code § 26205).

### 207.4.1 ADDITIONAL REQUIREMENTS

If an application for a new license, renewal of a license, or revocation is denied based on a determination that the person is a disqualified person as provided by Penal Code § 26202, the Chief of Police or the authorized designee shall provide the person with the notice of determination as provided by Penal Code § 26202(d), Penal Code § 26205, or Penal Code § 26195(b)(3). The notice shall state the reason why the determination was made and inform the applicant that they may request a hearing from a court. The Department shall also provide the most recent California DOJ hearing request form to the applicant (Penal Code § 26206).

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If an application for a new license, renewal of a license, or revocation is denied for any other reason as described in Penal Code § 26206(i), the Chief of Police or the authorized designee shall provide the person with the notice required under Penal Code § 26205 or Penal Code § 26195(b)(3), as applicable, and inform the applicant they may apply to the county Superior Court for a writ of mandate pursuant to Code of Civil Procedure § 1085 (Penal Code § 26206).

## 207.5 POLICY AVAILABILITY

This policy shall be made accessible to the public as provided by Penal Code § 26160.

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# Retired Officer CCW Endorsements

## 208.1 PURPOSE AND SCOPE

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

## 208.2 POLICY

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

## 208.3 LEOSA

The Chief of Police may issue an identification card for LEOSA purposes to any qualified former officer of this department who (18 USC § 926C(c)):

a. Separated from service in good standing from this department as an officer.
b. Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.
c. Has not been disqualified for reasons related to mental health.
d. Has not entered into an agreement with this department where the officer acknowledges that he /she is not qualified to receive a firearm qualification certificate for reasons related to mental health.
e. Is not prohibited by federal law from receiving or possessing a firearm.

### 208.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

### 208.3.2 AUTHORIZATION

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

1. In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:

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1. An indication from the person's former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

2. Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
3. Not prohibited by federal law from receiving a firearm.
4. Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

## 208.4 CALIFORNIA IDENTIFICATION CARD ISSUANCE

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

a. For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any officer who retires in lieu of termination.
b. No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code § 26305).

### 208.4.1 CALIFORNIA IDENTIFICATION CARD FORMAT

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

a. A photograph of the retiree.
b. The retiree's name and date of birth.
c. The date of retirement.
d. The name and address of this department.
e. A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than five years). If a CCW endorsement has been denied or revoked, the identification card shall be stamped "No CCW Privilege."

### 208.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

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

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

## 208.5 FORMER OFFICER RESPONSIBILITIES

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

### 208.5.1 RESPONSIBILITIES UNDER LEOSA

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

a. Complete the Department's LEOSA CCW applicaton.
b. Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
c. Remain subject to all applicable department policies and federal, state and local laws.
d. Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.
e. Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

### 208.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired officer shall (Penal Code § 25465):

a. Qualify every 5 years (every year for LEOSA purposes) with the authorized firearm at a course approved by this department at the retired officer’s expense.
b. Remain subject to all applicable department policies and federal, state and local laws.
c. Not engage in conduct that compromises public safety.
d. Only be authorized to carry a concealed firearm inspected and approved by the Department.

## 208.6 DENIAL, SUSPENSION OR REVOCATION OF A LEOSA IDENTIFICATION CARD

A LEOSA identification card may be denied or revoked upon a showing of good cause as determined by the Department. In the event that an identification card is denied, suspended or revoked, the former officer may request a review by the Chief of Police. The decision of the Chief of Police is final.

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### 208.6.1 WATCH COMMANDER RESPONSIBILITY

Employees who have reason to suspect a retiree's conduct has compromised public safety should notify the Watch Commander as soon as practical. The Watch Commander should take the following steps in these instances:

a. Take appropriate steps to promptly look into the matter.
b. If warranted, contact the retiree in person and advise him/her in writing of the following:
    1. The retiree's CCW endorsement is immediately and temporarily revoked.
    2. The retiree will have 15 days to request a hearing to determine whether the temporary revocation should become permanent.
    3. The retiree will forfeit his/ her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
c. A current copy of Penal Code §§ 26305, 26312 and 26315 should be attached to the written notice.
d. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another peace officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a peace officer of that agency act as the Department's agent to deliver the written notification.
e. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
f. The Watch Commander should document in a memo the investigation, the actions taken, and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.

## 208.7 DENIAL, SUSPENSION OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD

A CCW endorsement under Penal Code § 25470 for any officer retired from this department may be denied or revoked only upon a showing of good cause. The CCW endorsement may be immediately and temporarily revoked by the Watch Commander when the conduct of a retired peace officer compromises public safety.

1. In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.
2. Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree’s last known address (Penal Code § 26315).
    1. The retiree shall have 15 days from the date of service to file a written request for a hearing.

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

3. A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization and one selected jointly (Penal Code § 26320).
    1. The decision of such hearing board shall be binding on the Department and the retiree.
    2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped “No CCW Privilege.”
4. Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.
    1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
    2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.
    3. The personal and written notification should be as follows:
        1. The retiree’s CCW endorsement is immediately and temporarily suspended.
        2. The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
        3. The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
    4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

## 208.8 FIREARM QUALIFICATIONS

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

## 208.9 REVISIONS

Reviewed July 2020

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# Purchase of Department Issued Service Weapon By Retiring Pe

## 209.1 PURPOSE AND SCOPE

California Public Contract Code section 10334(b) authorizes the sale of state issued firearms to qualifying peace officers upon retirement or disability for the lesser of the fair market value or replacement cost of the firearm. While state law does not expressly provide similar authority to local government agencies, many municipalities have enacted policies to allow qualifying retiring peace officers to purchase their department issued service weapon.

## 209.2 PURCHASE OF CITY-OWNED FIREARM BY RETIRING PEACE OFFICERS

Sworn peace officers eligible for a retirement identification card endorsed for carrying a concealed firearm will be permitted to purchase their department-issued firearm. See RETIRED OFFICER CCW ENDORSEMENTS policy.

The California Penal Code mandates that the department shall issue an identification certificate to all full-time paid peace officers that have been honorably retired from the Department. As used in the California Penal Code Sections 16690 and 25900, the term "honorably retired" includes all peace officers who have qualified for, and have accepted, a service or disability retirement. The term "honorably retired" does not include a peace officer who has agreed to a service retirement in lieu of termination. Honorably retired peace officers shall have an endorsement on the identification certificate stating that the Department approves the peace officer's carrying of a concealed and loaded firearm. In addition, no peace officer that retired because of a psychological disability shall be issued an endorsement to carry a concealed and loaded firearm and shall not qualify to purchase their service weapon. Service weapon means a peace officer's department issued semi-automatic pistol.

### 209.2.1 PROCEDURE

A peace officer wishing to purchase his or her service weapon shall make his or her request within 30 calendar days of their retirement to the Training Sergeant:

- The Training Sergeant will verify that the officer is eligible to purchase their service weapon;
- The retiring officers will provide payment of the fair market value of the service weapon;
- The Training Sergeant or Administrative Lieutenant will bring the service weapon to a licensed firearm dealer and complete the transfer of ownership

### 209.2.2 POLICE CHIEF'S RESPONSIBILITY

Prior to authorizing the sale of City-owned equipment to a retiring peace officer, the Police Chief shall verify that the officer's retirement status is "honorable" and:

- Ensure that the retiring officer purchasing their service weapon is eligible to be issued unrestricted retirement identification cards;

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- Approve or deny the purchase of the service weapon.

209.2.3 REGISTRATION OF FIREARM

Property personnel will be responsible for entering transfer data into the CLETS system to reflect the new firearm owner information.

## 209.3 REVISIONS

Revised December 2021

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# Chapter 3 - General Operations

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# 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.

Retaliation prohibitions for reporting suspected violations are addressed in the Anti-Retaliation Policy.

## 300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties. The decision 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 an officer, in order to ensure that officers use force consistent with the law and the policies herein (Penal Code § 835a(a)(3)).

The Redwood City Police Department takes seriously its responsibility to use force judiciously and values the sanctity of every human life. The Department is committed to protecting the dignity and human rights of every individual without prejudice to anyone. It does so with a solid understanding that every person has a right to be free from excessive use of force by officers acting under the color of law (Penal Code § 835a(a)(1)).

This policy is intended to provide officers with an understanding of, and true appreciation for, their authority and limitations when using force. This is especially true with respect to employing a reasonable force application when overcoming resistance while engaged in the performance of law enforcement duties

When deciding on a use of force application, that decision 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 officer at the time, rather than with benefit of hindsight, and that totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force (Penal Code § 835a(a)(4)).

The Redwood City Police Department shall evaluate each reportable use of force used by its employees to ensure officers only use force that is lawful and consistent with this policy.

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### 300.2.1 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)(19), amended by Assembly Bill 26 of 2021).

Retaliation prohibitions for reported suspected violations are addressed in the Anti-Retaliation Policy.

## 300.3 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(e)(1)).

**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.

**Objectively Reasonable Force** - Force which is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances as the officer who has actually used force. Objectively reasonable force is not judged with hindsight, and will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain and rapidly evolving situations. The test of reasonableness considers the facts and circumstances each particular case, including but not limited to the severity of the crime at issue, whether the subject poses an immediate threat to the safety of the officers or others, and whether the subject is actively resisting arrest, assaulting the officer or another person, or attempting to evade arrest by flight. The guidelines of this definition applies to all uses of force, including deadly force (Graham v. Connor (1989) 490 U.S. 386).

**Reportable Use of Force** –

1. Any on-duty use of force (UOF), resulting in the appearance of injury or lasting complaint of pain, *excluding* use of a firm grip or control hold which does not result in injury (e.g., a firm grip or control hold used to control the suspect while, overcoming resistance, searching or handcuffing). Momentary complaints of pain like those attributed to pain compliance holds do not qualify as a 'reportable use of force'.
2. Any off-duty use of force, if the acts are done or purported to be done in the officer's official capacity.
3. See Section 300.14 for documentation requirements when force is used.

**Less Lethal Force** - Any force that is not deadly force. Less lethal force options include, but are not limited to, the use of the Conducted Energy Device (Taser), baton, chemical agents, 40mm projectiles, personal body weapons, and pain compliance techniques.

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**Imminent Threat of Death or Serious Bodily Harm**– 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 peace 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)).

**Feasible** -Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person (Government Code § 7286 (a)(2)).

**Totality of the Circumstances** - All facts known to the officer at the time, including the conduct of the officer and the subject leading up the use of deadly force (Penal Code § 835a(e)(3)).

**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 deescalate 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), amended by Assembly Bill 26 of 2021).

**De-escalation** – The process of using strategies and techniques intended to decrease the intensity of the situation. (Also, see Section 301.10.1 and RCPD Policy Manual, Policy 429, Mental Health and Crisis Intervention Incidents for strategies and techniques employed by the Redwood city Police Department).

## 300.3.1 LEVELS OF RESISTANCE DEFINITIONS

While a subject’s actions and conduct may not clearly conform to any of the following definitions of resistance, and may evolve over the course of contact, officers shall be guided by these descriptions when taking enforcement action, preparing reports, or providing sworn statements (including, but not limited to testifying in court).

a. **Compliant** - Subject offers no resistance.
b. **Passive Non-compliance** - Does not respond to verbal commands but also offers no physical form of resistance.
c. **Active Resistance** - Physically evasive movements to defeat an officer's attempt at control including bracing, tensing, running away, verbally stating non-compliant intentions, or physically signaling an intention to avoid or prevent being taken intoor retained in custody.
d. **Assaultive** - Attempting to assault the officer or another person, verbally or physically displays an intention to assault the officer or another person.

## 300.3.2 INJURY DEFINITIONS

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a. **Injury** - Any visible bodily injury or complaint of bodily injury. The injury must be the result of the use of force applied. Injury, as defined in this order, does not include the temporary pain associated with the proper application of control holds and/or restraints.
b. **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)).

### 300.3.3 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).

## 300.4 GENERAL PROVISIONS

The Redwood City Police Department recognizes and understands the complexity of those situations necessitating the use of force. Officers follow established authorizations to use force provided by state law (Penal Code §§ 835, 835a and Government Code § 7286). At times, officers are confronted with situations where control is required to effect arrests or protect the public safety. Attempts are made to achieve control through advice, warnings and persuasion. However, in situations where resistance, a threat to life or a threat of physical force against officers or others is encountered and verbal persuasion has not been effective, is not feasible or would appear to be ineffective, an officer may use objectively reasonable force. All use of force is appropriately investigated, documented and reviewed by supervisors and command staff before being presented to the Office of the Chief for final review.

In the event deadly force is utilized, a thorough criminal investigation is conducted by the San Mateo County District Attorney's Office under the San Mateo County Officer Involved Critical Incident Protocol. At the conclusion of the District Attorney's Criminal investigation, an Internal Affairs investigation will be conducted by the Redwood City Police Department.

Sections of this policy that deal with the use of deadly force comply with the intent of the Legislature, in that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer (Penal Code 835a(a)(2)).

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Given that no policy can realistically predict every possible situation an officer might encounter; officers are entrusted to use well-reasoned discretion in determining the appropriate level of force in each incident. Officers may only use a level of force that they reasonably believe is proportional to the seriousness of the suspected offense or the reasonably perceived level of actual or threatened resistance ( Government Code § 7286 (b)(2)).

It is also recognized that circumstances may arise in which an officer reasonably believes that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by the Department to gain or maintain control of a combative suspect. In those unique situations, officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions they are confronting. Officers are entrusted to use well-reasoned discretion in determining the appropriate use of improvised force options or devices in each incident. In such circumstances, the use of improvised force options or devices must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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

If a person has knowledge, or by the exercise of reasonable care, should have knowledge, that they are being arrested by a peace officer, it is the duty of such person to refrain from using force or weapons to resist such arrest (Penal Code 834a).

### 300.4.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration (Government Code § 7286 (b)(18), as time and circumstances permit. These factors include but are not limited to:

a. The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
b. The conduct of the individual being confronted, as reasonably perceived by the officer at the time others (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 (Penal Code § 835a).
e. The effects of drugs or alcohol.
f. The individual's apparent mental state or capacity (Penal Code § 835a).
g. The individual’s apparent ability to understand and comply with officer commands (Penal Code § 835a(5)).
h. Proximity of weapons or dangerous improvised devices.
i. The degree to which the subject has been effectively restrained and their ability to resist despite being restrained.
j. The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).

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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.

## 300.5 FORCE OPTIONS POLICY

All officers have a number of force techniques, methods, and devices available for use in those situations where force is reasonably necessary. Those situations can include but are not limited to:

- Subduing or arresting a physically threatening or assaultive person
- Instances that threaten the safety of an officer or other person
- Stopping a person who is attempting to flee or escape a lawful detention/arrest
- When directing, controlling or escorting resistive or physically uncooperative persons

There is no requirement that the person actually has to strike or attempt to strike an officer to be considered physically threatening or assaultive, so long as an objectively reasonable officer has sufficient information (e.g. verbal threats, verbal defiance, physical stance, etc.) to believe that a person is physically threatening and has the present ability to harm the officer.

The degree of force used by an officer is directly related to the facts and circumstances encountered by that officer. Force techniques, methods, and devices currently available to officers include, but are not limited to:

- Chemical Agents
- Physical Contact/Control Hold/Takedowns
- Conducted Energy Devices (CED-Taser)
- Restraint Device (WRAP)
- Impact Weapons
- Projectile Impact Weapons (if available)
- Police Service Dogs (canines)
- Police Vehicle

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- Deadly Force

### 300.5.1 RESTRICTIONS ON THE USE OF THE CAROTID RESTRAINT AND CHOKE HOLD

Officers of this department are not authorized to use a carotid restraint or choke hold. A carotid restraint is a method of rendering a person unconscious by restricting the flow of blood to the brain by compressing the sides of the neck where the carotid arteries are located. A choke hold refers to the application of pressure to a person's trachea or windpipe during a restraining hold. (Government Code § 7286.9)

### 300.5.2 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 CONSIDERATION

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

### 300.6.1 OFFICER NOTIFICATION TO SUPERVISOR

On-duty Officers will notify a supervisor without unnecessary delay, following an incident involving reportable force. Off-duty Officers will notify a supervisor or Watch Commander on any reportable off duty use of force. (Government Code § 7286 (b)(13)).

### 300.6.2 SUPERVISOR'S RESPONSIBILITY

A supervisor will personally respond to evaluate and actively participate in the investigation of the factual circumstances of a subordinate officer's use of on-duty reportable force. The collection and preservation of relevant physical, documentary and testimonial evidence at the scene by available methods and technology, such as photography, videotaping, electronically recorded statements from witnesses, shall be the objective of the immediate supervisor. The immediate supervisor who responds to the scene of a use of force incident shall be the supervisor who has the responsibility to review and approve all reports prepared by officer(s) documenting the use of force. (Government Code § 7286 (b)(13)).

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If the supervisor makes the determination to interview the suspect(s) in the field or at a hospital or other custodial or medical facility, the supervisor shall advise the suspect(s) of their Miranda rights. Before an interview can be conducted, an expressed or implied waiver must be obtained from the suspect(s). The interview should be recorded and documented on a Supplemental Crime Report in RIMS. Additionally, the digital audio file shall be retained and logged into evidence, consistent with established procedures.

In the case of an officer--involved shooting (OIS) involving an armed suspect, an unarmed citizen that does not result in death, or in-custody death, all field investigative information collected before the District Attorney's OICI (Officer Involved Critical Incident) team assumes the investigation will be preserved for a handoff to OICI investigators. Supervisors will help to facilitate the timely transfer of investigative reports and evidence collected or maintained to the OICI team.

In the case of on officer-involved shooting (OIS) *resulting in the death of an unarmed civilian*, investigative protocol specified in Assembly Bill 1506 OIS Programs of July 2021 will be implemented. The protocol stipulates the the California Department of Justice (DOJ) Division of Law Enforcement, California Police Shooting Investigative Teams (CaPSIT) be notified through LA Clears and they will provide direction on investigative responsibility, including their request for assistance from the San Mateo County OICI Team. The stated directive of CaPSIT is to work collaboratively with the represented LEA in conducting a collaborative OIS investigation. As with an OICI OIS investigation, all field investigative information collected before the CaPSIT assumes the investigation will be preserved for handoff to CaPSIT investigators. Supervisors will help to facilitate the timely transfer of investigative reports and evidence collected or maintained.

The supervisor managing a use of force incident will submit a Supplemental Crime Report documenting their supervisory actions. When a Sergeant is involved in a use of force incident that results in "serious bodily injury," a non-involved patrol supervisor will be called to the scene to manage the incident, when available. Sergeants who used reportable force will have their Supplemental Crime Report reviewed and approved by a Lieutenant or above. Sergeants will complete an administrative Use of Force report and forward it along with a copy the complete crime report, and photographs to the Watch Commander for routing to the office of the Chief of Police for final review.

The reviewing supervisor will read and review all reports associated with the incident for accuracy and completeness. The supervisor will then approve the reports only if they are properly completed and move them through the chain of review.

Supervisors receiving notification of an off-duty use of force occurring within the jurisdiction of the Redwood City Police Department will notify the Watch Commander and proceed with providing oversight for the investigation with appropriate use of force review; commensurate with the type of force used. Supervisors receiving notification of an off-duty use of force outside the jurisdiction of the Redwood City Police Department will notify the Watch Commander who will determine the appropriate investigative direction.

### 300.6.3 RESPONSIBILITY OF INVESTIGATORS

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When the use of force requires that a detective from the Investigations Unit respond to the scene, the Investigations Division will assume command of the investigation, and assign appropriate investigative personnel to assume responsibility for the investigation consistent with investigative procedures and San Mateo County OICI Protocol, where appropriate.

### 300.6.4 RESPONSIBILITY OF INTERNAL AFFAIRS COMMANDER

As needed in order to fulfill Department policy and procedure, the Internal Affairs Commander or designee will assign a Lieutenant to respond to the scene to observe the investigation, determine policy adherence and report observations to the Chief of Police. An Internal Affairs investigation will be conducted when:

a. Serious bodily injury or death occurs from police use of deadly force;
b. An in-custody death occurs;
c. A citizen complaint is filed.

### 300.6.5 RESPONSIBILITY FOR PROVIDING FIRST-AID AFTER USE OF FORCE INJURY

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)(14)).

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained a 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 they 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 refused medical attention, such a refusal shall be fully documented in related reports and, whenever practical, 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 including in the recording, if possible.

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

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Call 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.

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## 300.7 USE OF FORCE TO EFFECT AN ARREST

Any peace officer 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)).

During these situations, an officer shall continually evaluate their tactics and application of force when determining the appropriate use of force response. A peace officer who makes or attempts to make an arrest under these circumstances need not retreat or desist from their 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 the right to self-defense by the use of objectively reasonable force in compliance with Penal Code § 835a subdivisions (b) & (c) to effect the arrest, prevent escape, or to overcome resistance. For the purpose of this section “retreat” does not mean tactical repositioning or other de-escalation tactics ( Penal Code § 835a(d)).

## 300.8 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.

### 300.8.1 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 ALTERNATIVE TACTICS - DE-ESCACALTION

When making use of force decisions, an officer should be mindful that subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including, but not limited to, alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers. Any attempts at using de-escalation as a sole solution for obtaining a peaceful resolution should be mindful of these limitations in communication capabilities.

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider strategies and techniques that may increase officer safety and may decrease the need for using force (Also, see RCPD Policy Manual Policy Section: Mental Health and Crisis Intervention Incidents):

1. Summoning additional resources that are able to respond in a reasonably timely manner.
2. Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention.

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3. Employing other tactics that do not unreasonably increase officer jeopardy.

In addition, when reasonable, officers should evaluate the totality of circumstances presented at the time in each situation and, when feasible, consider and utilize reasonably available alternative tactics, strategies, and techniques that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286 (b)(1)). Such alternatives may include but are not limited to those found in RCPD Policy Manual Policy 429: Mental Health and Crisis Intervention Incidents.

Officers should be mindful that individuals with physical, mental health, developmental, or intellectual disabilities may be more prone to difficulty in understanding or complying with commands or basic instruction, as their disability may affect their ability to understand or comply with commands from peace officers. (Penal Code § 835a(a)(5).

## 300.10 DUTY TO REPORT EXCESSIVE FORCE / DUTY TO INTERCEDE

Officers are required to report to a supervisor, as soon as practical, potential excessive force. When present and observing another officer using force that the officer believes to be beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances based upon the totality of the information actually known to the observing officer (Government Code § 7286 (b)(3)).

### 300.10.1 DUTY TO INTERCEDE

Officers are required to intercede when present and observing another officer using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, taking into account the possibility that the other officer may have additional information regarding the threat posed by a subject (Government Code § 7286 (b)(8)). All incidents of this nature will be reported to a supervisor in a timely manner and the actions taken to intercede documented on the appropriate report form.

### 300.10.2 RESPONSIBILITY TO INVESTIGATE

Any supervisor having observed or receiving reports of a potential excessive use of force or action taken to intercede in a potential excessive use of force by a member(s) of the department will follow Department reporting and investigative protocols for conducting a use of force incident review and notification, in addition to following the guidelines on reporting/investing any policy violation (Government Code § 7286 (b)(13)).

After a review of the investigation or initial facts of the incident, the Chief of Police will make a determination on the direction of the investigation to be either criminal and forwarded to the District Attorney, or an administrative policy violation handled by an Internal Affairs investigation.

Any superior officer having observed or receiving reports of a notification under the requirements of this section involving an outside agency will have the same responsibilities to intercede, investigate where appropriate and notify the chain of command.

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Notifications for observations or actions to intercede involving outside agencies shall be made by the Chief of Police or their designee to the officer's agency in a timely manner.

### 300.10.3 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that the other law enforcement officers may have additional information regarding the threat posed by the subject (Government Code § 7286 (b)(3)).

## 300.11 USE OF LESS LETHAL EQUIPMENT AND RESOURCES

Officers are provided with special equipment and devices, as well as training in the applications of physical controlling force, to assist in the apprehension and control of suspects as well as protection of officers and the public. When in the performance of their duties and reasonably necessary, officers may use available equipment and resources in conformance with the the following procedures (Government Code § 7286(b)(9).

### 300.11.1 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling or directing a passively resisting or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received departmentally approved training and only when the officer reasonably believes that the use of such a technique appears reasonable to further a legitimate law enforcement purpose. The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

### 300.11.2 USE OF CHEMICAL AGENTS

The policy surrounding the use of Chemical Agents is provided in RCPD Policy Manual Section: Control Devices and Techniques.

### 300.11.3 USE OF CONDUCTIVE ENERGY DEVICE (CED- TASER)

The policy surrounding the use of CED-Taser is provided in RCPD Policy Manual Section: Conducted Energy Device.

### 300.11.4 USE OF IMPACT WEAPONS

Impact weapons authorized by the Chief of Police include: straight baton, expandable baton (ASP), and the side handle baton (PR-24). The policy surrounding the use of Impact Weapons is provided in RCPD Policy Manual Section: Control Devices and Techniques.

### 300.11.5 USE OF POLICE SERVICE DOGS

The policy surrounding the use of police service dogs (K-9) is found in RCPD Policy Manual Section: Canine Program.

### 300.11.6 USE OF PROJECTILE IMPACT WEAPONS

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The policy surrounding the use of Projectile Impact Weapons is found in RCPD Policy Manual Section: Control Devices and Techniques.

300.11.7 USE OF POLICE VEHICLE

A police vehicle may be used as a force option in the performance of a police duty, when it is objectively reasonable to do so, and in accordance with other provisions of this Manual regarding such use (i.e. legal intervention).

## 300.12 AUTHORIZED USE OF FIREARMS

Firearms may be discharged in the performance of a police duty only when it is objectively reasonable to do so under the following circumstances:

A. Warning shots:

1. An officer may fire a warning shot(s) when it is objectively reasonable and safe to do so under the following circumstances:
    a. In the defense of any person's life.
    b. 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.
2. No warning shots will be fired by an officer using a patrol rifle.

B. Direct use of a Firearm:

1. An officer may discharge a firearm under any of the following circumstances:

- 
    - To defend against an imminent threat of death or serious bodily injury to the officer or to another person (Penal Code § 835a(c)(1)(A)).
    - 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 (Penal Code § 835a(c)(1)(B)).
    - When used for the humane destruction (euthanasia) of a seriously injured animal, or to dispatch any animal that poses an immediate threat to any person or other animal, and other dispositions are impractical (Penal Code § 597.1(b)
    - When discharged in a safe manner at an approved range.

C. Humane Destruction of Animals:

1. Officers are occasionally required to respond to incidents involving seriously injured livestock or deer. In order to prevent unnecessary suffering, the animal should be humanely dispatched as soon as possible.

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2. In the case of livestock, officers should request that Communications immediately attempt to contact the animal's owner. If the owner is located, he or she should be advised of the situation and told to immediately respond to dispatch the animal. If no contact can be made or the owner is unable to respond immediately, the owner should be advised that RCPD will dispatch the animal. The humane treatment of an animal as well as the attitudes and feelings of people directly involved or observing the procedure must be taken into consideration. Officers dispatching seriously injured animals will use their firearm. At all times, the potential for ricochet must be recognized and all precautions must be taken to ensure that euthanasia of an injured animal is conducted in the safest way possible avoiding any threat of injury to persons or property.
3. Officers dispatching large animals (livestock and deer) will do so in the following manner:
    a. Humane destruction for goat, sheep, and deer
        1. The gun muzzle should be held approximately 1O inches away from the skull when fired. The point of aim should be the midpoint of the top of the head for hornless sheep or goats, or the back of the head just behind the bony ridge between the horns, aimed toward the back of the chin or jaw. The use of hollow point or soft nosed bullets will increase brain destruction and reduce the chance of ricochet
    b. Humane destruction for cattle
        1. The gun should be held 2-10 inches from the intended point of impact and the bullet should be directed perpendicular to the front of the skull to prevent ricochet The aim point should be at the intersection of two imaginary lines, each drawn from the inside corner of the eye to the base of the opposite horn (slightly *above* the ear in hornless animals). If this shot is not possible, the animal may be shot in the area of the ear. The use of hollow point or soft nosed bullets increases the tissue destruction.
4. If any animal is not killed by the first shot, readjust the barrel slightly and fire a second round.
5. Once the animal has been dispatched and there is no owner to *remove* the animal, the officer will notify Communications who will then contact animal control and arrange to have the deceased animal removed.

## 300.12.1 DISPLAYING OF FIREARMS

Given that individuals might perceive the display of a firearm as a potential application of force, officers should use sound discretion when drawing a firearm in public by considering the following guidelines ( Government Code § 7286 (b)(4)):

1. If the officer does not perceive an imminent threat but reasonably believes that the potential for such threat exists (e.g., building search), firearms should generally be kept in the low-ready or other position not directed toward an individual.
2. If the officer reasonably believes that an imminent 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 imminent threat until the officer no longer perceives such threat.

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3. Circumstances which prompted an officer to point their weapon directly at an individual during an enforcement contact will be documented in the report that memorializes the enforcement encounter.

### 300.12.2 DEPLOYMENT OF PATROL RIFLES

Patrol Rifles may be used, based on an articulated need, if the officer reasonably suspects that any of the following conditions exist:

- The suspect is armed with a deadly weapon
- The distance necessary to engage an armed suspect is beyond the effective range of the officer's pistol
- The suspect is barricaded or protected by materials that may not be penetrated by the officer's pistol
- The officer has reasonable cause to believe an armed suspect is wearing body armor.

### 300.12.3 WHEN FIREARMS WILL NOT BE DISCHARGED

Firearms will not be discharged under the following circumstances:

- At 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 (c)(2)).
- At misdemeanants who do not pose an imminent threat of death or serious bodily injury to other persons
- To apprehend, or prevent the escape or rescue of, a suspect whom the officer has reasonable cause to believe has committed any felony which did not involve the use or a threat to use deadly force.

### 300.12.4 SHOOTING AT OR FROM A MOVING VEHICLE

Shooting at or from a moving vehicle is generally an ineffective practice and could have unintended ramifications, including the potential injury to other people in the area. Bullets fired may miss the intended target or ricochet and cause injury to officers or other innocent persons.

A moving vehicle may become an uncontrolled deadly weapon that could seriously injure or kill the occupants of the vehicle and/or subjects in its path if the driver becomes incapacitated before the vehicle comes to a stop. The potential harm to others in the area may outweigh the need to immediately apprehend the suspect.

Officers shall not knowingly place themselves into the path of a moving vehicle or into the likely path of a vehicle that is currently stopped but is under the immediate control of a driver. When feasible, officers should attempt to move out of the path of any moving vehicle to a position of cover. This tactic is safer for the officer and may eliminate the need for shooting at the driver or occupant of a moving vehicle thereby also making it safer for others in the area.

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Shooting at a moving vehicle or its occupants is an option only if:

- The fleeing vehicle, and/or its occupants, poses an imminent threat of serious bodily injury or death to the officer or another person at the scene; and
- The officer reasonably believes there are no other reasonable means available to avert the imminent threat.

When a fleeing vehicle, and/or its occupants, does not pose an immediate threat of serious bodily injury or death to the officer or another person at the scene, firearms will not be discharged at such fleeing vehicles or its occupants except in extraordinary circumstances when an officer believes with a reasonable certainty that the driver or occupant will inflict harm likely to cause serious bodily injury or death to another if not immediately apprehended. (Government Code § 7286 (b)(17))

### 300.12.5 ACCIDENTAL DISCHARGE OF FIREARM

In all instances where there is the accidental discharge of a firearm that does not result in an injury or death, a thorough investigation will be conducted by a command officer in the involved member's chain of command. The investigating command officer will forward a detailed written report through the chain of command to the Chief of Police. The report shall contain the command officer's observations, conclusions and recommendations, and address firearm training.

The command officer will notify the Department Range Master as soon as possible after the incident to schedule weapon inspection and determine the need to provide training. The inspection and training will be conducted as soon as possible.

In all cases of an accidental discharge, the weapon and magazine will be rendered safe, secured and delivered to the Range Master for inspection. If the officer is qualified to carry a City-issued weapon, one will be provided by the Department.

If the weapon is not a City-issued weapon, the command officer will contact the Range Master to determine if a duplicate weapon is available. If a duplicate weapon or the Range Master is unavailable, the command officer will determine the appropriate duty assignment for the involved officer until the officer can be rearmed.

### 300.12.6 RESPONSIBILITY WHEN A FIREARM IS DISCHARGED

An officer who discharges a firearm either accidentally or in the performance of a police duty, except at an approved range, will protect the scene consistent with the safety of officers, members of the public, preserve evidence and ensure that the on-duty patrol supervisor is notified as soon as it is safe to do so. The on-duty supervisor will make appropriate chain of command notifications as soon as it is safe to do so.

EXCEPTION: When it is necessary to discharge a firearm for the humane destruction (euthanasia) of a seriously injured animal, and no person was injured or killed and no property was damaged, the officer who discharges the firearm will ensure that the on-duty supervisor is notified and responds to the scene.

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### 300.12.7 COMMAND OFFICER'S RESPONSIBILITY WHEN A FIREARM IS DISCHARGED

When a firearm is discharged regardless of whether it results in injury or death, a command officer will notify the Investigations Commander, who will then coordinate a thorough investigation into the incident. The Investigations Commander will review the results of the investigation with the Office of the Chief of Police.

## 300.13 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 (Government Code § 7286(b)(11); Penal Code § 835a(c)(1)(B))

### 300.13.1 EVALUATE OTHER RESOURCES/TECHNIQUES TO DEADLY FORCE

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force.

### 300.13.2 CONSIDERATIONS PRIOR TO DISCHARGE OF A WEAPON

To the extent that it is reasonable under the circumstances, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)(5)).

### 300.13.3 CRITERIA FOR USING DEADLY FORCE

Any peace officer 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).) Notwithstanding the prior provision, *any peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons*: (Penal Code § 835a(c)(1)):

(A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person. (Penal Code § 835a(c)(1)(A)).

(B) 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. (Penal Code § 835a (c)(1)(B)).

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 (c)(2)).

## 300.14 DOCUMENTING USE OF FORCE

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When force is used by an on-duty officer in the course and scope of his or her duties as a peace officer, the officer will document the details of such use on a "Crime Report" and/or "Supplementary Crime Report." Details will include:

- The reason for the police response to a call for service, or police initiated detention or arrest
- The behavior of the subject which caused the officer to use force
- The reasons for and the type of controlling or directive force used to gain compliance or overcome a level of resistance (verbal and physical tools, techniques and/or tactics used)
- Extent of injuries to any person and the post-force care provided
- Other relevant information regarding the circumstances of the use of force.

Reportable use of force incidents involving an off-duty officer will be documented on a crime report by the agency conducting the investigation into the incident or on a Department Memorandum, and directed through the chain of command, if no investigative report is taken by the outside agency.

### 300.14.1 REPORT DOCUMENTS

All reportable use of force used during an RCPD enforcement incident will be documented on a Crime Report, appropriate supplemental report, investigative report or, where applicable, a Department Memorandum.

Enforcement Incident Defined: Any situation where an officer is taking enforcement action within the course and scope of their duties as a peace officer.

During a non-enforcement action where the discharge of a firearm, projectile impact weapon or ECD-Taser results in the injury of any person or damage to property, or use of an ECD-Taser results in an Electro-Muscular Disruption being applied to a subject, the incident will be documented on a Crime Report.

The discharge of a firearm for the humane destruction (euthanasia) of a seriously injured animal or discharge of a firearm to dispatch an animal during any other action will be documented on a Crime Report.

If the discharge of a firearm or projectile impact weapon occurs during a non-enforcement situation and there is no injury or ECD-Taser applied, only a Department memorandum is required to document the circumstances and routed through the chain-of-command. Examples considered as non-enforcement events:

- The discharge is accidental
- Is not at an approved range
- Occurs into a clearing barrel.

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Any member performing a function pertaining to the case will submit all appropriate reports (including memorandums) by the end of the shift. This includes traffic or crowd control and protection of the scene or evidence.

## 300.15 REPORTING SERIOUS BODILY INJURY TO THE DEPARTMENT OF JUSTICE

As required by Government Code § 7286 (b)(12), the Department reports annualized data to the Department of Justice on use of force incidents that involve “serious bodily injury” as defined in Government Code § 12525.2 (d).

### 300.15.1 COLLECTING DATA ON SERIOUS BODILY INJURY

To assist in the timely collection of incidents involving serious bodily injury, the Department’s records management system (RIMS), has the ability to track incidents involving special circumstances. A category labeled "Use of Force  Serious Bodily Injury" has been added to the Special Circumstances dropdown menu on Page 1 of RIMS cases to aid in this tracking**.**

Officers completing reports about incidents that resulted in serious bodily injury by, or against, a peace officer, will select Use of Force-Serious Bodily Injury on the Special Circumstances dropdown menu. Officers who are unsure if an injury qualifies as Serious Bodily Injury will seek direction from a supervisor before submitting a report for approval.

Approving supervisors will be responsible for ensuring the selection is made, when appropriate.

## 300.16 TRAINING

All sworn members of the Department will receive periodic training on this policy as part of the bimonthly training curriculum developed annually to include POST mandated training, semiannual firearms training, and during use of force scenario training sessions to demonstrate knowledge and understanding of the use of force policies contained herein. (Government Code § 7286 (b)(15)).

Subject to available resources, the Training Sergeant should ensure that officers receive periodic training on de-escalation tactics, including alternatives to force (See also RCPD Policy Manual Section 429).

Training will also include:

1. 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)(16)).
2. Training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10. Outlines of the Department’s lesson plans for use of force training can be found on the Department’s website in compliance with Penal Code § 13650 (Government Code § 7286 (b)(19)).

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## 300.17 USE OF FORCE COMPLAINTS

Every person has the right to make a complaint against a police officer for any improper police conduct. It is the policy of this Department to accept and investigate all complaints concerning the conduct of its personnel or operations, and to make available to the public a written description of its complaint procedure in compliance with Government Code § 7286 (b)(7), Penal Code § 832.5(a), and Penal Code § 832.7. The policy providing information on filing complaints is provided in RCPD Policy Manual Section: Personnel Complaints.

## 300.18 USE OF FORCE ANALYSIS

The Department will produce an annual report in February on the previous year's Use of Force analysis. Upon approval of the Chief of Police, the report will be posted to the Department's website.

## 300.19 POLICY REVIEW

The Chief of Police or their authorized designee will conduct an annual review and update this policy to reflect developing practices and procedures, and legislative changes (Government Code § 7286 (b)(20)).

## 300.20 POLICY AVAILABILITY

All policies governing Use of Force by the Redwood City Police Department are contained in the Department's Policy Manual, available for public review on the Department's website. (Government Code § 7286 (c); Penal Code § 13650).

## 300.21 PUBLIC RECORDS REQUESTS

The Department follows the guidelines provided in California Government Code § 6250 et seq., Penal Code § 832.7, and other governing statutes when responding to requests for records (Government Code § 7286 (b)(6)).

### 300.21.1 WHERE TO MAKE A PUBLIC RECORD REQUEST

Redwood City Police Department

- Walk in or U.S. Mail requests (Attn: Records Supervisor)

  1301 Maple Street

  Redwood city, CA 94063

- Email Requests can be made at:

  RCPD@redwoodcity.org(Attn: Records Supervisor)

City of Redwood, City Hall

- Walk in or U.S. Mail requests (Attn: City Clerk's Office):

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1017 Middlefield Rd

Redwood City, CA 94063

- Email requests can be made at:

Clerk2@redwoodcity.org

Department of Justice, Sacramento

- As of July 1,2022, Officer Involved-Shooting (OIS) investigations conducted by DOJ under the requirements of Assembly Bill 1506:

DOJ Division of Law Enforcement, CA Police Shooting Investigation Teams (CaPSIT) www.oag.ca.gov/law/dle

## 300.22 REVISIONS

Revised May 2024

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# Handcuffing and Restraints

## 301.1 PURPOSE AND SCOPE

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

## 301.2 POLICY

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

## 301.3 USE OF RESTRAINTS

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

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

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

### 301.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain an individual 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 assure 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.

### 301.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

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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).

### 301.3.3 RESTRAINT OF JUVENILES

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

### 301.3.4 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.

## 301.4 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.

## 301.5 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.

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

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

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

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

## 301.6 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 office-authorized devices may be used. Any person in auxiliary restraints should be monitored as reasonably appears necessary.

## 301.7 APPLICATION OF WRAP RESTRAINT DEVICE

The WRAP is a lower appendage restraint device designed for controlling the legs of physically violent or actively resisting subjects. The WRAP consists of nylon/Velcro straps and belts. Patrol sergeants will ensure the WRAP restraints is in the trunk of the vehicle they intend to use at the beginning of their assigned shift. In the event a team's sergeant is absent, a designated team member may take the WRAP in their assigned vehicle. When a WRAP restraint is required, the officer requesting the device will indicate a code of response. The WRAP is designed to transport subjects in patrol cars once the subject is in a controlled, sitting-up position. Additionally, while waiting for the arrival of a WRAP device, officers may use flex cuffs, or a similar restraint device, to bind physically violent or actively resisting subject's ankles together. At no time, however, will a subject's feet or ankles be directly connected to the subject's wrists or handcuffs.

### 301.7.1 ACTIONS AT THE SCENE

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Communications will notify the on-duty Field Supervisor to respond with the WRAP device when it has been determined that deployment of the WRAP is warranted. The sergeant's response code is determined by the circumstances of the event.

Medical clearance does not have to be obtained in order to book a subject who has been restrained with a WRAP. However, if the suspect appears to suffer from an injury or mental or physical illness that requires medical attention, a "Code 3 Fire Department/Paramedic response" is requested as soon as feasible. If paramedics are called to the scene and they determine the subject does not require or refuses to consent to medical treatment, the transporting officer will record the Fire Department paramedic's name, identifying number, and Engine/Fire Company information on the Arrest Report.

If paramedics are called to the scene and they determine that medical treatment is needed, AMR will transport the subject to a medical facility of their choosing. The subject can be transported with the WRAP applied. The transported subject's handcuffs are removed and his or her arms re-secured with gurney restraints. The paramedics will have the discretion to keep the subject handcuffed if the individual is exceptionally violent. In any event, a patrol unit will follow directly behind the transporting paramedic unit to the hospital. When the transporting paramedics arrive at the hospital, the patrol officer will follow the paramedics and the restrained subject into the hospital/facility. If the WRAP has been employed during transport, the officer will then remove the WRAP device when safe and practical to do so, but only after lower extremity gurney restraints are applied in its place if necessary.

### 301.7.2 PROCEDURES AT THE SAN MATEO COUNTY JAIL

Officers en route to the jail with a WRAP restrained subject will instruct Communications to advise the San Mateo County Jail personnel of their estimated time of arrival and request that they be met in the sally port by jail personnel. Upon arrival, the transporting officer will

confer with jail staff to determine the most effective means of escorting the "WRAPPED" subject into the jail. The transporting officer will advise SMCO Jail medical staff when the subject was given a medical evaluation at the scene. The SMCO Jail medical staff member will then evaluate the subject's physical condition to determine if the booking process can be completed or if the subject will require a medical clearance from the San Mateo County Hospital. Once the SMCO Jail medical staff clears the subject, SMCO deputies will assist transporting officer(s) with the removal of the WRAP device.

### 301.7.3 PROHIBITED USES

Use of a WRAP restraint is prohibited on subjects who are not physically violent or physically resisting.

## 301.8 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.

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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.

## 301.9 TRAINING

The Training Sergeant 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.

## 301.10 REVISIONS

Revised July 2020

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# Control Devices and Techniques

## 303.1 PURPOSE AND SCOPE

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

## 303.2 POLICY

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

## 303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

## 303.4 RESPONSIBILITIES

### 303.4.1 WATCH COMMANDER RESPONSIBILITIES

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

### 303.4.2 TRAINING SERGEANT RESPONSIBILITIES

The Training Sergeant and/or designee 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.

Control devices will be periodically inspected by the Training Sergeant or the designated instructor for a particular control device.

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### 303.4.3 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the Training Sergeant for disposition. explaining the cause of damage.

## 303.5 BATON GUIDELINES

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

When carrying a baton, side handle baton (PR-24), or expandable baton uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Additionally, when carrying the expandable baton the officer shall bring on patrol, stored in his/her assigned patrol vehicle, a straight baton or side handle baton (PR-24) so that it is readily accessible for deployment for crowd control purposes. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

## 303.6 PERSONAL IMPACT WEAPONS

Officers are authorized to use physical contact (push, shove) and/or personal impact force (fist, elbows, knees, open hand, etc.) when objectively reasonable under the circumstances. Personal impact force may be used when a decision has been made to control, restrain or arrest a subject who is engaged in active assaultive behavior or who demonstrates the intent to engage in assaultive behavior and the use of personal impact force appears objectively reasonable under the circumstances. When using personal impact force, officers should carefully consider potential impact areas in order to minimize injuries and striking unintentional targets. 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 deciding to use personal impact force, officers should consider the likelihood of injury to themselves in delivering such a strike and evaluate if it would be more effective and safe to use other authorized impact weapons to prevent injury to themselves.

## 303.7 CHEMICAL AGENT GUIDELINES

Chemical agents may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Incident Captain or Crisis Response Unit Captain (SWAT & HNT) may authorize the delivery and use of chemical agents and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

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Prior to the deployment of chemical agents, police personnel will notify Police Communications to broadcast the pending deployment of chemical agents to all emergency services personnel.

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

## 303.8 OLEORESIN CAPSICUM (OC) GUIDELINES

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

### 303.8.1 OC SPRAY

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

### 303.8.2 PEPPER PROJECTILE SYSTEMS

Pepper projectiles are plastic spheres that are filled with a derivative of OC powder. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine or groin. Therefore, personnel using a pepper projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

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

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

### 303.8.3 TREATMENT FOR OC SPRAY EXPOSURE

Since chemical agents are irritating to the eyes, nose and skin, officers using a chemical agent will ensure that persons exposed to such agents receive adequate first aid treatment as soon as practical. Generally, flushing the exposed areas of the body with water will constitute adequate treatment. Severe exposure may require gentle but copious amounts of water. Persons with highly sensitive skin may experience mild

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burns and first aid treatment by paramedics, fire department personnel or medical facility personnel may be required. If a person is wearing contact lenses, the subject or medical personnel should remove the lenses as soon as possible. When booking subjects exposed to chemical agents, jail personnel will be advised of this fact to prevent contamination of other jail occupants or custodial personnel.

## 303.9 POST-APPLICATION NOTICE

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

## 303.10 KINETIC ENERGY PROJECTILE GUIDELINES

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

### 303.10.1 DEPLOYMENT AND USE

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

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

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

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

b. The suspect has made credible threats to harm him/herself or others.

c. The suspect is engaged in riotous behavior or is throwing rocks, bottles or other dangerous projectiles at people and/or officers.

d. There is probable cause to believe that the suspect has already committed a crime of violence and is refusing to comply with lawful orders.

### 303.10.2 DEPLOYMENT CONSIDERATIONS

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

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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, neck, spine and chest should not be intentionally targeted, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily injury or death to the officer or others.

### 303.10.3 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 carrying these shotguns will inspect the shotgun before deployment to ensure that it is in proper working order and loaded only with approved projectiles. Personnel deploying the shotgun will verify through a secondary officer that the rounds to be loaded are less-lethal.

Officers deploying the weapon will inspect the device before deployment to ensure it is in proper working order and loaded only with approved munitions.

### 303.10.4 PROHIBITED USES OF PROJECTILE IMPACT WEAPONS

Projectile impact weapons will not be used in the following circumstances:

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- On restrained, unconscious or otherwise incapacitated persons
- Except in emergency situations, projectile impact weapons will not be used until a sufficient number of officers are present to immediately take control and custody of the suspect

303.10.5 PROVIDING FIRST AID AFTER USE OF PROJECTILE IMPACT WEAPONS

Officers will obtain a medical clearance for a subject who has been immobilized by use of a projectile impact weapon. The reporting officer will obtain the necessary medical clearance paperwork for booking from the hospital the prisoner is taken for treatment. Jail personnel will be advised that the arrestee was immobilized by the use of a projectile impact weapon.

303.10.6 ACCIDENTAL DISCHARGE OF A PROJECTILE IMPACT WEAPON

A command officer will investigate any accidental discharge of a projectile impact weapon. The investigating command officer will submit a detailed memorandum of the results of the investigation through the chain of command to the Chief of Police.

## 303.11 TRAINING FOR CONTROL DEVICES

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

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

## 303.12 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.

## 303.13 REVISIONS

Revised September 2025

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# Conducted Energy Device

## 304.1 PURPOSE AND SCOPE

This policy provides guidelines for the issuance and use of the conducted energy device (CED).

## 304.2 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.

## 304.3 ISSUANCE AND CARRYING CEDS

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

The Training Sergeant shall keep a log of issued CED devices and the serial numbers of cartridges /magazines issued to members.

CEDs are issued for use during a member's current assignment. Those leaving a particular assignment may be required to return the device to the department inventory.

Officers shall only use the CED and cartridges/magazines that have been issued by the Department. Cartridges/magazines should not be used after the manufacturer's expiration date.

Uniformed officers who have been issued the CED shall wear the device in an approved holster.

Officers who carry the CED while in uniform shall carry it in a holster on the side opposite the duty weapon (Penal Code § 13660).

a. All CEDs shall be clearly distinguishable to differentiate them from the duty weapon and any other devices
b. Officers should not hold a firearm and the CED at the same time.

Non-uniformed officers may secure the CED in a concealed, secure location in the driver's compartment of their vehicles.

### 304.3.1 USER RESPONSIBILITIES

Officers shall be responsible for ensuring that the issued CED is properly maintained and in good working order. This includes a function test and battery life monitoring, as required by the manufacturer, and should be completed prior to the beginning of the officer's shift.

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CEDs that are damaged or inoperative, or cartridges/magazines that are expired or damaged, shall be returned to the Training Sergeant for disposition. Officers shall submit documentation stating the reason for the return and how the CED or cartridge/magazine was damaged or became inoperative, if known.

## 304.4 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.

## 304.5 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.

### 304.5.1 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, themself, 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.

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

### 304.5.2 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 capsicum (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. NOTE: Once all Taser 10 devices are deployed, this language will be removed as Taser 10 cannot be used in a drive stun mode.

### 304.5.3 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.

### 304.5.4 MULTIPLE APPLICATIONS OF THE CED

Once an officer has successfully deployed CED 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.

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

### 304.5.5 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. For evidentiary purposes, all expended cartridges, probes and wire (including confetti tags) must be collected and booked into evidence until the Use of Force report has been reviewed through the chain of command.The evidence packaging should be marked "Biohazard" if the probes penetrated the subject's skin.

### 304.5.6 DANGEROUS ANIMALS

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

### 304.5.7 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.

## 304.6 DOCUMENTATION

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

### 304.6.1 CED REPORT FORM

As applicable based on the device type, items that shall be included in the CED report form are:

a. The brand, model, and serial number of the CED and any cartridge/magazine.
b. Date, time, and location of the incident.
c. Whether any warning, display, laser, or arc deterred a subject and gained compliance.
d. The number of probes deployed, CED activations, the duration of each cycle, the duration between activations, and (as best as can be determined) the duration that the subject received applications.
e. The range at which the CED was used.
f. The type of mode used (e.g., probe deployment, drive-stun).
g. Location of any probe impact.

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h. Location of contact in drive-stun mode.
i. Description of where missed probes went.
j. Whether medical care was provided to the subject.
k. Whether the subject sustained any injuries.
l. Whether any officers sustained any injuries.

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of CED device data downloaded to an approved location and reconcile CED report forms with recorded activations. CED information and statistics, with identifying information removed, should periodically be made available to the public.

## 304.7 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:

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).

## 304.8 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 activated.

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 Training Sergeant and saved with the related arrest

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/crime report. The supervisor should arrange for photographs of probe sites to be taken and witnesses to be interviewed.

## 304.9 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 Training Sergeant. All training and proficiency for CEDs will be documented in the officer's training files.

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

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

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

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

The Training Sergent should include the following training:

a. A review of this policy.
b. A review of the Use of Force Policy.
c. Performing weak-hand draws or cross-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.

### 304.9.1 MAINTENANCE

The primary responsibility for maintaining and caring for the Taser devices and cartridges shall rest with the Department's Training Sergeant. The Training Sergeant shall:

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- Log and track all Taser devices and munitions.
- Conduct regular checks to ensure the Taser devices are properly functioning and maintained.
- Order and maintain adequate munitions and maintenance supplies.
- Officers should inspect their Taser at the start of their duty shift and a function check should be conducted in approved locations.

## 304.10 REVISIONS

Revised September 2025

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# Officer Involved Critical Incident

## 305.1 PURPOSE AND SCOPE

The intent of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured as the result of an officer involved critical indident and to ensure that such incidents be investigated in a fair and impartial manner. This department conforms to the County of San Mateo Officer Involved Critical Incident Protocol located at: Officer Involved Critical Incident

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# Firearms

## 306.1 PURPOSE AND SCOPE

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

## 306.2 AUTHORIZED WEAPONS

No firearms will be carried that have not been thoroughly inspected by the Rangemasteror designee during a regularly scheduled range date. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that weapon at an authorized department range.

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 Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

### 306.2.1 DUTY WEAPONS

The departmental issued duty handgun is the Glock model 47 MOS 9mm caliber.

The following additional handguns are approved for on-duty use:

| MAKE | MODEL | CALIBER |
|---|---|---|
| Glock | 17 (standard) | 9mm |
| Glock | 34 (standard) | 9mm |
| Glock | 19 (midsize) | 9mm |
| Glock | 45 (compact) | 9mm |
| Glock | 48 (compact) | 9mm |
| Glock | 26 (subcompact) | 9mm |
| Glock | 43 (subcompact) | 9mm |
| Glock | 43x (subcompact) | 9mm |
| Glock | 22 (standard) | .40 |
| Glock | 23 (midsize) | .40 |

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| | | |
|---|---|---|
| Glock | 27 (subcompact) | .40 |
| Glock | 35 (standard) | .40 |
| Glock | 21 (full size) | .45 |
| Glock | 30 (subcompact) | .45 |
| Glock | 36 (subcompact) | .45 |
| Glock | 41 (standard) | .45 |
| Sig Sauer | P365 (subcompact) | 9mm |
| Sig Sauer | P365XL (subcompact) | 9mm |

The Glock 17, 19, 21, 22, 23,34, 35, 41, 45 and 48 are authorized for sworn personnel in all divisions for on-duty uniformed use.

The Glock 26, 27, 30, 43, 43x and Sig Sauer P365 and P365xl are only authorized for sworn personnel assigned non-uniformed functions for on-duty use.

Officers who elect to carry any authorized handgun on-duty, other then the department issued Glock 22, must provide the handgun and approved holster at their own expense.

Officers must pass the Department's standard handgun qualification course with any weapon they select to carry on-duty.

### 306.2.2 AUTHORIZED SECONDARY FIREARM

Officers desiring to carry a secondary firearm are subject to the following restrictions:

a. The firearm shall be in good working order and a quality factory handgun.
b. Only one secondary firearm 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 out of sight at all times and in such a manner as to prevent accidental cocking, discharge or loss of physical control.
e. The firearm shall be inspected by the Rangemaster or designee prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.
f. Ammunition shall be the same as department issue. If the caliber of the firearm is other than department issue, the Chief of Policeor designee willl approve the ammunition. The minimum caliber shall be .25 and the maximum caliber shall be.45.
g. Prior to carrying the secondary firearm, personnel shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Officers must demonstrate proficiency and safe handling, and that the firearm functions properly.

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h. Personnel shall provide written notice of the make, model, serial number, and caliber of a second firearm to the Rangemaster or designee.

### 306.2.3 AUTHORIZED OFF-DUTY FIREARM

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

a. The firearm shall be of good quality and workmanship and approved by the Department.
b. The purchase of the firearm shall be the responsibility of the officer.
c. The firearm shall be carried concealed at all times and in such a manner as to prevent accidental cocking, discharge, or loss of physical control.
d. It will be the responsibility of the officer to submit the firearm to the Rangemasteror designee for inspection prior to being carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster or designee.
e. Prior to carrying any off-duty firearm, the officer shall demonstrate to the Rangemasteror designee that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.
f. The officer will successfully qualify with the firearm prior to it being carried and thereafter once every year.
g. A complete description of the firearm shall be contained on the qualification record approved by the Rangemaster or designee.
h. If any member desires to use more than one firearm while off-duty, he/she may do so, as long as the officer meets all the requirements set forth in this policy for each firearm used.
i. Officers shall only carry department-authorized ammunition. The minimum caliber shall be.22 and the maximum caliber shall be.45.
j. When armed, whether on- or off-duty, officers shall carry their badge and department identification.

### 306.2.4 HOLSTERS

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

### 306.2.5 TACTICAL LIGHTS

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

### 306.2.6 AMMUNITION

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Officers shall carry only department-authorized ammunition. Officerswill be issued duty ammunition for all department issued firearms or other firearms authorized for on-duty use. Replacements for unserviceable or depleted ammunition issued by the Department shall be dispensed by the Training Sergeant.

### 306.2.7 ALCOHOL AND DRUGS

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

## 306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

All other weapons not provided by the Department, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member’s Division Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law or a single fixed blade knife with a blade no longer than 5 inches.

### 306.3.1 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 Rangemaster or designee. Officers shall not dry fire or practice quick draws except under Rangemaster or designee supervision.
c. Officers shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
d. Patrol rifles will be loaded and unload at the clearing barrels by the entrances to the building.
e. Officers shall not place or store any firearm or other weapon on Department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing a prisoner, but shall place all firearms in a secured location. It shall be the responsibility of the escorting officer to make sure that persons from outside agencies do not enter the jail section with any firearm.
f. Officers shall not use any automatic weapon, heavy caliber rifle, gas or other type of chemical weapon from the armory, except with approval of a supervisor. Officers issued M4 rifles or patrol rifles may use them on-duty as authorized and in accordance with their training.
g. Any weapon authorized by the department to be carried on- or off-duty, that is found by the officer to be malfunctioning or needing service, shall not be carried. It shall be promptly presented to the

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department or Rangemaster for inspection. Any weapon determined to be in need of service or repair during an inspection by the department Rangemaster or designee, will be immediately removed from service. If the weapon is the officer's primary duty weapon, a replacement weapon will be issued to the officer until the duty weapon is serviceable.

### 306.3.2 STORAGE AT HOME

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

Members shall not permit department-issued firearms to be handled by anyone who is not authorized by the Department to do so.

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

### 306.3.3 ON DUTY FIREARMS

In certain cases, officers will be issued various firearms for use on-duty, or will be allowed to purchase them at their own expense for use on duty. Such weapons may include:

- A sidearm
- A patrol rifle
- A 40mm launcher or other less lethal firearm
- A tactical firearm

In all cases, issued or purchased firearms will conform to specifications outlined within this Policy Manual. Any exceptions must be made with the approval of the Office of the Chief of Police.

Weapons that are permanently assigned to officers will remain in their care and stored under the following conditions:

Sidearm: will be secured in an officer's holster, departmental or jail gun locker, or in their assigned locker while on duty.

Patrol Rifle: will be secured in the officer's assigned patrol vehicle only while on duty. Patrol rifles will be secured in the police department armory while off duty.

40mm launcher or other less lethal firearm: will be secured in the officer's patrol vehicle trunk or in the secure storage rack in the passenger compartment if the vehicle is equipped with one

Tactical firearm: will be secured in the individual team member's SWAT locker or the SWAT truck.

### 306.3.4 OFF DUTY HANDLING OF FIREARMS

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Officers shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles or any other area under their control in a manner that will keep them inaccessible to children and irresponsible adults.

Officers shall be aware that negligent storage of a firearm could result in criminal prosecution under Penal Code § 25100.

## 306.4 FIREARMS QUALIFICATIONS

All sworn personnel are required to qualify semi-annually with their duty weapon and annually with their off-duty weapon and secondary weapon on an approved range course. The Rangemasteror designee shall keep accurate records of all qualifications, repairs, maintenance, training or as directed by the Administrative Lieutenant. In addition to regular qualification schedules, the Rangemasteror designee will 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.

### 306.4.1 NON QUALIFICATION

If any officer is unable to qualify for any reason, including injury, illness, duty status, or scheduling conflict, that officerwill notify his immediate supervisor..

Members who repeatedly fail to qualify will be relieved from field assignment and appropriate disciplinary action may follow.

Sworn members who fail to qualify on their first shooting attempt shall be provided remedial training until proficiency is demonstrated and will be subject to the following requirements:

a. Additional range assignments may be required until consistent weapon proficiency is demonstrated
b. Members shall be given credit for a range qualification after remedial training and a qualifying score is obtained
c. No range credit will be given for the following
    1. Unauthorized range make-up
    2. Failure to qualify after remedial training

### 306.4.2 HOLSTERS

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

### 306.4.3 TACTICAL LIGHTS

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

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## 306.5 WARNING AND OTHER SHOTS

An officer may fire a warning shot(s) when it is objectively reasonable and safe to do so under the following circumstances:

- In the defense of any person's life.
- To effect the capture of, or prevent the escape or rescue of, a suspect whom the officer has reasonable cause to believe has committed a felony involving the use or a threat to use deadly force, and an objectively reasonable officer could believe that the person presents an imminent danger to the public if he or she were to escape.

No warning shots will be fired by an officer is using a patrol rifle.

## 306.6 DESTRUCTION OF ANIMALS

Officers are authorized to use firearms to stop an animal in circumstances where the animal reasonably appears to pose an imminent 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, TASER device, oleoresin capsicum (OC) spray, animal control officer). Nothing in this policy shall prohibit any officer from shooting a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical.

### 306.6.1 NON-CERTIFICATION OR NON-QUALIFICATION

If any member fails to meet minimum standards for firearms training or qualification for any reason, including injury, illness, duty status or scheduling conflict, that member shall submit a memorandum to his /her immediate supervisor prior to the end of the required training or qualification period.

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

1. Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.
2. Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.
3. No range credit will be given for the following:
    1. Unauthorized range make-up
    2. Failure to meet minimum standards or qualify after remedial training

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

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## 306.7 REPORT OF FIREARM DISCHARGE

Except during training or recreational use, any member who discharges a firearm intentionally or unintentionally, on- or off-duty, shall make a verbal report to his/her supervisor or the Watch Commander 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 Critical Incident Protocol. If a firearm was discharged as a use of force, the involved member shall adhere to the additional reporting requirements set forth in the Use of Force Policy.

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

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

## 306.8 RANGEMASTER DUTIES

The range will be under the exclusive control of the Rangemaster or designee. All members attending will follow the directions of the Rangemaster or designee. The Rangemasteror designee will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date.

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

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

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

## 306.9 MAINTENANCE AND REPAIR

Firearms carried on duty shall be maintained in a clean, serviceable condition. Since the use of personally owned weapons is at the option of the individual officer, that officer will be responsible for the furnishing, maintenance and repair of such weapon.

### 306.9.1 REPAIR OR MODIFICATIONS OF DUTY WEAPONS

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The Rangemaster or designee shall be the only persons authorized to repair or modify any department-owned weapon. All repairs and/or modifications of department issued weapons not performed by the Rangemaster or designee must be approved in advance by the Rangemaster or designee and accomplished by a department approved gunsmith.

Any repairs or modifications to the officer's personally owned weapon shall be done at his or her expense and must be approved by the Rangemaster or designee.

## 306.10 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 get permission from a Lieutenant or above to fly while armed.
c. Officers must carry their Department identification card which must contain a full-face picture, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver's license, passport).
d. An official letter signed by the Chief of Police authorizing armed travel must accompany the officer. The letter must outline the officer's need to fly armed, must detail his/her itinerary, and should include that the officer has completed the mandatory TSA training for law enforcement officer flying while armed. (As of July 15th, 2009 the TSA no longer requires this letter and only requires the unique alphanumeric identifier.)
e. Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.
f. It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification can be accomplished by early check-in at the carrier's check-in counter.
g. 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.
h. 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.
i. Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

## 306.11 CARRYING FIREARMS OUT OF STATE

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

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a. The officer shall carry his/her Department identification card whenever carrying such weapon.
b. Qualified retired officers shall also carry certification of having met firearms qualification within the past 12 months.
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.

## 306.12 10 DAY WAIVERS FOR FIREARMS PURCHASES

Full-time sworn police officers are authorized under California State Law to take possession of firearms immediately following their purchase without having to wait 10 days. The waiver of this 10-day waiting period can occur only when the officer first obtains and presents an authorization letter signed by the Chief of Police of the officer's employing agency. This letter signifies that an officer meets the background criteria that would otherwise be established during a background investigation conducted by the Department of Justice during the 10-day waiting period. This letter is also required whenever an officer seeks to purchase an assault weapon as defined by California Penal Codes 30510 and 30515.

State and Federal laws strictly regulate the manner in which firearms are sold or transferred. Full-time sworn peace officers are allowed to take possession of a firearm without having to wait the prescribed 10-day waiting period, as codified in California Penal Code 26950. Additionally, full-time peace officers may acquire and possess assault weapons as defined by California Penal Codes 30510 and 30515 for use in their official duties. In order to avoid the 10-day waiting period following the purchase of a firearm and/or acquire an assault weapon for official use, Department members must first obtain a signed authorization letter from the Chief of Police. Current law requires that this letter be signed only by the Chief of Police and cannot be signed or stamped by any other Department employee.

When requesting an authorization letter to acquire an assault weapon or to request a waiver of the 10-day waiting period from the Office of the Chief of Police, Department members will adhere to the following procedure:

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1. The member will obtain the make, model, serial number and caliber of the individual weapon they intend to purchase, as well as the name and full address of the firearms dealer where the purchase will be made.

2. The member will ensure that he/she will be able to take possession of the weapon within 30 days of the date the letter is signed. Letters over 30 days old will not be accepted by the firearms dealer.

3. The member will send an email to the Administrative Assistant in the Office of the Chief of Police including the make, model, serial number and caliber of the individual weapon they intend to purchase. If the weapon is an assault weapon as defined by California Penal Code 30510 and 30515 for use in their official duties, the members will indicate such in the email request. The full name and address of the firearms dealer, as well as the date tey would like to pick up the signed letter must also appear in the email. All of the aforementioned data must be included for the letter to be issued.

4. The member requesting the authorization letter will allow 10 calendar days for this request to be processed by the Office of the Chief of Police. Any inquiries pertaining to the status of the requested authorization letter will be directed to administrative staff only after this 10-day period has concluded.

5. All members are reminded that they must register assault weapons with the Department of Justice within 90 days of taking possession pursuant to California Penal Code 30630 to avoid criminal penalties and the mandated return of the weapon. All firearms transfers, including those occurring between individual officers, must be facilitated through a licensed firearms dealer.

## 306.13 REVISIONS

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# Vehicle Pursuits

## 307.1 PURPOSE AND SCOPE

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

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

Officers must remember that the most important factors to the successful conclusion of a pursuit are proper self-discipline and sound professional judgment. Officer's conduct during the course of a pursuit must be objectively reasonable; that is, what a reasonable officer would do under the circumstances.

This policy also meets or exceeds the requirements of Section 17004.7 of the California Vehicle Code, effective July 1, 2007, including the reporting and post-pursuit analysis required by Section 14602.1 of the California Vehicle Code, as well as the requirements for "regular and periodic training" required by subdivisions (c) and (d), thereby meeting or exceeding the requirements provided by Section 13519.8 of the California Penal Code.

### 307.1.1 DEFINITIONS

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

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

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

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

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

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

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

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

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

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

## 307.2 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.

## 307.3 INITIATING A PURSUIT

Pursuit Development and Recognition (Pre-Pursuit Phase) When an officer attempts to stop a vehicle and the violator fails to yield immediately, there may be a brief interval where the officer follows the violator with lights and siren activated in an effort to stop him/her lawfully. This interval should last no more than 1 mile.

The decision whether or not to pursue should be made when the officer perceives that:

- The violator is attempting to flee from or evade the officer, and/or;
- The violator knows or reasonably should know that the officer is signaling him/her to yield.

The time period between the officer's decision to stop a vehicle and deciding whether or not to pursue is the "pre-pursuit phase." During this time, officers should gather as much identifying information as practical about the vehicle and occupant(s), the nature of suspected offenses and the surrounding environment.

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If at this point the officer decides not to pursue the violator, it will be deemed that a pursuit has not been initiated (i.e., a "non-pursuit" for reporting purposes. "Reporting and Post-Pursuit Analysis").

When the violator does not stop, or attempts to avoid capture, a pursuit may be initiated in accordance with this policy.

**Proximity to Vehicle**

Officers intending to stop a vehicle shall be within close proximity to the violator's vehicle before activating emergency equipment. Depending upon the circumstances, officers shall evaluate if the distance between the pursuing and fleeing vehicles is so great that initiating or continuing a pursuit would be impractical.

307.3.1 WHEN TO INITIATE A PURSUIT

Officers may engage in vehicular pursuits only when the initiating member can articulate the following factors are present:

- When the violator does not stop and the driving behavior is reasonably perceived as being non-hazardous, (i.e., the violator is mindful of other persons' safety, the vehicle code and is traveling at reasonable speeds for the conditions of the traffic and roadway), unless the driving behavior or circumstances change that would make it unsafe to continue, or
- When the violator is believed to be a violent felon who poses a significant, on-going threat to public safety. Officers may continue the pursuit unless the specific facts and circumstances change to the point that the danger or serious injury posed by the vehicle pursuit to other motorists and pedestrians outweighs the need to apprehend the violator.

The seriousness of the offense and the threat posed by the fleeing suspect(s) must justify the vehicle pursuit. When initiating or continuing a vehicle pursuit, officers should continually weigh the seriousness of the offense(s) against the potential dangers to themselves and members of the community.

Officers who are involved in a vehicle pursuit with a non-violent felon, misdemeanant, person suspected of a property crime or a vehicle code violator should terminate the pursuit when it becomes apparent the violator exhibits the intent to evade, willfully flees or otherwise attempts to elude the pursuing officer(s) by driving without due care for the safety of others.

307.3.2 WHEN TO TERMINATE A PURSUIT (FACTORS TO BE CONSIDERED)

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

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.

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## *Vehicle Pursuits*

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. Public Safety, Nature of Offense, and Apparent Circumstances: ("When to Initiate a Pursuit" above.)
b. Officer Safety: Officers may consider their own safety in deciding whether or not to initiate a pursuit.
c. Vehicle Code Requirements: Officers should only engage in vehicular pursuits if their vehicles are equipped with emergency lights and sirens that are functioning and they are used.
d. Passengers in the officer's vehicle: The decision whether or not to initiate a pursuit may be affected by the presence of civilian department members in the police vehicle. Officers may initiate or continue a pursuit as described above if the passenger is an adult participant in an authorized ride-along program. Officers should not engage in high speed pursuits if they have one or more prisoners in the car, a juvenile in the car (except an authorized juvenile in the RCPD Cadet Program) or a witness or other persons to whom they are providing courtesy transportation.
e. Speeds Involved, pedestrian, and vehicular traffic: Officers should consider whether the speeds of the vehicles involved in the pursuit substantially exceed the speeds of other traffic or may require pedestrian or vehicular traffic to perform abrupt evasive maneuvering.
f. Other Persons in or on Pursued Vehicle: Officers should take into consideration the known or suspected presence of passengers in or on the pursued vehicle and whether or not they are willing participants in the crimes involved and/ or evasion. The suspected or known presence of hostages or other abducted persons should also be considered in light of the threat the pursuit poses to them and the public in general, balanced against the interest of preventing the suspect(s) from being allowed to escape with the hostage or abductee.
g. Officer's/Supervisor's Familiarity with the area and the location of the pursuit: Officers should consider their knowledge of the area in which the pursuit takes place, as well as teh particular characteristics of the area (such as schools, parks, playgrounds, residential, downtown or other business areas).
h. Time of day, road conditions, weather, and visibility: When evaluating risks, adverse weather, time of day, traffic congestion, presence of pedestrians an overall visibility should be considered.
i. Ability to identify the suspect(s) and likelihood of subsequent apprehension: When pursuing known suspects, officers should consider the option of delaying immediate apprehension. A pursuit may not be necessary if a known suspect can be apprehended later and there is no compelling public safety need for an immediate arrest. Also, a pursuit may not be necessary if there is an aircraft available to observe the fleeing vehicle.
j. Capabilities of police vehicle(s) and quality of radio communications: Officers should consider the capabilities of the police vehicles involved and the quality of radio communications between the pursuing unit(s), the dispatcher and the field supervisor.
k. Abilities of the involved Officers: The experience, training and demeanor of involved officers should be considered in determining whether or not a pursuit should be initiated and/or continued.
l. Availability of additional resources: Officers should consider whether or not they have sufficient backup should they find themselves alone with the fleeing suspect(s) at the termination of a pursuit and what additional resources are available (e.g., air support, off-road capabilities and the California Highway Patrol).

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m. Supervisory Approval: Supervisory approval is not a requirement for officers to initiate pursuits. However, involved officers must provide accurate and timely information upon which supervisors may base their decisions of whether or not to allow the initiation or continuation of the pursuit or to terminate the pursuit.

## 307.4 PURSUIT UNITS

The units involved in a pursuit should ordinarily be limited to a primary and secondary unit. A supervisor may also be involved in a pursuit with the two pursuing units.

Officers in the primary unity, secondary unity or a supervisor may request additional units to be involved in a pursuit if it appears the officers in the the vehicles involved would not be sufficient to effect the ultimate arrest of the suspect(s) safely. Variables of each pursuit, such as the nature of the suspected crime(s), number of suspects, need for canines, tactical officers or other units confined to limited roles, the number of officers per unit, the characteristics of the area (e.g., urban or rural), the availability of air support and other agencies, traffic conditions and other clearly articulated facts will dictate the number of units involved.

Officers who are not directly involved in the pursuit should operate in "normal response" (i.e., without lights and siren) and should not attempt to "trail" or "parallel" the pursuit, unless otherwise directed by a supervisor. They should, however, remain alert to the pursuit's progress and be ready to respond to the termination point or provide traffic breaks at intersections.

### 307.4.1 RESPONSIBILITY OF THE PRIMARY AND SECONDARY UNIT

Pursuits are rapidly changing events and the responsibility of each authorized unit engaged in a pursuit may change depending upon the circumstances. The roles may change due to the capabilities of particular police vehicles and/or the abilities of particular officers.

The primary pursuing unit is the vehicle closest to the suspect vehicle. The secondary pursuing unit is to serve as a backup in case the primary unit is unable to continue with the pursuit and to assist in the apprehension at the termination of the pursuit. The secondary unit should perform the communications with other officers, supervisors and dispatchers when requested to do so by the primary unit.

### 307.4.2 PURSUITS BY MOTORCYCLE, UNMARKED UNIT, TRUCK OR VAN

In the event a pursuit is initiated by a motorcycle unit, an unmarked unit, truck or van, that initiating unit will take a secondary position in the pursuit as soon as the first four-wheeled marked unit joins the pursuit.

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The first marked four-wheel patrol unit then becomes the primary pursuing unit. When the second four-wheeled marked unit joins the pursuit the initiating unit will relinquish the pursuit to the four-wheeled marked units.

### 307.4.3 DRIVING TACTICS

While Vehicle Code Section 21055 exempts an officer engaged in a pursuit of a violator from the rules of the road if the police vehicle displays a red light visible from the front and sounds a siren as reasonably necessary, Vehicle Code Section 21056 clarifies Section 21055 and does not relieve the officer from the duty to drive with due regard for the safety of all persons using the highway, nor protect the officer from the consequences of an arbitrary exercise of the privileges granted.

While Vehicle Code Section 21806 requires other motorists and pedestrians to yield to emergency vehicles, Vehicle Code Section 21807 clarifies Section 21806 and does not relieve emergency vehicle operators from the duty to drive with due caution for the safety of all persons and property.

Keeping this in mind, a unit involved in a pursuit will activate and continuously use the police vehicle's red lights and siren. Officers should allow adequate spacing between each other and fleeing suspects, as being too close may result in unintended collisions. Furthermore, following suspects too closely has been shown to contribute to the dangerousness of fleeing suspects' driving.

Although fleeing suspects may cross intersections against signals without stopping or slowing, units should drive "tactically," i.e., be sure it is safe to cross intersections and pass other hazards before doing so. Also, keep tactical driving in mind in assessing whether or not there is a need to pass other units involved in the pursuit. If units decide to pass other units, they should attempt to communicate this and coordinate with the other affected unit(s).

### 307.4.4 AIRCRAFT ASSISTANCE

Aircraft assistance can provide valuable information to ground units concerning traffic congestion, hazards or other factors which might endanger the safety of the officer or public. This information, together with the aircraft crew's ability to provide constant visual surveillance, can assist in the safe and successful apprehension of pursuit suspects.

When a pursuit is initiated the pursuing officer, supervisor, watch commander or dispatcher should determine the status of the San Mateo County Sheriff's Officer aircraft or CHP aircraft and, if available, request its immediate response via Communications.

Dispatchers handling a pursuit or receiving an aircraft pursuit request will determine the aircraft's location and advise the operators of the pursuit location. Once the aircraft has arrived on the scene and the observer has established visual contact with the pursued vehicle, the aircraft crew should advise the pursuing units via Communications that they will observe and report. The pursuing units should then terminate the pursuit and allow the aircraft crew to observe the actions of the vehicle and suspect(s) in

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question. Ground units will reduce their response to Normal Response and, if practical, follow the suspect vehicle at a normal, safe speed at a distance that will make it unlikely the suspect can see the police vehicles.

If, in the judgment of the ground field supervisor, the gravity of the offense, extenuating circumstances or the surrounding terrain dictates that the primary and/or other units remain in close proximity, the primary unit and/or other units may continue the pursuit. If the ground field supervisor elects to maintain the pursuit, Communications will be advised and the aircraft unit should continue as an observation unit. The notified ground field supervisor will have final authority to modify or terminate a pursuit at any time.

### 307.4.5 COMMUNICATIONS

Initiating Unit

The unit initiating a pursuit should notify Communications of the following information:

- Unit identification
- That they are involved in a pursuit
- The location and direction of travel
- Speed
- The vehicle description and license number if available
- The initial reason(s) for the pursuit
- The number of occupants
- Any other relevant information, such as weather and traffic conditions.

Officers involved in the pursuit should continue to provide updates to Communications as appropriate, to the extent practical, without compromising their driving abilities. The updates should include additional crimes, as well as changing locations, directions and conditions.

Communications

Communications will notify the Field Supervisor when the pursuit is initiated. If that Field Supervisor is not available, Communications will notify any available sergeant. That sergeant becomes responsible for the supervision of the pursuit and will advise Communications that they are assuming responsibility on the radio channel handling the pursuit.

Communications will identify a support unit (by call sign) and advise both units to switch to the CWMA (green channel).

Communications will ensure that County Communications is aware of the pursuit. Communications will obtain all pertinent information from the pursuing unit via the CWMA (green channel), to include the original violation prompting initiation of the pursuit, and ensure that County Communications has copied.

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Communications will coordinate the pursuit within their city limits on the CWMA (green channel).

County Communications will monitor the CWMA (green channel) for all pertinent information and activate an area broadcast to agencies geographically able to assist.

Should a stop be effected within the city boundaries, all units involved in the stop will remain on the CWMA (green channel) until a supervisor determines no mutual aid assistance will be required, at which time the local dispatcher will request that all units involved in the stop return to their primary frequency. If mutual aid assistance is required, the local dispatcher will notify County Communications via the CWMA and County Communications will coordinate the response. All units involved in the incident will remain on the CWMA until the incident has secured.

Should the pursuit proceed outside the city's jurisdiction, the local dispatcher will relinquish coordination as soon as possible. County Communications will then assume mutual aid coordination via the CWMA (green channel) for the duration of the pursuit.

County Communications will notify CHP of all pursuits which have the potential of entering a freeway, state highway, and/or unincorporated area.

In the event of a multi-agency or inter-jurisdictional pursuit, Communications should broadcast sufficient information to allow the supervising sergeant to decide the roles officers will have in the pursuit.

Each subsequent police vehicle joining the pursuit will also advise Communications. Those units not taking part in the pursuit should stay clear of the pursuit's path unless assigned a specific task related to the pursuit.

### 307.4.6 CAPTURE OF SUSPECTS

Officers must strive to maintain tactical discipline at the conclusion of all pursuits in order to promote the safety of officers, citizens and suspects. Officers can best control the scene by following common "high-risk" car stop procedures consistent with fundamental tactical principles. Such principles include making use of available cover and concealment, attempting to control any escape routes the suspect(s) may use and attempting to order suspects to leave their positions of cover and concealment while officers maintain a position of advantage and safety.

### 307.4.7 CONTINUATION OR TERMINATION OF PURSUIT

All of the circumstances under which pursuits may be initiated, and all of the factors to be considered listed above in RCPD Policy Manual Sections 306.4.1 and 306.4.2 are continuously evaluated by involved units and supervisors, balancing whether the need to apprehend the suspect immediately via pursuit outweighs the danger the pursuit poses to the public or officers.

If either the primary pursuing officer or the supervisor responsible for supervision of the pursuit concludes after considering the criteria set forth in RCPD Policy Manual Sections 306.4.1 and 306.4.2, that the need to apprehend a violator immediately is outweighed by the danger the pursuit poses to the public or officers, that officer or supervisor shall immediately terminate the pursuit.

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## 307.5 SUPERVISORY RESPONSIBILITY

Once a supervisor becomes aware of a pursuit in his assigned area, that sergeant becomes responsible for the supervision of the pursuit and will advise Communications that they are assuming active management and control of the pursuit. The supervisor is responsible for monitoring the pursuit for compliance with all other sections of this policy.

A supervisor's responsibility may also include participating in the pursuit or being the primary pursuit vehicle. In the event a supervisor is the primary or second pursuing unit, the supervisor shall relinquish his /her position to the next arriving officer who joins the pursuit in a four-wheel patrol unit so that the supervisor can best accomplish his/her supervisory function.

The supervisor must respond to the location of termination of the pursuit to facilitate the stabilization of the incident and the capture of the suspect(s). The supervisor will also ensure that the procedures listed under RCPD Policy Manual Section 306.9, (Reporting and Post-Pursuit Analysis) are completed.

## 307.6 PURSUIT INTERVENTION

Pursuit intervention in order to effect a seizure of the violator is a use of force for Fourth Amendment purposes and, therefore, should be undertaken in accordance with RCPD Use of Force policy. In considering whether such action is objectively reasonable to apprehend a violator in order to protect the public, the primary pursuing officer or the supervisor responsible for supervision of the pursuit should also consider the criteria set forth in RCPD Policy Manual Sections 306.4.1 and 306.4.2 and 306.9, above.

a. Roadblocks: The practice of establishing roadblocks is extremely hazardous and should be undertaken only as a last resort. Only in cases where the violator constitutes an immediate and continuing threat to the safety of others, and other efforts have failed, should the road be blocked.
b. Roadblocks on Freeways: On freeways, roadblocks should be avoided except as a last resort and only if specifically requested by the units conducting the pursuit. Only in cases where the violator constitutes an immediate and continuing threat to the safety of others, and other efforts have failed, should the freeway be blocked.
c. Blocking Freeway Exits and Access Ramps: The blocking of exit or access ramps to freeways is acceptable to prevent citizens from inadvertently driving into the path of a vehicle pursuit or to keep the pursued vehicle from returning to congested surface streets.
d. Use of Force through Vehicle Contact: In deciding when to use methods that involve intentionally contacting violator vehicles, officers should consider whether or not the type of contact requires specialized training (i.e., PIT), and the types of vehicles involved, e.g., using a police car to collide with a large commercial truck or a motorcycle. Officers should have additional officers present on the scene so they may provide immediate aid and protection.
e. Pursuit Immobilization Technique (PIT): The PIT is a form of force that involves direct contact between two vehicles. Only officers who have successfully completed Department approved training in the PIT should utilize this form of force. PIT should not normally be used on:
    1. Motorcycles, mopeds or similar types of vehicles

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2. Vehicles with a high center of gravity such as raised pickup trucks
3. Any vehicle known or suspected to be transporting a hazardous material as defined in Vehicle Code Section 2402.7
4. Trucks or similar types of vehicles when people occupy an open bed area
5. A passenger bus transporting passengers.

f. Tire Deflation Tactics (TDS): In selective, controlled situations, Department-approved tire deflation systems (TDS) may be used. TDS are used to facilitate quick and safe deflation of a tire or tires when the pursued vehicle drives over a deflation device. Situations in which these methods may be used are limited and should only be used by officers trained in the techniques and use of Department-approved devices. When using TDS, officer safety should not be compromised. TDS should not normally be used to stop:
    1. Motorcycles, mopeds or similar types of vehicles
    2. Any vehicle transporting a hazardous material as defined in Vehicle Code Section 2402.7
    3. Trucks or similar types of vehicles when people occupy an open bed area

## 307.7 INTER-JURISDICTIONAL CONSIDERATIONS - PURSUITS INITIATED BY OTHER JURISDICTIONS

Officers will not join in pursuits which have been originated by other agencies unless specifically requested by the agency whose officers are in pursuit and/or directly ordered by a supervisor. This does not preclude officers from being assigned to a point of advantage or to the scene of the termination of the pursuit.

EXCEPTIONS: When a single unit of the initiating agency requires assistance for officer safety, officers in a marked vehicle may join the pursuit with approval of the unit's supervisor. If the initiating unit is a motorcycle unit, the first four-wheel marked vehicle available may take over the pursuit regardless of the jurisdiction involved, if requested by the initiating agency and with the approval of the officer's supervisor.

On-duty officers who becomes aware of an outside agency conducting a pursuit within Redwood City should attempt to immediately notify Communications so that contact can be made with the pursuing agency.

Upon being notified of an outside agency pursuit taking place within Redwood City, Communications will ensure that a supervisor and the Watch Commander are notified

### 307.7.1 SUPERVISORY CONTROL DURING MULTI-JURISDICTIONAL PURSUITS

These procedures apply to vehicle pursuits initiated by this agency which go into other jurisdictions, and vehicle pursuits initiated by other jurisdictions which enter into Redwood City or by other agencies working within the City.

A supervisor from the initiating agency should be in command of a pursuit situation, and units involved in the pursuit should abide by that supervisor's orders. However, when the supervisor from the initiating agency is unavailable, or requests assistance, a supervisor from the jurisdiction in which the pursuit is

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occurring may assume supervision of the pursuit. In all cases, Redwood City Police supervisors will monitor the situation and be prepared to assume command when appropriate.

Involvement with outside-agency pursuits should be determined by, but not limited to, the following factors: Whether the criteria for initiating the pursuit were consistent with the Redwood City Police Department's policy; whether there is a specific request for assistance and the interest in protecting the public at large.

The number of agencies and units already involved in a pursuit that enters the Redwood City should be considered by supervisors in deciding to become involved in outside agency pursuits. Pursuits involving officers may be relinquished to other agencies due to a loss of radio communications, unfamiliarity with the area or special capabilities by the other jurisdiction

### 307.7.2 COORDINATION WITH OTHER JURISDICTIONS AT THE TERMINATION OF PURSUITS

The senior or supervising officer from the jurisdiction which initiated the pursuit should take charge of the police action at the scene where the pursuit terminates. If a senior or supervising officer from the initiating jurisdiction is not at the scene, a senior or supervising officer from the jurisdiction where the pursuit terminated should take charge until an officer from the initiating jurisdiction arrives at the scene. In all cases, Redwood City Police supervisors will respond and be prepared to assume command when appropriate.

The initiating agency should have the primary responsibility for taking custody of the offenders when captured.

As stated in San Mateo County Vehicle Pursuit Protocol, the agency having or witnessing the most serious crime should retain custody of the violator at the conclusion of the pursuit.

### 307.7.3 ACCIDENTS DURING PURSUITS

Accidents occurring during pursuits should be investigated by the law enforcement agency having jurisdiction of the location at which the accident occurred. Officers involved in accidents during pursuits will adhere to procedures contained in this manual.

## 307.8 REPORTING AND POST-PURSUIT ANALYSIS

It is the responsibility of the pursuit supervisor to ensure completion of all the appropriate Department reports required to document the pursuit. The pursuit supervisor will complete and submit CHP form 187A no later than 30 days following the pursuit and in compliance with California Vehicle Code Section 14602.1 for all pursuits.

The pursuit supervisor shall also complete a Pursuit Memorandum.The pursuit memorandum should briefly summarize the pursuit incident with the following areas being covered:

1. Justification / Crime
2. Number of Units in the pursuit

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3. Brief summary of the route
4. Peak speeds
5. How the pursuit terminated / concluded
6. Unusual occurrences (traffic collision / property damage)

The pursuit memorandum along with a copy of the CHP 187A form will be submitted via the Chain of Command to the Chief of Police.

In all cases where an officer attempts to stop a violator and the violator flees or fails to yield and the officer makes no attempt to keep up with or pursue the violator, an incident report will be completed in RIMS denoting "Non Pursuit" in the drop down menu. This is to assist the Department in keeping records of those instances where violators flee but are not pursued out of concern for public safety. A CHP 187A form is not required under these circumstances.

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

### 307.8.1 SUPERVISORS' RESPONSIBILITY FOR SUBSEQUENT APPREHENSION EFFORTS

Whenever violators initially escape due to officers' choices not to pursue, or if pursuits are terminated, the supervisor in charge of the involved officer(s) shall make every effort to facilitate follow-up investigation so that the violator(s) may be identified and apprehended at a later time. It shall also be the responsibility of Investigations Division to assist.

### 307.8.2 POLICY REVIEW

The Training Sergeant will ensure Officers of this departmentcertify in writing that they have received, read, and understand this policy upon initial hiring/training and whenever training on this policy is provided. The POST attestation form may be used to document the compliance and should be retained in the member’s training file.

### 307.8.3 TRAINING

It shall be the responsibility of the Training Sergeant to ensure that all officers have received annual training regarding this policy and other pursuit-related issues and sign the POST pursuit policy attestation form which will be kept in the member's training file.

The Training Sergeant shall make available to all officers initial and supplementary Police Standards 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.

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## 307.9 REVISIONS

Revised December 2023

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# Officer Response to Calls

## 308.1 PURPOSE AND SCOPE

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

## 308.2 RESPONSE TO CALLS

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

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

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

## 308.3 REQUESTING EMERGENCY ASSISTANCE

Requests for emergency assistance should be limited to those situations where the involved personnel reasonably believe that there is an immediate threat to the safety of officers, or assistance is needed to prevent imminent serious harm to a citizen, or the escape of a suspect being sought. 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:

- Requestor's call sign
- The location
- The reason for the request and type of emergency
- The number of units required

### 308.3.1 NUMBER OF UNITS ASSIGNED

Normally, two units should respond to an emergency call Code-3 unless the Watch Commander, the field supervisor, or primary officer requests additional units.

Officers will retain the discretion to upgrade their response to Code-3 based on the prevailing circumstances.

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## 308.4 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 receiving authorization or determining a Code-3 response is appropriate, an officer should immediately give the location from which he/she is responding, provided such a transmission will not conflict with other critical radio transmissions of officers on-scene.

## 308.5 COMMUNICATIONS RESPONSIBILITIES

A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. The dispatcher shall:

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

### 308.5.1 EMERGENCY RESPONSE TO TRAFFIC COLLISIONS

A dispatcher shall assign at least one unit to respond Code-3 to traffic collisions with major injuries (11-80) reported.

A dispatcher shall assign at least one unit to respond Code-3 to traffic collisions with injuries of unknown severity (11-83) for collisions involving a motor vehicle with a pedestrian, bicyclist, or motorcyclist.

## 308.6 SUPERVISORY RESPONSIBILITIES

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

a. The proper response has been initiated

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b. No more than those units reasonably necessary under the circumstances are involved in the response
c. Affected outside jurisdictions are being notified as practical

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

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

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

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

## 308.7 FAILURE OF EMERGENCY EQUIPMENT

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

## 308.8 REVISIONS

Reviewed July 2020

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# Canines

## 309.1 PURPOSE AND SCOPE

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

## 309.2 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.

### 309.2.1 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.

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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 regarding the deployment of the dog and whether to work the dog in an on or off leash capacity. 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.

### 309.2.2 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.

### 309.2.3 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.

A narcotic-detection canine will not be used to search a person for narcotics.

### 309.2.4 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.

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d. Once the individual has been located, the canine should be placed in a down stay or otherwise secured as soon as it becomes reasonably practicable.

### 309.2.5 REPORTING CANINE USE, BITES AND INJURIES

Whenever a canine is deployed and intentionally bites or otherwise causes injury to a suspect, a supervisor shall be promptly notified and the injuries documented in a Use of Force Report. The deployment and injuries should also be included in any related incident or arrest report.

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 Unit Coordinator. Unintended bites or injuries caused by the canine should be documented in an administrative report.

### 309.2.6 REPORTING CANINE INJURIES

In the event that a canine is injured, the injury will be immediately reported to the Watch Commander.

Medical care for any injured canine shall follow the protocol established in the Medical Care of the Canine section of this policy.

The injury will be documented in a memorandum to the Unit Coordinator.

### 309.2.7 ASSIGNMENT OF CANINES

The canine units shall be assigned to the Patrol division. Under normal circumstances canine units will be assigned to cover beats and operate in the same fashion as other beat units.

## 309.3 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 Field Operations Division shall go through the Unit Coordinator or the Watch Supervisor.

### 309.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Watch Commander or the Unit Coordinator 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 or used outside the boundaries of the City of Redwood City unless authorized by the Watch Commander or the Unit Coordinator.
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.

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### 309.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be approved by the Unit Coordinator prior to making any commitment.

Handlers shall not demonstrate any apprehension work to the public unless authorized to do so by the Unit Coordinator.

## 309.4 SELECTION OF CANINE HANDLERS

The following are the minimum qualifications for the assignment of canine handler:

a. Redwood City Police Department officer eligible for a specialty assignment.
b. Reside in an adequately fenced, single-family, residence (minimum six-foot high fence and gates that latch)
c. Agree to be assigned to the position for a minimum of three years

## 309.5 CANINE HANDLER RESPONSIBILITIES

### 309.5.1 OUTSIDE AGENCY REQUEST

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

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

### 309.5.2 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.
c. Handlers shall permit the Unit Coordinator to conduct scheduled 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 Unit Coordinator as soon as possible.

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e. When off-duty, canines shall be maintained in kennels, provided by the City, at the homes of their handlers. When a canine is kenneled at the handler's home, the gate shall be latched. 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 Unit Coordinator or Watch Supervisor.
h. When off-duty, handlers shall not involve their canines in any activity or conduct unless approved in advance by the Unit Coordinator or Watch Supervisor.
i. Whenever a canine handler anticipates taking a vacation or an extended number of days off, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the Unit Coordinator so that appropriate arrangements can be made.

### 309.5.3 CANINE IN PUBLIC AREAS

All canines shall be kept on a leash when in areas that allow access to the public. Exceptions would include specific police 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 unit 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 insure that the unattended unit remains inhabitable for the canine.

### 309.5.4 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.

## 309.6 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 § 318.6.2.

### 309.6.1 NON-EMERGENCY MEDICAL CARE

Non-emergency medical care will be coordinated through the Unit Coordinator.

Any indication that a canine is not in good physical condition shall be reported to the Unit Coordinator or the Watch Commander as soon as practical.

All records of medical treatment shall be maintained by the handler in the canine's training file.

### 309.6.2 EMERGENCY MEDICAL CARE

The handler shall notify the Unit Coordinator as soon as practicable when emergency medical care for the canine is required.

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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.

## 309.7 TRAINING

Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines. Cross-trained dog teams or those dog teams trained exclusively for the detection of narcotics and/or explosives shall be trained and certified to meet the standards established for such detection dogs by POST or other recognized and approved certification standards.

The Unit Coordinator shall be responsible for scheduling periodic training for all department personnel in order to familiarize them with how to conduct themselves in the presence of department canines.

### 309.7.1 CONTINUED TRAINING

Each canine team shall thereafter be recertified to current POST guidelines on an annual basis. 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 Unit Coordinator.
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 Redwood City Police Department.
d. All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Watch Commander.

### 309.7.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING

Any dog team failing POST canine certification for protection, narcotics detection, or other recognized and approved certification standards 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.

### 309.7.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler's training file.

## 309.8 CANINE UNIT COORDINATOR RESPONSIBILITIES

The Unit Coordinator shall be appointed by staff and shall supervise the Canine Program. The Unit Coordinator is directly responsible to the Field Operations Division Commander. The Unit Coordinator shall be responsible for, but not limited to, the following:

a. Ensure all Canines and handlers remain proficient.

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b. Review all Canine Uses to insure compliance with policy and to identify training issues and other needs of the program.
c. Maintain liaison with the vendor kennel.
d. Maintain liaison with administrative staff and functional supervisors.
e. Maintain liaison with other agency canine coordinators.
f. Maintain accurate records to document canine activities.
g. Recommend and oversee the procurement of needed equipment and services for the unit.
h. Be responsible for scheduling all canine related activities.
i. Ensure the canine teams are scheduled for continuous training to maximize the capabilities of the teams.

## 309.9 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

### 309.9.1 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 Redwood City Police Department's evidence personnel 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 prior to dispensing to the individual canine handler
b. The weight shall be recorded and maintained by this department;

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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, bi-annually. The results of the bi-annual inspection shall be recorded and maintained by the canine coordinator
e. All controlled substance training samples will be stored in locked boxes at all times, except during training. The locked 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. All controlled substance training samples will not be taken to the canine handler's home without permission from the unit commander
f. The Canine Unit 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 Unit or to the dispensing agency
h. All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency

### 309.9.2 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)).

## 309.10 REVISIONS

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# Domestic Violence

## 310.1 PURPOSE AND SCOPE

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

## 310.2 POLICY

The Redwood City Police Department's response to incidents of domestic violence and violations of related court orders shall be in compliance with the San Mateo County Domestic Violence Protocol.

## 310.3 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

a. An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.
    1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).
b. An officer responding to a domestic violence call who cannot make an arrest will advise the victim of 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

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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).

## 310.4 REPORTS AND RECORDS

a. A written report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents as required by Penal Code § 13730.
b. Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.
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)).

## 310.5 RECORD-KEEPING AND DATA COLLECTION

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

## 310.6 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).

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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).
    1. An officer should ensure that the Records Bureau is notified of any firearm obtained for entry into the Automated Firearms System (Family Code § 6383) (see the Records Bureau 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).

## 310.7 PUBLIC ACCESS TO POLICY

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

## 310.8 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).

## 310.9 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).

## 310.10 REVISIONS

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# Search and Seizure

## 311.1 PURPOSE AND SCOPE

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

## 311.2 POLICY

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

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

## 311.3 SEARCHES

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

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

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

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

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

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

## 311.4 SEARCH PROTOCOL

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

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

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

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

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

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

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

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

## 311.5 DOCUMENTATION

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

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

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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.

## 311.6 REVISIONS

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# Temporary Custody of Juveniles

## 312.1 PURPOSE AND SCOPE

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

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

### 312.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent, or alien juvenile who may be legally held for 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:

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a. A juvenile left alone in an unlocked room within the secure perimeter of the adult temporary holding area.
b. A juvenile handcuffed to a rail.
c. A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
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).

## 312.2 POLICY

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

## 312.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit any of the following conditions should not be held at the Redwood City Police Department:

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

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

These juveniles should not be held at the Redwood City Police Department 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).

### 312.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

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

### 312.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

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

## 312.4 CUSTODY OF JUVENILES

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

No juvenile should be held in temporary custody at the Redwood City Police Department without authorization of the arresting officer's supervisor or the Watch Commander. Juveniles taken into custody shall be held in non-secure custody unless otherwise authorized by this policy.

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

### 312.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

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

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Juveniles 11 years of age or younger who have committed an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination (Welfare and Institutions Code § 602.1).

### 312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

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

### 312.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

A juvenile offender who is 14 years of age or older and 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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## 312.5 ADVISEMENTS

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

Whenever a juvenile is taken into temporary custody, 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).

## 312.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Department, the custody shall be promptly and properly documented in the juvenile custody log, including:

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

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

## 312.7 NO-CONTACT REQUIREMENTS

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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 Redwood City Police Department (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).

## 312.8 TEMPORARY CUSTODY REQUIREMENTS

Members and supervisors assigned to monitor or process any juvenile at the Redwood City Police Department shall ensure the following:

a. The Watch Commander should be notified if it is anticipated that a juvenile may need to remain at the Redwood City Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Redwood City Police Department more than six hours.
b. A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.
c. Personal safety checks and significant incidents/activities shall be noted on the log.
d. Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.
    1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.
    2. This does not apply to surreptitious and legally obtained recorded interrogations.
e. Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).
f. 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.

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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).

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

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

Juveniles in restraints shall be kept away from other unrestrained juveniles or monitored in such a way as to protect the juvenile from abuse (15 CCR 1142).

## 312.10 PERSONAL PROPERTY

The officer taking custody of a juvenile offender or status offender at the Redwood City Police Department shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils, and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Redwood City Police Department.

## 312.11 SECURE CUSTODY

Only juvenile offenders 14 years of age or older may be placed in secure custody (Welfare and Institutions Code § 207; 15 CCR 1145). Watch Commander approval is required before placing a juvenile offender in secure custody.

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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).

Juveniles shall not be secured to a stationary object for more than 60 minutes. Supervisor approval is required to secure a juvenile to a stationary object for longer than 60 minutes and every 30 minutes thereafter (15 CCR 1148). Supervisor approval should be documented.

The decision for securing a minor to a stationary object for longer than 60 minutes and every 30 minutes thereafter shall be based upon the best interests of the juvenile offender (15 CCR 1148).

### 312.11.1 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.

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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.

### 312.11.2 JUVENILE DETENTION ROOMS

The Redwood City Police Department has provided juvenile detention rooms outside of the adult jail facility. These rooms are designed for the temporary detention of juveniles meeting the criteria of secure custody. Officers or detectives placing juveniles in secure detention rooms shall comply with the following:

a. It is the officer's responsibility to notify the Watch Commander, and/or detective personnel that a detention has begun. The juvenile must be told the reason for incarceration, the length of time secure detention will last and that it may not exceed a total of six hours.
b. Any juvenile placed in a locked detention room shall be separated according to sex and the severity of the crime (felony or misdemeanor) unless emergency circumstances will not allow for this type of segregation. When such separation is not possible, the Watch Commander shall be consulted for directions on how to proceed with the detention of the multiple juveniles involved.
c. A written record will be maintained on a detention log located in Investigations (for detectives) and the Report Writing room (for patrol officers). This log will include the charges for which the juvenile is being detained, the circumstances that warrant a secured detention, the time the detention began, and the time it ended. There will also be a place for the Watch Commander to initial the log approving the detention to occur and to initial the log when the juvenile is released.
d. It is the responsibility of the arresting officer (when available) to monitor the custody of the juvenile and to prepare the necessary paperwork to process the juvenile for release to a parent, guardian, or the appropriate juvenile custody facility. When that officer is not available, the Watch Commander, or his/her designee, shall be responsible for monitoring the detention of the juvenile, and ensuring that appropriate paperwork is prepared to process the juvenile out of the custody of this department. The Watch Commander shall be notified In all cases when a juvenile is detained at this department, and when applicable, shall be provided the name of the detective taking responsibility for the detention and processing of the juvenile.
e. A thorough inspection of the detention room shall be conducted before placing a juvenile into the room. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room shall be photographed and documented in the crime report.

## 312.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE

The Watch Commander will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Redwood City Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

a. Immediate notification of the on-duty supervisor, Chief of Police, and Investigation Division Supervisor.
b. Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

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c. Notification of the appropriate prosecutor.
d. Notification of the City attorney.
e. Notification to the coroner.
f. Notification of the juvenile court.
g. In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections (BSCC) within the same time frame (15 CCR 1046).
h. A medical and operational review of deaths pursuant to 15 CCR 1046.
    1. A copy of the review report shall be provided to BSCC within 60 days of the death (15 CCR 1046).
i. Evidence preservation.

### 312.12.1 IN-CUSTODY DEATH PUBLICATION

The Chief of Police or the authorized designee should ensure that specified information relating to an in-custody death of a juvenile is posted on the department website as prescribed and within the time frames provided in Penal Code § 10008.

## 312.13 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 (Welfare and Institutions Code § 625.6).

Threats, physical harm, deception, or psychologically manipulative interrogation tactics shall not be used by an officer during a custodial interrogation of a juvenile (Welfare and Institutions Code § 625.7).

The requirements to consult with legal counsel or to refrain from the use of prohibited interrogation techniques do not apply when (Welfare and Institutions Code § 625.6; Welfare and Institutions Code § 625.7):

a. Information is necessary to protect life or property from an imminent threat.
    1. The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

### 312.13.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who is in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility, or other fixed place of detention. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

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a. Recording is not feasible because of exigent circumstances that are later documented in a report.
b. The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
c. The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
d. The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
e. The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.
f. A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
g. The questions are part of a routine processing or booking, and are not an interrogation.
h. The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction over the individual, or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institutions Code § 626.8).

## 312.14 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in the supervisor's absence, the Watch Commander.

Any juvenile 14 years of age or older who is taken into custody for a felony, or any juvenile whose acts amount to a sex crime, shall be booked, fingerprinted, and photographed.

For all other acts defined as crimes, juveniles may be booked, fingerprinted, or photographed upon the approval from the Watch Commander or the Detective Bureau supervisor, giving due consideration to the following:

a. The gravity of the offense
b. The past record of the offender
c. The age of the offender

## 312.15 RELEASE OF INFORMATION CONCERNING JUVENILES

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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.

Welfare and Institutions Code § 828 authorizes the release of certain information to other agencies. It shall be the responsibility of the Records Supervisor and the appropriate Detective Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

## 312.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Field Operations Division Commander shall coordinate the procedures related to the custody of juveniles held at the Redwood City Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

## 312.17 RELIGIOUS ACCOMMODATION

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

## 312.18 REVISIONS

Revised December 2021

## 312.19 TRAINING

Department members should be trained on and familiar with this policy and any supplemental procedures.

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# Senior and Disability Victimization

## 313.1 PURPOSE AND SCOPE

This policy provides members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of senior and disabilty victimization. It is the policy of the Redwood City Police Department to comply with the San Mateo County Elder and Dependent Adult Abuse Protocol.

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 Redwood City Police Department members as required by law (Penal Code § 368.6).

The Redwood City Police Department 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).

## 313.2 RELEVANT STATUTES

**Penal Code § 288 (a) and Penal Code § 288 (b)(2)**

(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 their person or health may be endangered, is guilty of a misdemeanor.

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**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:
    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:

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

**Welfare and Institutions Code § 15610.43**

a. "Isolation" means any of the following:
    1. Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.
    2. Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult, whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.
    3. False imprisonment, as defined in Section 236 of the Penal Code.
    4. Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.
b. The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice. medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.
c. The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

**Welfare and Institutions Code § 15610.57**

a. "Neglect" means either of the following:
    1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.
    2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.
b. Neglect includes, but is not limited to, all of the following:
    1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.
    2. Failure to provide medical care for physical and mental health needs. 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.

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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:
    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.

## 313.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police 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).

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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 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.

## 313.4 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A department member appointed by the Chief of Police 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).

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b. Reaching out to the senior and disability communities and to the public to encourage prevention and reporting of senior and disability victimization.

## 313.5 REVISIONS

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# Discriminatory Harassment

## 314.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent department members from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

## 314.2 POLICY

The Redwood City Police Department is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation (Government Code § 12940(k); 2 CCR 11023). The Department will not tolerate discrimination against a member in hiring, promotion, discharge, compensation, fringe benefits and other privileges of employment. The Department will take preventive and corrective action to address any behavior that violates this policy or the rights it is designed to protect.

The nondiscrimination policies of the Department may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject a member to discipline.

## 314.3 DISCRIMINATION PROHIBITED

### 314.3.1 DISCRIMINATION

The Department prohibits all forms of discrimination, including any employment-related action by a member that adversely affects an applicant or member and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

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

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes, stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or department equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to department policy and to a work environment that is free of discrimination.

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### 314.3.2 SEXUAL HARASSMENT

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

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

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

### 314.3.3 ADDITIONAL CONSIDERATIONS

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

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

### 314.3.4 RETALIATION

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

## 314.4 RESPONSIBILITIES

This policy applies to all department personnel. All members shall follow the intent of these guidelines in a manner that reflects department policy, professional standards, and the best interest of the Department and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to the member's immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director of Human Services, or the City Manager.

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

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

### 314.4.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

a. Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
b. Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
c. Ensuring that their subordinates understand their responsibilities under this policy.
d. Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
e. Making a timely determination regarding the substance of any allegation based upon all available facts.
f. Notifying the Chief of Police or the Director of Human Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

### 314.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

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

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

### 314.4.3 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Director of Human Services, the City Manager, or the California Civil Rights Department for further information, direction, or clarification (Government Code § 12950).

## 314.5 INVESTIGATION OF COMPLAINTS

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Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

### 314.5.1 SUPERVISOR RESOLUTION

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

### 314.5.2 FORMAL INVESTIGATION

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

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

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

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

### 314.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any member from seeking legal redress outside the Department. Members who believe that they have been harassed, discriminated against, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Members are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

## 314.6 DOCUMENTATION OF COMPLAINTS

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All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

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

## 314.7 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on forms and in a manner designated by the Chief of Police. The outcome of all reports shall be:

- Approved by the Chief of Police, the City Manager or the Director of Human Services if more appropriate
- Maintained for the period established in the department's records retention schedule

## 314.8 TRAINING

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

All members shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

### 314.8.1 STATE-REQUIRED TRAINING

The Training Sergeant should ensure that employees receive the required state training and education regarding sexual harassment, prevention of abusive conduct, and harassment based on gender identity, gender expression, and sexual orientation as follows (Government Code § 12950.1; 2 CCR 11024):

a. Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.
b. All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.
c. All employees shall receive refresher training every two years thereafter.

If the required training is to be provided by the Civil Rights Department online training courses, the Training Sergeant should ensure that employees are provided the following website address to the training course: https://calcivilrights.ca.gov (Government Code § 12950; 2 CCR 11023).

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## 314.9 WORKING CONDITIONS

The Administrative Services Division Commander or the authorized designee should be responsible for reviewing facility design and working conditions for discriminatory practices. This person should collaborate with other City employees who are similarly tasked (2 CCR 11034).

## 314.10 REQUIRED POSTERS

The Department shall display the required posters regarding discrimination, harassment and transgender rights in a prominent and accessible location for members (Government Code § 12950).

## 314.11 REVISIONS

Revised December 2023

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# Child Abuse

## 315.1 PURPOSE AND SCOPE

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

315.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

## 315.2 POLICY

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

## 315.3 MANDATORY NOTIFICATION

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

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

The District Attorney's office shall be notified in all instances of known or suspected child abuse or neglect reported to this department. 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.

### 315.3.1 NOTIFICATION PROCEDURE

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

a. Notification shall be made immediately, or as soon as practicable, by telephone, fax or electronic transmission.

b. A written follow-up report should be forwarded within 36 hours of receiving the information concerning the incident.

## 315.4 QUALIFIED INVESTIGATORS

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

a. Conduct interviews in child appropriate interview facilities.

b. Be familiar with forensic interview techniques specific to child abuse investigations.

c. Present all cases of alleged child abuse to the prosecutor for review.

d. Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

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

f. Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

## 315.5 INVESTIGATIONS AND REPORTING

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

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

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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.

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

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

### 315.5.1 EXTRA JURISDICTIONAL REPORTS

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

### 315.5.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall ensure investigating officers are implementing and following the San Mateo County Suspected Child Abuse Protocol and the San Mateo County Children's Sexual Abuse Protocol.

### 315.5.3 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):

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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.

## 315.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from 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):

a. The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code §647 and Penal Code §635.22, and further has good cause to believe that any of the following conditions exist:
    1. The child has an immediate need for medical care.
    2. The child is in immediate danger of physical or sexual abuse.
    3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.
b. The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
    1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
    2. There is no lawful custodian available to take custody of the child.
    3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.

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4. The child is an abducted child.

c. The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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

### 315.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

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

### 315.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS

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

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

## 315.7 INTERVIEWS

### 315.7.1 PRELIMINARY INTERVIEWS

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

### 315.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW

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

a. Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the child need to be addressed immediately.

2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.

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3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

b. A court order or warrant has been issued.

### 315.7.3 INTERVIEWS AT A SCHOOL

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

## 315.8 MEDICAL EXAMINATIONS

If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

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

## 315.9 DRUG-ENDANGERED CHILDREN

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

### 315.9.1 SUPERVISOR RESPONSIBILITIES

The Detective Bureau supervisor should:

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

b. Activate any available interagency response when an officer notifies the Detective Bureau supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

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

### 315.9.2 OFFICER RESPONSIBILITIES

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

a. Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

b. Notify the Detective Bureau supervisor so an interagency response can begin.

## 315.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

### 315.10.1 RELEASE OF REPORTS

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

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

Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

### 315.10.3 CACI HEARING OFFICER

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

### 315.10.4 CACI HEARING PROCEDURES

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

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

a. Case reports including any supplemental reports

b. Statements by investigators

c. Statements from representatives of the District Attorney's Office

d. Statements by representatives of a child protective agency who may be familiar with the case

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

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

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

### 315.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

## 315.11 TRAINING

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

a. Participating in multidisciplinary investigations, as appropriate.

b. Conducting forensic interviews.

c. Availability of therapy services for children and families.

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d. Availability of specialized forensic medical exams.

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

f. Availability of victim advocate or guardian ad litem support.

## 315.12 REVISIONS

Reviewed December 2023

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# Missing Persons

## 316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

316.1.1 DEFINITIONS

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

## 316.2 POLICY

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

## 316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

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

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- Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form
- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

## 316.4 ACCEPTANCE OF REPORTS

Any employee encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those 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 in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

## 316.5 INITIAL INVESTIGATION

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

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2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

h. When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

i. Contact the appropriate agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.

## 316.6 REPORT PROCEDURES AND ROUTING

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

### 316.6.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate. The reports should be promptly sent to Records Bureau.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation between agencies.

The supervisor shall ensure that the San Mateo County Investigation of Missing Persons Calls Protocol and the Missing/Abducted Child Protocol is followed, when applicable.

The supervisor shall respond to the scene of calls involving missing persons determined to be "at-risk" or under the age of 13, and oversee the investigation.

The Division Commander shall be notified in cases involving "at-risk" or under the age of 13 missing persons within one hour of dispatch time, if the missing person has not been located.

### 316.6.2 RECORDS BUREAU RESPONSIBILITIES

The receiving member shall:

a. As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

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

## 316.7 DETECTIVE BUREAU FOLLOW-UP

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

a. Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.
    1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
    2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.
b. Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.
c. Should consider contacting other agencies involved in the case to determine if any additional information is available.
d. Shall verify and update CLETS, NCIC, and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).
e. Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.
f. Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).
g. Should make appropriate inquiry with the Coroner.
h. Should obtain and forward medical and dental records, photos, X-rays, and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.
i. Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

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j. Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).
k. In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U. S. Marshals Service (28 USC § 566).

## 316.8 WHEN A MISSING PERSON IS FOUND

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

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

a. Notification is made to California DOJ.

b. The missing person's school is notified.

c. Entries are made in the applicable missing person networks.

d. Immediately notify the Attorney General's Office.

e. Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

### 316.8.1 UNIDENTIFIED PERSONS

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

a. Obtain a complete description of the person.

b. Enter the unidentified person's description into the NCIC Unidentified Person File.

c. Use available resources, such as those related to missing persons, to identify the person.

## 316.9 CASE CLOSURE

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

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

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b. If the missing person is a resident of Redwood City or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

c. If this department is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.

d. A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

## 316.10 TRAINING

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

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

## 316.11 REVISION

Revised July 2020

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# Public Alerts

## 317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

## 317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

## 317.3 RESPONSIBILITIES

### 317.3.1 MEMBER RESPONSIBILITIES

Members of the Redwood City Police Department should notify their supervisor, Watch Commander, or Detective Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

### 317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Division Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

a. Updating alerts
b. Canceling alerts
c. Ensuring all appropriate reports are completed

## 317.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

### 317.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

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a. A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.

b. The victim is 17 years of age or younger, or has a proven mental or physical disability.

c. The victim is in imminent danger of serious injury or death.

d. There is information available that, if provided to the public, could assist in the child's safe recovery.

317.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

a. An initial press release is prepared that includes all available information that might aid in locating the child:
    1. The child's identity, age and description
    2. Photograph if available
    3. The suspect's identity, age and description, if known
    4. Pertinent vehicle description
    5. Detail regarding location of incident, direction of travel, potential destinations, if known
    6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
    7. A telephone number for the public to call with leads or information
b. The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).
c. The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
d. Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).
e. Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).
f. The following resources should be considered as circumstances dictate:
    1. The local FBI office
    2. National Center for Missing and Exploited Children (NCMEC)

## 317.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

317.5.1 CRITERIA FOR BLUE ALERTS

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All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

a. A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.
b. The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.
c. A detailed description of the suspect's vehicle or license plate is available for broadcast.
d. Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

### 317.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

a. An initial press release is prepared that includes all available information that might aid in locating the suspect:
    1. The license number and/or any other available description or photograph of the vehicle
    2. Photograph, description and/or identification of the suspect
    3. The suspect's identity, age and description, if known
    4. Detail regarding location of incident, direction of travel, potential destinations, if known
    5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
    6. A telephone number for the public to call with leads or information
b. The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.
c. The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
d. The following resources should be considered as circumstances dictate:
    1. Entry into the California Law Enforcement Telecommunication System (CLETS)
    2. The FBI local office

## 317.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

### 317.6.1 CRITERIA FOR SILVER ALERTS

All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

a. The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.

b. The department has utilized all available local resources.

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c. The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.

d. The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

e. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

### 317.6.2 PROCEDURE FOR SILVER ALERT

Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

## 317.7 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

### 317.7.1 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.

### 317.7.2 PROCEDURE

Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

## 317.8 REVISIONS

Revised December 2023

## 317.9 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).

### 317.9.1 CRITERIA FOR YELLOW ALERT

All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

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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.

### 317.9.2 PROCEDURE FOR YELLOW ALERT

Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

## 317.10 FEATHER ALERT

A Feather Alert may be issued when an Indigenous person is reported missing. The determination that criteria has been met for the alert shall be made within 24 hours following the initial report being made to the Department (Government Code § 8594.13).

### 317.10.1 CRITERIA FOR FEATHER ALERT

The Department may request that a Feather Alert be activated if it is determined that the alert would be an effective tool in the investigation of missing and murdered Indigenous persons, including young women or girls. The following factors shall be considered to make that determination (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 is missing.
d. The investigating officer or supervisor believes that the person is in danger and missing under circumstances that indicate any of the following:
    1. The missing person's physical safety may be endangered.
    2. The missing person may be subject to trafficking.
    3. The missing person suffers from a mental or physical disability, or substance use disorder.
e. There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

### 317.10.2 PROCEDURE FOR FEATHER ALERT

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Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

## 317.11 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).

### 317.11.1 CRITERIA FOR ENDANGERED MISSING ADVISORY

All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

a. The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.
b. The Department has utilized all available local 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.

### 317.11.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES

Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

## 317.12 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).

### 317.12.1 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.

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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.

317.12.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

## 317.13 LANGUAGE REQUIREMENTS FOR PUBLIC EMERGENCIES

In the event of an emergency, as defined in Government Code § 7299.7, the Redwood City Police Department shall provide information to the public relating to the emergency in all languages jointly spoken by the local population as provided in Government Code § 7299.7.

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# Victim and Witness Assistance

## 318.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

## 318.2 POLICY

The Redwood City Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Redwood City Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

## 318.3 CRIME VICTIM LIAISON

The Chief of Police may appoint a member of the Department 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 Redwood City Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and /or witnesses.

### 318.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

a. Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).
b. Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).
c. Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.
d. Annually providing CalVCB with 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 Redwood City Police Department 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).

## 318.4 CRIME VICTIMS

Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim’s safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

### 318.4.1 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall inform the victim, or the victim’s parent or guardian if the victim is a minor, that upon the request of the victim the names and images of the victim and his/her immediate family members may be withheld from becoming a matter of public record until the conclusion of the investigation or prosecution (Penal Code § 293).

## 318.5 VICTIM INFORMATION

The Records Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

a. Shelters and other community resources for victims of domestic violence.
b. Community resources for victims of sexual assault.
c. Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
d. An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
e. An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
f. A clear explanation of relevant court orders and how they can be obtained.
g. Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

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h. VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender’s custody status and to register for automatic notification when a person is released from jail.
i. Notice regarding U visa and T visa application processes.
j. Resources available for victims of identity theft.
k. A place for the officer’s name, badge number, and any applicable case or incident number.
l. The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).
m. The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.
n. Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

## 318.6 WITNESSES

Officers should never guarantee a witness’ safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.

## 318.7 REVISIONS

Revised December 2023

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# Hate Crimes

## 319.1 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 this policy.

## 319.2 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 Redwood City Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

### 319.2.1 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.

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**Disability** - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

**Disability bias** - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

**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

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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
- 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.

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**Religious bias** - In recognizing suspected religion-bias hate crimes, officers should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

**Sexual orientation** - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim** - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

## 319.3 PLANNING AND PREVENTION

department members should work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

### 319.3.1 HATE CRIMES COORDINATOR

A department member appointed by the Chief of Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

a. Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.

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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, Islamic, lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ), Black, Native American, immigrant, Jewish, Asian American, and Pacific Islander communities (Penal Code § 13519.6(b)(8)).
h. Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.
i. Coordinating with the Training Sergeant to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
j. Verifying a process is in place to provide this policy and related orders to officers in the field and taking reasonable steps to rectify the situation if such a process is not in place.
k. Taking reasonable steps to ensure hate crime data is provided to the Records Bureau for mandated reporting to the California Department of Justice.
    1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).
l. Reporting any suspected multi-mission extremist crimes to the department Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Bureau Policy.
m. Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
n. Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).
o. Annually assessing this policy, including:
    1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.
    2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

### 319.3.2 RELEASE OF INFORMATION

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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 law.

The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim’s family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

## 319.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

### 319.4.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

a. Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).
b. Stabilize the victims and request medical attention when necessary.
c. Properly protect the safety of victims, witnesses, and perpetrators.
    1. Assist victims in seeking a Temporary Restraining Order (if applicable).
d. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

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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 § 7923.615.
    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.

### 319.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

a. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
b. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

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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 § 7923.615.
    4. Prior occurrences, in this area or with this victim.
    5. Statements made by suspects; exact wording is critical.
    6. Document the victim's protected characteristics.
h. Provide victim assistance and follow-up.
i. Canvass the area for additional witnesses.
j. Examine suspect's social media activity for potential evidence of bias motivation.
k. Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
l. Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.
m. Determine if the incident should be classified as a hate crime.
n. Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:
    1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
    2. Provide ongoing information to victims about the status of the criminal investigation.
    3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).
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.

### 319.4.3 SUPERVISION

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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 § 7923.615) 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).
e. Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.
f. Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e. g., U-Visa, T-Visa, S-Visa).
g. Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.
h. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.
i. Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.
j. Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

## 319.5 RECORDS RESPONSIBILITY

Proper reporting of hate crimes to the Department of Justice, pursuant to Penal Code § 13023.

## 319.6 TRAINING

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All members of this department will receive POST-approved training on hate crime recognition and investigation (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.
d. When a gun violence restraining order may be appropriate for prevention of hate crimes (Penal Code § 13519.6).

## 319.7 APPENDIX

See attachments:

Hate Crime Checklist.pdf

Supplemental Hate Crime Report-Agency.pdf

Statutes and Legal Requirements.pdf

## 319.8 REVISIONS

Revised November 2025

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# Standards of Conduct

## 320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Redwood City Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member’s supervisors.

## 320.2 DISCIPLINE POLICY

The continued employment or appointment of every member of the Redwood City Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

## 320.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE

The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

### 320.3.1 ATTENDANCE

a. Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
b. Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
c. Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
d. Failure to notify the Department within 24 hours of any change in residence address, home phone number, or marital status.

### 320.3.2 CONDUCT

a. Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily injury on another.

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b. Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
c. Using department resources in association with any portion of an independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.
d. Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.
e. Unauthorized possession of, loss of or damage to department property or the property of others, or endangering it through unreasonable carelessness or maliciousness.
f. Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.
g. Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency that may reasonably result in your involvement in a criminal investigation.
h. Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.
i. The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the express authorization of the Chief of Police or a designee may result in discipline under this policy.
j. Seeking restraining orders against individuals encountered in the line of duty without the express permission of the Chief of Police.
k. Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.
l. Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one's official capacity.
m. Engaging in on-duty sexual relations including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact

### 320.3.3 VERBAL IDENTIFICATION

Staff shall provide their last name and badge or identification number verbally upon request by the public.

Staff may use a department-issued business card or case card that contains their name and identification to satisfy the request for the information, if presented promptly upon request.

Exception: Staff are not required to immediately identify themselves upon request if doing so would:

- Jeopardize an ongoing investigation
- Jeopardize officer safety
- If directed not to by a supervisor

### 320.3.4 DISCRIMINATION

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a. Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

320.3.5 INTOXICANTS

a. Reporting for work or being at work following the use of intoxicants where such use may impair the employee's ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants
b. Unauthorized use of intoxicants at the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance
c. Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties
d. Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site

320.3.6 PERFORMANCE

a. Unauthorized sleeping during on-duty time or assignments.
b. Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.
c. Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without a reasonable and bona fide excuse.
d. Concealing, attempting to conceal, removing or destroying defective or incompetent work.
e. Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in a position of authority.
f. The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.
g. Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.
h. Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.

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i. The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.
j. Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.
k. The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose. Employees shall not, without prior permission from the Chief of Police, allow their names or photographs to be used in any commercial testimonial which alludes to their position or employment with the Department or City of Redwood City.
l. The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee's duties (lawful subpoena fees and authorized work permits excepted).
m. Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. The Department shall make this manual available to all employees. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.
n. Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of department property or the property of another person.
o. Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on- or off-duty.
p. Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form or during the course of any work-related investigation.
q. Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved department practices or procedures.
r. Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.
s. Offer or acceptance of a bribe or gratuity.
t. Misappropriation or misuse of public funds.
u. Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
v. Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

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w. Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
x. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.
y. Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.
z. Violating any misdemeanor or felony statute.
aa. Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
ab. Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
ac. Failure to maintain required and current licenses (e.g. driver's license) and certifications (e.g., first aid).
ad. Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.
ae. Prior to engaging in any outside business and employment, the employee must receive permission from the Chief of Police. Other arrangements resulting in revenue or potential revenue for the employee, such as rental property or investments, do not require permission from the Chief of Police.

320.3.7 SAFETY

a. Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
b. Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
c. Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
d. Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.
e. Violating departmental safety standards or safe working practices.

320.3.8 SECURITY

a. Unauthorized, intentional release of designated confidential information, materials, data, forms or reports

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### 320.3.9 SUPERVISION RESPONSIBILITY

a. Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws
b. Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy
c. The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose
d. Failure to actively supervise subordinates and directly oversee subordinates' work when appropriate and necessary

## 320.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with department procedures. Pursuant to Government Code §§ 3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

## 320.5 POST INVESTIGATION PROCEDURES

### 320.5.1 INTERNAL AFFAIRS PROGRAM COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Internal Affairs Program Commander shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Internal Affairs Program Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

a. Prior to forwarding recommendations to the Office of theChief of Police, the Internal Affairs Program Commander may return the entire investigation to the assigned supervisor for further investigation or action
b. When forwarding any written recommendation to the Office of theChief of Police, the Internal Affairs Program Commander shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference

### 320.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

The Chief of Police may modify any recommendation and/or may return the file to the Internal Affairs Program Commander for further investigation or action.

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Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall make the final determination of the amount of discipline, if any, to be recommended.

In the event disciplinary action is recommended, the Chief of Police shall provide the employee with written (*Skelly*) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or Government Code § 3508.1):

a. Specific charges set forth in separate counts, describing the conduct underlying each count.
b. A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.
c. An opportunity to respond orally or in writing to the Chief of Police within ten days of receiving the *Skelly* notice.
    1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.
    2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

## 320.6 EMPLOYEE RESPONSE

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

a. This *Skelly* response is not intended to be an adversarial or formal hearing.
b. Although the employee may be represented by an uninvolved representative or legal counsel, the *Skelly* response is not designed to accommodate the presentation of testimony or witnesses.
c. The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.
d. In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.
e. The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.
f. Once the employee has completed his/her *Skelly* response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. Once the Chief of Police determines that discipline will be imposed, a timely written decision shall be provided to the employee within 30 days, imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.
g. Once the Chief of Police has issued a written decision, the discipline shall become effective.

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## 320.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

## 320.8 POST SKELLY PROCEDURE

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief of Police's imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) or collective bargaining agreement and personnel rules.

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

## 320.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet department standards, the employee shall have no right to appeal and the following shall be considered:

a. Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file
b. In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the *Skelly* procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline
c. At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies
d. A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment
e. The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence
f. In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file

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g. In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police

## 320.10 REVISIONS

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# Information Technology and Device Use

## 321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, department issued cellular phones, hardware, software and systems.

### 321.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the Redwood City Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes, but is not limited to, computers, computer terminals, network equipment, electronic devices, telephones, including department issued cellular and satellite, pagers, modems or any other tangible computer device generally understood to comprise hardware.

**Software** - Includes, but is not limited to, all computer programs, department issued cellular phone management systems and applications, including shareware. This does not include files created by the individual user.

**Temporary file, permanent file or file** - Any electronic document, information or data residing or located, in whole or in part on the electronic devices issued by the department (cellular phone, digital camera, digital audio recorder) or placed on the system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

## 321.2 POLICY

It is the policy of the Redwood City Police Department that members shall use information technology resources, including cellular phones, computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

## 321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy when using any department issued device, managed system, or software with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, stored or reviewed on any department computer system or cellular phone device.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any

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technology that is issued or maintained by the Department, including the department email system, computer network, cellular phone device or cellular phone management software, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer department issued cellular phone or over any department network or cellular phone management software. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

### 321.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)

Department-issued cellular phones are defined and recognized as "electronic devices" authorized for possession by the individual member conducting department related business. Member use of a department-issued cellular phone to conduct work-related business constitutes consent for access for department purposes. Before conducting an administrative investigation search of a department-issued cellular phone, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546 and Penal Code § 1546.1).

## 321.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members should notify their supervisor as soon as practical of any loss of a department-issued computer or cellular phone. The supervisor will assess the need to inform PD IT for location tracking or deactivation of the devic

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

Cellular phones are issued as a tool to improve efficiency related to conducting Department business. Members should restrict their use of a department-issued cellular phone to business related activity. However, the Department understands that exceptions will arise that necessitate the use of the cellular phone to make and receive important calls of a non-business nature when other communication modes or devices are not available; this should be the exception and not the rule.

### 321.4.1 USE OF DEPARTMENT ISSUED CELLULAR PHONE

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Members who are required to log on with dispatch as part of their assigned duties will have their department issued cellular phone accessible during designated hours of operation. In addition, a member's unique cellular phone number will be included as part of the logon protocol and used as the primary contact number for cellular communication throughout their designated work hours.

There are no restrictions on carrying the department-issued cellular phone outside work hours if there is an anticipated department-related use or need. However, line level patrol officers assigned to calls-for-service activity are not required to carry the department-issued cellular phone outside the hours of work-related activity. Officers assigned to specialized units are governed by specialty unit guidelines or individual assignment requirements.

Use of a cellular phone (department issued and/or personal) by an emergency service professional (sworn or non-sworn), while operating an authorized emergency vehicle, is exempt from restricted use as identified in California Vehicle Code (CVC) § 23123(d) and CVC § 23123.5(e). SEIU represented employees do not qualify for the emergency service professional exemption specified in CVC § 23123(a) & (c), cellular phone use while operating a moving vehicle.

Use of personal cellular devices should not be used to conduct department related business considered releasable under the statutes governing the release of work-related records or information.

### 321.4.2 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company’s copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

Specific to department-issued cellular phones, the department will use an enterprise management software solution to manage and maintain software updates and install phone apps selected by the department for installation on the issued cellular phones. Members who wish to have a specific phone application considered for department wide installation should submit their request through their chain-of-command, addressed to the Administrative Lieutenant. The Administrative Lieutenant will evaluate the request and decide on the appropriateness for a system-wide installation.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

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Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

## 321.5 PROTECTION OF SYSTEMS AND FILES

All members have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

## 321.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, department issued cellular phone, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of their supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member’s duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system or issued cellular phone when requested by a supervisor or during the course of regular duties that require such information.

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When the search is specific to an administrative investigation for misconduct, the assigned investigator should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546 and Penal Code § 1546.1).

## 321.7 REVISIONS

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# Report Preparation

## 322.1 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.

### 322.1.1 REPORT PREPARATION

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

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

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

## 322.2 REQUIRED REPORTING

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

### 322.2.1 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:

1. All arrests
2. All felony crimes
3. Non-Felony incidents involving threats or stalking behavior
4. Situations covered by separate policy. These include:
    1. Use of Force Policy
    2. Domestic Violence Policy
    3. Child Abuse Policy

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4. Senior and Disability Victimization Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

5. 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).

### 322.2.2 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 and Qualification Policy)
d. Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Reporting Policy)
e. Any found property or found evidence
f. Any traffic collisions above the minimum reporting level
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

### 322.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with Policy § 360 Death Investigations. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

a. Sudden or accidental deaths.

b. Suicides.

c. Homicide or suspected homicide.

d. Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).

e. Found dead bodies or body parts.

### 322.2.4 INJURY OR DAMAGE BY CITY PERSONNEL OR ON CITY PROPERTY

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

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### 322.2.5 MISCELLANEOUS INJURIES

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

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

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

### 322.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES

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

### 322.2.7 ALTERNATE REPORTING FOR VICTIMS

Reports that may be submitted by the public via online or other self-completed reporting processes include:

1. Lost property.
2. Misdemeanor thefts of property, other than firearms or materials that threaten public safety, when there is no suspect information, serial number or ability to trace the item.
    1. Misdemeanor thefts of cellular telephones may be reported even though they have a serial number.
3. Misdemeanor vandalism with no suspect information and no hate crime implications.
4. Vehicle burglaries with no suspect information or evidence.
5. Stolen vehicle attempts with no suspect information or evidence.
6. Annoying telephone calls with no suspect information.
7. Identity theft without an identifiable suspect.
8. Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
9. Hit-and-run vehicle collisions with no suspect or suspect vehicle.
10. Supplemental property lists.

Members at the scene of one of the above incidents should not refer the reporting party to an alternate means of reporting without authorization from a supervisor. Members may refer victims to online victim assistance programs (e.g., Federal Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes).

## 322.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

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*Report Preparation*

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.

322.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

In general, reports shall not be handwritten but shall be completed via RIMS. Related departmental report forms may be completed by hand and may be completed in block print or by typing.

322.3.2 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.

322.3.3 HOLDING OVER REPORTS

Officers are expected to finish all reports by the end of their normal shift barring unforeseen extenuating circumstances.Each officer is responsible for managing his/her own time to accomplish this goal while maintaining a high level of proactivity and responsiveness to calls.The following procedure will be followed during the occurrence when holding over a report is found to be necessary:

- Should an officer find that he/she was unable to complete a report by the end of their shift he/she will seek approval to hold over the report(s) with an explanation as to why the report could not be finished during the shift.
- The approving supervisor will grant only those requests that are reasonable and that will not cause an undue delay in an investigation or timely processing of paperwork. A hold over approval will be the exception and not the rule.
- If the approving supervisor deems that a held over report will cause undue delay, he/she will deny the request and hold the officer over on overtime to complete the report(s).
- If a report hold over is granted, or directed by a supervisor, the officer will fill out a Yellow Sheet with the case number, date, reason for hold over and the name of the approving supervisor.
- The officer will turn in the top copy of the Yellow Sheet into the approved [completed] reports tray and attach the other two copies to any hard copies to accompany the reports into their shift's "to be approved"[to be completed/yellow sheet] reports tray. At a minimum, officers will change the status of the report in RIMS to "TBC – TO BE COMPLETED" and complete Page 1, Page 2, Persons and a synopsis in the Narrative tab prior to going off duty.

## 322.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the reporting officer via the RIMS system stating the reasons for

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rejection. The report should be routed to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

## 322.5 REPORT CHANGES OR ALTERATIONS

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

## 322.6 REVISIONS

Revised December 2021

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# Media Relations

## 323.1 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.

## 323.2 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

### 323.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

a. At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative;
b. In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department;
c. Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.
d. Authorization will be obtained from the Office of the Chief of Police prior to the member's participation in any pre-planned appearances with media representatives, whenever that member will represent the Redwood City Police Department during such appearance. The member will be considered as "representing" the Department whenever his/her job title is introduced, or the member otherwise expresses his/her affiliation with the Department. Members are not required to seek prior approval when conducting routine public appearances in conjunction with their job duties, such as school presentations, discussion at community meetings, or interviews provided by designated Press Information Officers. Members seeking authorization shall utilize a Memorandum including key details of the requested appearance including the purpose of the appearance, topics to be discussed, and the identity of the involved media outlet. The completed Memorandum will be accompanied by a Transmittal Form and forwarded through the member's chain of command.

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## 323.3 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.
    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 Chief of Police and the express consent of the person in custody.

### 323.3.1 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.

### 323.3.2 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 Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

## 323.4 SCOPE OF INFORMATION SUBJECT TO RELEASE

The Department will maintain a daily information log of significant law enforcement activities that shall be made available to media representatives through the Records Division. This log will generally contain the following information:

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a. The date, time, location, case number, type of crime, extent of injury or loss involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
b. The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation
c. The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

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 Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

### 323.4.1 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 the Personnel Files Policy)
    1. The identities of officers involved in shootings or other major incidents may be released to the media pursuant upon a formal request filed and processed in accordance with the Public Records Act.
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

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g. Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).

## 323.5 POLICY

It is the policy of the Redwood City Police Department 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.

## 323.6 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 Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception, the Chief of Police will consider, at 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.

## 323.7 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.

### 323.7.1 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 Watch Commander 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.

## 323.8 RELEASE OF INFORMATION

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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.

### 323.8.1 INFORMATION LOG

The Department will 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 Watch Commander.

The daily information log will generally include:

a. The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals 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, or the information is confidential (e.g., juveniles or certain victims).
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 or the information is confidential (e.g., juveniles).
c. The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident.

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (see the Records Maintenance and Release Policy).

## 323.9 REVISIONS

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# Subpoenas and Court Appearances

## 324.1 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.

### 324.1.1 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 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 so that he or she may be directed to appear in court within a reasonable amount of time. Officers are not required to accept standby status for their initial appearance.

**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.

## 324.2 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.

### 324.2.1 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 will generally be accomplished by the use of the San Mateo County District Attorney's Office eSupoena system.

### 324.2.2 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. The San Mateo County District Attorney's Office eSupoena system meets this requirement.

### 324.2.3 ACCEPTANCE OF SUBPOENA

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a. Only the employee named in a subpoena, his/her immediate supervisor or the department subpoena clerk shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department subpoena clerk. The subpoena clerk shall maintain a chronological log of all department subpoenas and 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 subpoena clerk as well as a copy to the individually named employee if not already delivered by eSupoena system

### 324.2.4 USE OF ESUBPOENA SYSTEM

Notification to employees will consist of an e-mail to the employee’s designated Redwood City Police Department e-mail account. During scheduled work days, employees will be expected to access their e-mail at the beginning and end of their shifts, in order to check for subpoena notifications. Upon notification of a subpoena, employees should utilize the link in the email without delay to access and accept subpoenas from the San Mateo County District Attorney's Office.

Employees shall access the eSubpoena portal after 1700 hours the night before a scheduled court appearance, in order to avoid unnecessary court attendance for a served subpoena. Overtime will not be paid when failing to confirm if a court appearance is still necessary. Time spent checking the portal to confirm if a court appearance is still necessary shall not be listed on the employee’s timecard, this has been agreed upon with the POA/PSA.

### 324.2.5 SUPERVISOR ENTERING VACATION INTO ESUPOENA

The E-subpoena portal allows for the entering of officer vacation time in order to assist in avoiding the issuance of subpoenas during an officer’s scheduled vacation period(s). Within two weeks after the beginning of each shift rotation, sergeants will enter the vacation dates, for the officers under their direct supervision, into the E-subpoena portal.

### 324.2.6 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 subpoena clerk or the Watch Commander of his/her absence. It shall then be the responsibility of the subpoena clerk to notify the issuing authority of the employee's unavailability to appear.

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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 subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

### 324.2.7 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 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.

### 324.2.8 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Redwood City Police Department 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.

### 324.2.9 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.

### 324.2.10 SUBPOENA CANCELLATIONS

The subpoena clerk will be responsible, during regular business hours, for attempting to contact employees regarding cancelled subpoenas and notices to appear as a witness.

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At 1700 hours, on each regular business day, the subpoena clerk will prepare a list of all cases not cancelled and post the list in the report writing room and on the Records bulletin board.

Employees, whether on or off duty, are required to confirm their appearance the day prior to the appearance. The employees may do so by any of the following methods:

a. by calling the subpoena clerk prior to 1700 hours.
b. by calling the law enforcement update line provided by the San Mateo County District Attorney's Office (where applicable) after 1700 hours
c. by calling the Deputy District Attorney actually assigned to the case.

### 324.2.11 REQUESTING TO BE EXCUSED FROM APPEARANCE

Subpoenaed employees wishing to be excused from appearance for reasons other than illness shall follow the following procedure:

For Traffic Court, the subpoenaed employee should contact the Records Clerk responsible for subpoenas and ask the clerk make the request of the issuing party. The employee should then advise their supervisor of the requested excused absence.

For Criminal Court the employee will do the following:

a. If an employee is unable to attend court due to preplanned vacation, training, or other approved absences, he/she should prepare a Declaration For Court Continuance within 48 hours of service. The Declaration For Court Continuance can be located in the eSubpoena portal.
b. Once the declaration is filled out, the employee can fax, email or send the document to the appropriate deputy district attorney Filling out this form does not mean the employee has been released from the subpoena.
c. The employee shall provide a copy of the Declaration For Court Continuance to Redwood City PD Records and notify his/her direct supervisor via e-mail, and the Redwood City Police subpoena clerk via e-mail, of the requested continuance.
d. Before the employee leaves on vacation, if he/she has not heard from the deputy district attorney, he/she must make contact with the assigned deputy district attorney or deputy in charge of the appropriate branch to make sure they have been released from the requirement to appear in court.

For all other court matters, the subpoenaed employee, with the approval of their supervisor and after notifying the Records Clerk responsible for subpoenas, will contact the issuing party directly to request excusal.

However, the employee will appear as subpoenaed unless notified by a Records clerk, or directly by the issuing party, that the request to be excused from appearance was granted.

Subpoenaed employees wishing to be excused from appearance for reason of illness will follow the same notification procedures in the Sick Leave Policy, and when calling in to report their illness, will notify the

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person receiving the call of their scheduled court appearance.The supervisor receiving the sick call will notify the court of the impending absence of the employee.

Only the issuing party may excuse an employee from appearing on a matter. The excusing party may be the court, the District Attorney's Office, the Department of Motor Vehicles Hearing Officer, or the attorney who issued the subpoena.

## 324.3 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.

### 324.3.1 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.

### 324.3.2 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.

### 324.3.3 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.

## 324.4 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.

## 324.5 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.

### 324.5.1 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.

### 324.5.2 COURTROOM ATTIRE

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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.

## 324.6 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.

## 324.7 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 Chief of Police, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

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.

## 324.8 REVISIONS

Revised August 2020

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# Reserve Officers

## 325.1 PURPOSE AND SCOPE

The Redwood City Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn volunteer reserve officers who can augment regular staffing levels.

## 325.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Redwood City Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

### 325.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must have completed the Regular Basic Course or the Regular Basic Course – Modular, Level III.

### 325.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

### 325.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

All reserve officer appointees are issued two sets of uniforms and all designated attire and safety equipment. All property issued to the reserve officer shall be returned to the Department upon termination or resignation.

Reserve officers are at-will, volunteer employees and are not compensated for their time worked. Additionally, they are not provided protections under Government Code § 3300 et seq, are not eligible for benefits per Labor Code § 4850, and must obtain Legal Defense Fund coverage for themselves.

### 325.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

## 325.3 DUTIES OF RESERVE OFFICERS

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*Reserve Officers*

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Field Operations Division. Reserve officers may be assigned to other areas within the Department as needed. Reserve officersshould work a minimum of 20 hours per month.

### 325.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all department policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

### 325.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Training and Administrative Sergeant, the Reserve Coordinator, or their designee.

### 325.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

a. Assignment of reserve personnel
b. Conducting reserve meetings
c. Establishing and maintaining a reserve call-out roster
d. Monitoring individual reserve officer performance
e. Monitoring overall Reserve Program
f. Maintaining liaison with other agency Reserve Coordinators

The Reserve Coordinator shall operate under the supervision of and report to the Training and Administrative Sergeant.

## 325.4 FIELD TRAINING

Penal Code § 832.6 requires Level II reserve officers, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection (§324.4.4), to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate. Reserve officers in the Field Training Program shallride with an FTO except with permission of the patrol sergeant/lieutenant for special events or emergency situations

### 325.4.1 PRIMARY TRAINING OFFICER / PRIMARY TRAINING PHASE

Officers

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Upon being hired, a reserve officer shall be an assigned a Field Training Officer (FTO) to act as the primary training officer.The reserve officer will be assigned to work with his/her primary training officer during the first sixteen (16) patrol shifts of field training. This time shall be known as the Primary Training Phase (Phase I).

At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Field Training Program Lieutenant and Field Training Program Sergeant. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, they will then proceed to Phase II of the training. If they have not progressed satisfactorily, the Field Training Program Lieutenant and Field Training Program Sergeant will determine the appropriate action to be taken.

### 325.4.2 SECONDARY TRAINING PHASE

The Secondary Training Phase (Phase II) shall consist of sixteen (16) patrol shifts of additional on-duty field training. The reserve officer will no longer be required to ride with their primary training officer. The reserve officer may now ride with any FTO.

During Phase II of training, as with Phase I, the reserve officer's performance will be closely monitored. In addition, rapid progress should continue towards the completion of the task lists in ADORE (FTP tracking software.). At the completion of Phase II of training, the reserve officer will return to their primary training officer for Phase III of the training.

### 325.4.3 THIRD TRAINING PHASE

Phase III of training shall consist of three (3) patrol shifts of additional on-duty training. For this training phase, the reserve officer will return to their original primary training officer. During this phase, the training officer will evaluate the reserve officer for suitability to graduate from the formal training program.

At the completion of Phase III training, the primary training officer will meet with the Field Training Program Lieutenant and Field Training Program Sergeant. Based upon the reserve officer's evaluations, plus input from the primary training officer and Field Training Program Lieutenant and Field Training Program Sergeant, the Patrol Captain shall decide if the reserve officer has satisfactorily completed their formal training. If the reserve officer has progressed satisfactorily, they will then graduate from the formal training process. If their progress is not satisfactory, the Field Training Program Lieutenant and Field Training Program Sergeant will decide upon the appropriate action to be taken.

### 325.4.4 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed all three phases of formal training, they will have had a minimum of 350 hours of on-duty field training. The reserve officer may now be assigned to ride with any officer pursuant to the Supervision of Reserve Officers subsection (§324.5.)

### 325.4.5 FIELD TRAINING MANUAL

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

## 325.5 SUPERVISION OF RESERVE OFFICERS

Reserve officers who have attained the status of Level II shall be under the immediate supervision of a regular sworn officer (Penal Code 832.6) who possesses a POST Basic Certificate.

### 325.5.1 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officersshould attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

### 325.5.2 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

### 325.5.3 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

### 325.5.4 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation will be investigated by an assigned supervisor, as determined by the Internal Affairs Commander.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

### 325.5.5 RESERVE OFFICER EVALUATIONS

While in training, reserve officers will be continuously evaluated using standardized daily observation reports in ADORE. The reserve will be considered a trainee until all of the training phases have been completed.

## 325.6 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

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### 325.6.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty.

### 325.6.2 CONCEALED FIREARMS PROHIBITED

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

### 325.6.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

a. Reserve officers may fire at the department approved range at least once each month and more often with the approval of the Reserve Coordinator
b. Should a reserve officer fail to qualify as required under department policy, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

## 325.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

## 325.8 REVISIONS

Revised July 2022

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# Outside Agency Assistance

## 326.1 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.

### 326.1.1 ASSISTING OUTSIDE AGENCIES

Generally, calls for assistance from other agencies are routed to the Watch Commander's office 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, a case number will be issued to report action taken by Redwood City Police Department Personnel. Probation violators temporarily detained by this department will not ordinarily be booked at this department.

### 326.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES

If assistance is needed from another agency, the employee requesting assistance shall first 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.

The requesting officer should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.

## 326.2 REVISIONS

Reviewed July 2020

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# Registered Offender Information

## 327.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the Redwood City Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

## 327.2 POLICY

It is the policy of the Redwood City Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

## 327.3 REGISTRATION

The Detective Bureau supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

### 327.3.1 CONTENTS OF REGISTRATION

The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph, and any other information required by applicable law (Penal Code § 457.1; Penal Code § 290 et seq.).

## 327.4 MONITORING OF REGISTERED OFFENDERS

The Detective Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

a. Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
b. Review of information on the California DOJ website for sex offenders.

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c. Contact with a registrant’s parole or probation officer.

Any discrepancies should be reported to the California DOJ.

The Detective Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Redwood City Police Department personnel, including timely updates regarding new or relocated registrants.

## 327.5 DISSEMINATION OF PUBLIC INFORMATION

Members will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Members who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Redwood City Police Department's website. Information on sex registrants placed on the Redwood City Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law 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).

### 327.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

a. The offender’s full name
b. The offender’s known aliases
c. The offender’s sex
d. The offender’s race
e. The offender’s physical description
f. The offender’s photograph
g. The offender’s date of birth
h. Crimes resulting in the registration of the offender under Penal Code § 290
i. The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

### 327.5.2 RELEASE NOTIFICATIONS

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*Registered Offender Information*

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).

## 327.6 REVISIONS

Revised December 2023

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# Major Incident Notification

## 328.1 PURPOSE AND SCOPE

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

## 328.2 POLICY

The Redwood City Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

## 328.3 CHAIN NOTIFICATIONS GUIDE

Immediate Chain Notifications will be made by supervisors under the following circumstances. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides or suspicious death cases
- Fatal traffic collisions, or those likely to result in imminent death
- Any industrial accident or other circumstances resulting in significant injury
- Death/life-threatening injury of a child under 10 years of age, regardless of cause
- All missing persons cases involving persons believed to be in immediate danger or at-risk, and all cases where the missing person(s) is a child(ren) under 13 years of age
- Officer-involved shooting - on or off duty (see Officer-Involved Shooting Policy for special notifications)
- Any negligent/accidental discharge of a firearm
- Incidents involving major use of force
- Any incident involving enforcement activities by off-duty personnel
- Allegations of misconduct or criminal conduct by Department personnel
- On-duty traffic collision involving all department employees, involving injuries and/or significant damage
- Vehicle pursuits
- Major criminal cases such as kidnapping, home invasion robbery, ADW & sexual assault
- Active criminal investigation involving another unit, division and/or agency
- All shootings/major assaults/concerted activity that is believed to be gang related
- Threats against police staff or disruptions affecting the police facility or operations

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- Major crowd control incidents/events or civil unrest, including planned or spontaneous events
- Any event receiving media attention, likely to generate media attention, community inquiries, or impact other departments, or where the media is on scene
- Cases where involvement/guidance from, or advisement to the Investigations Division is warranted
- Hate crimes, including prominently displayed hate related graffiti
- Administrative concerns relating to fitness for duty, intoxication, insubordination or safety
- Issues or allegations involving sex offenders, aside from mere registration violations
- Requests to/from other LE agencies for personnel, mutual aid or other significant resources
- Major case involving a school campus or personnel
- Major events at, near, or affecting school campuses, including all instances of school lockdowns
- Any known injury or death to employee - on or off duty
- Death of a prominent Redwood City official
- Joint criminal investigations or requests involving federal/state law enforcement agencies
- Events involving political figures and/or community leaders
- Cases involving political figures, City department heads, prominent citizens, or peace officers
- Aircraft crash
- Social media traffic indicating an imminent impact to police services or community relations
- In-custody deaths

- Any incident not listed above that is of such nature that a command level officer should be consulted to determine the most appropriate course of action

328.3.1 INITIAL NOTIFICATION DATA AND FORMAT

1. Type of Event
2. Event Data: Date/Time/Event Number
3. Victim Data: name, age, race, special circumstances: mental health/relevant criminal history, RWC resident?
4. Injuries involved: as well as treatment received/will receive/hospital admission/treatment rendered by officers
5. Suspect Data: name, age, general criminal history, gang affiliation, weapon used/recovered, RWC resident?
6. Synopsis of Event: arrests made, actions taken, investigative follow up needed
7. Additional Info: Any public advisements already made; any press inquiries received; any additional concerns

## 328.4 WATCH COMMANDER RESPONSIBILITY-NOTIFICATION OF CHAIN

The Watch Commander is responsible for making notifications to upper command staff personnel as deemed appropriate. The Watch Commander shall attempt to make the notifications as soon as possible. Notification should be made by direct contact with his/her immediate chain of command.

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### 328.4.1 CHAIN OF COMMAND NOTIFICATION

In the event a chain notification must be made the Watch Commander will ensure that the on-duty/on call Division Commander. The Division Commander shall determine if further chain of command notification is appropriate. Off-duty department members involved in any of the incidents described in Policy Manual § 329.3 will immediately notify an on-duty supervisor.

### 328.4.2 DETECTIVE NOTIFICATION/CALL OUT

All requests for resources and/or personnel from the Investigations Division shall be directed to the Investigations Division Commander or his/her designee.

### 328.4.3 TRAFFIC UNIT NOTIFICATION/CALL OUT

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

### 328.4.4 PUBLIC INFORMATION OFFICER (PIO) AND SOCIAL MEDIA TEAM

At the discretion of the on-duty Division Commander or under the direction of the Office of the Chief of Police, the Public Information Officer (PIO) will be notified to develop a formal response from the Department on incidents involving public notification for issues regarding safety, public assistance and or public service advisories. The PIO and/or Social Media Team may be utilized to publicize information pertaining to wanted persons, missing persons, or other significant information where the public's assistance is needed.

The Public Information Officer (Investigations Division Commander or his/her designee) will be responsible for issuing press releases and other correspondence with the media at the direction of the Office of the Chief of Police.

The Social Media Team will be responsible for disseminating information under the direction of the Office of the Chief of Police.

## 328.5 REVISIONS

Revised August 2020

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# Death Investigation

## 329.1 PURPOSE AND SCOPE

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

## 329.2 INVESTIGATION CONSIDERATIONS

Emergency medical services shall be called in all suspected death cases unless the death is obvious (e. g., decapitated, decomposed).

A supervisor shall be notified and respond to the scene as soon as possible to assist,provide appropriate personnel,and resources. The on-scene supervisor should determine whether follow-up investigation is required and notify the Investigation Division Commander as necessary. The Watch Commander will make notification to command staff in accordance with the Major Incident Notification Policy.

### 329.2.1 CORONER REQUEST

Government Code § 27491 and Health and 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. This 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. Deaths where the physician is unable to state the cause of death. Unwillingness does not apply. This 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 (including suicide where the deceased has a history of being victimized by domestic violence)
f. Deaths involving any criminal action or suspicion of a criminal act. This includes child and dependent adult negligence and abuse.
g. Deaths related to or following known or suspected self-induced or criminal abortion
h. Deaths associated with a known or alleged rape or crime against nature
i. Deaths following an accident or injury (primary or contributory). This includes deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.
j. Deaths from drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation, or aspiration

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k. Deaths from accidental poisoning (e.g., food, chemical, drug, therapeutic agents)
l. Deaths from occupational diseases or occupational hazards
m. Deaths from 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. Deaths that occur in prison or while under sentence. This 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. This includes patients that are admitted to hospitals unresponsive and expire without regaining consciousness.

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

### 329.2.2 SEARCHING DEAD BODIES

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

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

### 329.2.3 DEATH NOTIFICATION

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

### 329.2.4 UNIDENTIFIED DEAD BODIES

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

### 329.2.5 REPORTING

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

### 329.2.6 SUSPECTED HOMICIDE

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

### 329.2.7 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency who responds to a death, serious illness, or serious injury and determines that it 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)).

### 329.2.8 DEATHS OF VICTIMS WITH AN IDENTIFIABLE HISTORY OF VICTIMIZED DOMESTIC VIOLENCE

Prior to making any findings as to the manner and cause of death of a deceased individual with an identifiable history of being victimized by domestic violence, investigating officers should consider factors identified in Penal Code § 679.07 (e.g., premature or untimely death, partner wanting to end relationship, scene gives appearance of death due to suicide or accident) and proceed with the investigation according to the code's requirements.

## 329.3 REVISIONS

Reviewed July 2020

## 329.4 POLICY

It is the policy of the Redwood City Police Department to respond to, document, and investigate incidents where a person is deceased. Investigations involving the death of a person, including deaths from natural causes, accidents, workplace incidents, suicide, and homicide, shall be initiated, conducted, and properly documented.

## 329.5 UNIDENTIFIED DEAD BODY

If the identity of a dead body cannot be established, the handling officer will request from the Coroner a unique identifying number for the body. The number shall be included in any report.

## 329.6 DEATH NOTIFICATION

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## *Death Investigation*

When reasonably practicable, 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 a deceased person has been identified as a missing person, this department shall attempt to locate family members and inform them of the death and location of the deceased missing person's remains. All efforts to locate and notify family members shall be recorded in appropriate reports.

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# Identity Theft

## 330.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

## 330.2 REPORTING

a. In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft ( Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:
    1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.
b. While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).
c. Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).
d. Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.
e. The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.
f. Identity Theft with no suspect information and a loss under $10,000 may be report by the victim using the Redwood City Police Department On-Line report system.
g. Following supervisory review the initial report, if appropriate should be forwarded to a detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

## 330.3 REVISIONS

Revised July 2020

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# Private Persons Arrests

## 331.1 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.

## 331.2 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.

## 331.3 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.

## 331.4 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.

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1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.

2. Absent reasonable cause to support a private person’s arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

b. Whenever an officer determines that there is reasonable cause to believe that a private person’s arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking

2. Release the individual pursuant to a Notice to Appear

3. Release the individual pursuant to Penal Code § 849

## 331.5 REPORTING REQUIREMENTS

When time and circumstances permit in which a private person is claiming to have made an arrest, the individual is encouraged to complete and sign a department Private Person's Arrest Report form under penalty of perjury.

In addition to the Private Person's Arrest Report 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.

## 331.6 REVISIONS

Reviewed July 2020

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# Limited English Proficiency Services

## 334.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

### 334.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g., speaking or understanding) but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Qualified bilingual member** - A member of the Redwood City Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

## 334.2 POLICY

It is the policy of the Redwood City Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

## 334.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Field Operations Division Commander or the authorized designee.

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The responsibilities of the LEP Coordinator include, but are not limited to:

a. Coordinating and implementing all aspects of the Redwood City Police Department's LEP services to LEP individuals.

b. Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

c. Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:

    1. Languages spoken

    2. Contact information

    3. Availability

d. Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

e. Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

f. Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

g. Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

h. Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

i. Receiving and responding to complaints regarding department LEP services.

j. Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

## 334.4 FOUR-FACTOR ANALYSIS

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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.

## 334.5 TYPES OF LEP ASSISTANCE AVAILABLE

Redwood City Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

## 334.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

## 334.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

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## 334.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

## 334.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

a. The competence and ability to communicate information accurately in both English and in the target language.

b. Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

c. The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

d. Knowledge of the ethical issues involved when acting as a language conduit.

### 334.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

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- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

### 334.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

## 334.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

## 334.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Redwood City Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

### 334.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP

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individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

## 334.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

## 334.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

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- 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.

## 334.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

## 334.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

## 334.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy.

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.

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## 334.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

## 334.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Sergeant shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

### 334.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Sergeant shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

## 334.19 REVISIONS

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# Communications with Persons with Disabilities

## 335.1 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.

### 335.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

## 335.2 POLICY

It is the policy of the Redwood City Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

## 335.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shoulddelegate certain responsibilities to an ADA Coordinator (28 CFR 35.107).

The responsibilities of the ADA Coordinator shall include, but not be limited to:

a. Working with the City ADA coordinator regarding the Redwood City Police Department’s efforts to ensure equal access to services, programs and activities.
b. Developing reports, new procedures, or recommending modifications to this policy.

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c. Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.
d. Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:
    1. Contact information
    2. Availability
e. Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.
f. Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.
g. Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

## 335.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

a. Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

b. The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

c. The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

d. The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

## 335.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

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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 Redwood City Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

## 335.6 TYPES OF ASSISTANCE AVAILABLE

Redwood City Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

## 335.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

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## 335.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

a. Available within a reasonable amount of time but in no event longer than one hour if requested.

b. Experienced in providing interpretation services related to law enforcement matters.

c. Familiar with the use of VRS and/or video remote interpreting services.

d. Certified in either American Sign Language (ASL) or Signed English (SE).

e. Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

f. Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

## 335.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

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.

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## 335.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

## 335.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim /suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

a. There is an emergency or critical situation and there is no qualified interpreter reasonably available.

b. The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

## 335.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual’s express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

## 335.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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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.

### 335.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

a. Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

b. Exchange of written notes or communications.

c. Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

d. Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

e. Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

## 335.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual 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

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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.

## 335.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

## 335.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy.

## 335.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

## 335.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

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a. Awareness and understanding of this policy and related procedures, related forms and available resources.

b. Procedures for accessing qualified interpreters and other available resources.

c. Working with in-person and telephone interpreters and related equipment.

The Training Sergeant shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Sergeant shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

335.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

a. The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

b. ASL syntax and accepted abbreviations.

c. Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

d. Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all the Communications Center members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

## 335.19 REVISIONS

Revised July 2020

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# Mandatory Employer Notification

## 337.1 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.

## 337.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his /her designee is required to report the arrest as follows.

### 337.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

### 337.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

### 337.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

### 337.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

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In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

## 337.3 POLICY

The Redwood City Police Department will meet  the reporting requirements of California law to minimize the risks to children and others.

## 337.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

## 337.5 REVISIONS

Reviewed July 2020

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# Biological Samples

## 338.1 PURPOSE AND SCOPE

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

## 338.2 POLICY

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

## 338.3 PERSONS SUBJECT TO DNA COLLECTION

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

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

## 338.4 PROCEDURE

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

### 338.4.1 COLLECTION

The following steps should be taken to collect a sample:

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

## 338.5 USE OF FORCE TO OBTAIN SAMPLES

If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used

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in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

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

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

### 338.5.1 VIDEO RECORDING

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

### 338.5.2 CELL EXTRACTIONS

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

## 338.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

### 338.6.1 DOCUMENTATION RELATED TO FORCE

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

### 338.6.2 BLOOD SAMPLES

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

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

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

338.6.3 LITIGATION

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

## 338.7 REVISIONS

Reviewed December 2023

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# Chaplains

## 339.1 PURPOSE AND SCOPE

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

## 339.2 POLICY

It is the policy of this department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by volunteer clergy without financial compensation.

339.2.1 CHAPLAINCY PROGRAM OPERATIONAL PROCEDURES

339.2.2 PURPOSE:

To establish guidelines for a two prong Chaplaincy Program, In house Chaplains and Community Chaplains.

In House Chaplains will be available for all Redwood City Police Department employees, on a confidential basis. In House Chaplains are available to help police department employees with personal stress, grief, marriage, relationship, and family type counseling.

Community Chaplains will be available to assist officers in the field to assist the community we serve, in grief / crisis situations.

339.2.3 PROCEDURES:

In House Chaplains: Redwood City Police Department Employees will have confidential 24 hours access to our In House Chaplains.

A Chaplain directory will be house in the Communications Division.

In House Chaplains, upon approval from the Chief of Police, and upon a back ground check, will have 24 hour access to the police station. This will further foster a positive relationship between themselves and police department employees.

Police department employees will be provided 24 hour cellular telephone numbers of our In House Chaplains.

In House Chaplains will also be utilized for debriefs of critical/tragic incidents.

In House and Community Chaplains are both available for callouts to assist officers in the field in dealing with the community in grief / crisis situations (i.e., SIDS, Coroner's cases, fatal accidents, homicides, suicides or serious injury).

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All Chaplains in the police department or in the field assisting an officer will wear their Redwood City Police identification prominently on their left breast for identification purposes.

339.2.4 CALLOUT PROCEDURES:

Upon an officer's confirmation of a death or serious injury in the field, communications will contact the on call chaplain. If no call back within 5 minutes they will call the lead chaplain for the month. When the chaplain calls back, the chaplain will be instructed to respond to the scene. Once the Chaplain arrives on scene the Chaplain will advise communications and await the arrival of the on scene officer for instruction. Communications will advise the officer on scene the Chaplain has arrived and his/her location. Prior to the officer introducing the Chaplain to the grieving citizen the officer will ask the citizen if they would like to speak to a Chaplain who is already on scene. If the citizen declines the service the officer will contact "Thank" and send the Chaplain home.

In House Chaplains will provide field training to Community Chaplains prior to them responding alone in the field. Communications will be provided a list of Chaplains who have completed the field training program. Communications will be provided a list each month of our available chaplains and the lead Chaplain.

## 339.3 GOALS

Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

a. By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.

b. By providing an additional link between the community, other chaplain programs and the Department.

c. By providing counseling, spiritual guidance and insight for department personnel and their families.

d. By being alert to the spiritual and emotional needs of department personnel and their families.

e. By familiarizing themselves with the role of law enforcement in the community.

## 339.4 REQUIREMENTS

Candidates for the Chaplain Program shall meet the following requirements:

a. Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.
b. Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.

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c. Must successfully complete an appropriate level background investigation.

## 339.5 SELECTION PROCESS

Chaplain candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

a. Appropriate written application.

b. Recommendation from their church elders, board, or council.

c. Interview with Chief of Police & Chaplain Supervisor

d. Successfully complete an appropriate level background investigation.

e. Complete an appropriate probationary period as designated by the Chief of Police.

## 339.6 DUTIES AND RESPONSIBILITIES

The duties of a chaplain include, but are not limited to, the following:

a. Assisting in making notification to families of department members who have been seriously injured or killed.

b. After notification, responding to the hospital or home of the department member.

c. Visiting sick or injured law enforcement personnel in the hospital or at home.

d. Attending and participating, when requested, in funerals of active or retired members of the Department.

e. Assisting sworn personnel in the diffusion of a conflict or incident, when requested.

f. Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the Department's mission.

g. Being on-call and if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department personnel.

h. Counseling officers and other personnel with personal problems, when requested.

i. Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

j. Being responsible for the organization and development of spiritual organizations in the Department.

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k. Responding to all major disasters such as earthquakes, bombings and similar critical incidents.

l. Providing liaison with various religious leaders of the community.

m. Assisting public safety personnel and the community in any other function of the clergy profession, as requested.

n. Participating in in-service training classes.

o. Willing to train to enhance effectiveness.

p. Promptly facilitating requests for representatives or ministers of various denominations.

q. Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or follow-up contacts that was provided while functioning as a chaplain for the Redwood City Police Department.

## 339.7 CLERGY-PENITENT CONFIDENTIALITY

No person who provides chaplain services to members of the department may work or volunteer for the Redwood City Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Redwood City Police Department employees concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

## 339.8 COMMAND STRUCTURE

a. Under the general direction of the Chief of Police or his/her designee, chaplains shall report to the Senior Chaplain and/or Watch Commander.

b. The Chief of Police shall make all appointments to the Chaplain Program and will designate a Senior Chaplain/Chaplain Commander.

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c. The Senior Chaplain shall serve as the liaison between the Chaplain Unit and the Chief of Police. He/she will arrange for regular monthly meetings, act as chairman of all chaplain meetings, prepare monthly schedules, maintain records on all activities of the Chaplain Unit, coordinate activities that may concern the members of the Chaplain Unit and arrange for training classes for chaplains.

## 339.9 OPERATIONAL GUIDELINES

a. Chaplains will be scheduled to be on-call for a period of seven days at a time during each month, beginning on Monday and ending on the following Sunday.

b. Generally, each chaplain will serve with Redwood City Police Department personnel a minimum of eight hours per month.

c. At the end of each watch the chaplain will complete a Chaplain Shift Report and submit it to the Chief of Police or his designee.

d. Chaplains shall be permitted to ride with officers during any shift and observe Redwood City Police Department operations, provided the Watch Commander has been notified and approved of the activity.

e. Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.

f. In responding to incidents, a chaplain shall never function as an officer.

g. When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

h. Chaplains shall serve only within the jurisdiction of the Redwood City Police Department unless otherwise authorized by the Chief of Police or his designee.

i. Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.

### 339.9.1 UNIFORMS AND BADGES

A distinct uniform will be provided for the Chaplains.

## 339.10 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training may include stress management, death notifications, post-traumatic stress

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syndrome, burnout for officers and chaplains, legal liability and confidentiality, ethics, responding to crisis situations, the law enforcement family, substance abuse, suicide, officer injury or death, and sensitivity and diversity, as approved by the Administrative Lieutenant.

## 339.11 REVISIONS

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# Public Safety Video Surveillance System

## 340.1 PURPOSE AND SCOPE

The City of Redwood City operates a public safety camera system for the purpose of creating a safer environment for all those who live, work and visit the City. This policy explains the purpose of the cameras and provides guidelines for their operation and for the storage of captured images.

## 340.2 POLICY

Cameras may be placed in strategic locations throughout the City at the direction or with the approval of the Chief of Police. These cameras can be used for detecting and deterring crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

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

## 340.3 OPERATIONAL GUIDELINES

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

### 340.3.1 PLACEMENT AND MONITORING

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

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

a. To prevent, deter, and identify criminal activity.
b. To target identified areas of gang and narcotics complaints or activity.
c. To respond to critical incidents.
d. To assist in identifying, apprehending, and prosecuting offenders.
e. To document officer and offender conduct during interactions to safeguard the rights of the public and officers.

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f. To augment resources in a cost-effective manner.
g. To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images can be transmitted to monitors installed in the the Communications Center or viewed remotely. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. Authorized personnel can adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

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

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

### 340.3.2 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.

### 340.3.3 INTEGRATION WITH OTHER TECHNOLOGY

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

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

## 340.4 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.

### 340.4.1 PROHIBITED ACTIVITY

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

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,

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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.

## 340.5 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. If recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved (Government Code § 34090.6).

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

### 340.5.1 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.

## 340.6 RELEASE OF VIDEO IMAGES

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

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

Requests for recorded images from other law enforcement agencies shall be reviewed and released 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.

## 340.7 TRAINING

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All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

## 340.8 REVISIONS

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# Child and Dependent Adult Safety

## 341.1 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.

## 341.2 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 Redwood City Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected.

## 341.3 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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### 341.3.1 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 Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

### 341.3.2 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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341.3.3 REPORTING

a. For all arrests where children are present or living in the household, the reporting member will document the following information:

    1. Name
    2. Sex
    3. Age
    4. Special needs (e.g., medical, mental health)
    5. How, where and with whom or which agency the child was placed
    6. Notifications made to other adults (e.g., schools, relatives)
    7. Identities and contact information for other potential caregivers

b. For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

    1. Name
    2. Sex
    3. Age
    4. Special needs (e.g., medical, mental health)
    5. Whether he/she reasonably appears able to care for him/herself
    6. Disposition or placement information if he/she is unable to care for him/herself

341.3.4 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.

## 341.4 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).

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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.

## 341.5 TRAINING

The Training Sergeant is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

## 341.6 REVISIONS

Revised December 2023

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# Service Animals

## 342.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act of 1990 (ADA).

342.1.1 DEFINITIONS

Definitions related to this policy include:

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler’s control, the facility can accommodate the horse’s type, size and weight, and the horse’s presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

## 342.2 POLICY

It is the policy of the Redwood City Police Department to provide services and access to persons with service animals in the same manner as those without service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law.

## 342.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.

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- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

## 342.4 REVISIONS

Reviewed July 2020

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# Volunteer Program

## 343.1 PURPOSE AND SCOPE

It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase department responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

### 343.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

## 343.2 VOLUNTEER MANAGEMENT

The Volunteer In Policing Service (VIPS) and Police Cadet personnel will be supervised by the CCAT (Community Coordinating Activities Team) leader.

### 343.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Patrol Division Commander.. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

a. Recruiting, selecting and training qualified volunteers for various positions.
b. Facilitating the implementation of new volunteer activities and assignments.
c. Maintaining records for each volunteer.
d. Tracking and evaluating the contribution of volunteers.
e. Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
f. Maintaining a record of volunteer schedules and work hours.
g. Completion and dissemination as appropriate of all necessary paperwork and information.
h. Planning periodic recognition events.
i. Administering discipline when warranted.

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j. Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

### 343.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

### 343.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

a. Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.

b. Employment

c. References

d. Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

### 343.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the DepartmentDepartment, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

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### 343.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

### 343.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

a. Driver license

b. Medical condition

c. Arrests

d. Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

### 343.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.

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## 343.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

a. Take the time to introduce volunteers to employees on all levels.

b. Ensure volunteers have work space and necessary office supplies.

c. Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

## 343.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or department policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by department policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

## 343.5 PROPERTY AND EQUIPMENT

Volunteers will be issued a uniform that must be worn at all times when on-duty. Exceptions will be granted at the discretion of the Command Level. They will also be issued an identification card that must be carried at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

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343.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

a. A driving safety briefing and department approved driver safety course.

b. Verification that the volunteer possesses a valid California Driver License.

c. Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

343.5.2 RADIO AND MDT USAGE

Volunteers shall successfully complete radio procedures training prior to using the police radio and comply with all related provisions. The Volunteer Coordinator should ensure that radio training is provided for volunteers whenever necessary.

Volunteers, other than sworn reserve officers, shall not be given assess to RIMS, CLETS, or other restricted databases without the express approval of the Field Services Division Commander and then only after completing any required state or departmental CLETS and RIMS training. Sworn Reserve Officers will be given the same level of access as regular officers provided they have completed all of the required training.

## 343.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

343.6.1 EXIT INTERVIEWS

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Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

## 343.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

## 343.8 REVISIONS

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# Off-Duty Law Enforcement Actions

## 344.1 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 Redwood City Police Department with respect to taking law enforcement action while off-duty.

## 344.2 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.

## 344.3 FIREARMS

Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer’s senses or judgment.

## 344.4 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.

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c. The lack of equipment, such as handcuffs, OC or baton.

d. The lack of cover.

e. The potential for increased risk to bystanders if the off-duty officer were to intervene.

f. Unfamiliarity with the surroundings.

g. The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

### 344.4.1 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 an Redwood City Police Department officer until acknowledged. Official identification should also be displayed.

### 344.4.2 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.

### 344.4.3 CIVILIAN RESPONSIBILITIES

Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

### 344.4.4 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.

## 344.5 REPORTING

Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

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## 344.6 REVISIONS

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# Gun Violence Restraining Orders

## 345.1 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).

### 345.1.1 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).

## 345.2 POLICY

It is the policy of the Redwood City Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

## 345.3 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 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).

### 345.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

a. When responding to a residence that 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, possesses, or expresses an intent to acquire 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.

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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 themself or another person by having custody or control of a firearm or expresses intent to obtain a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

## 345.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

a. Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).
b. Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).
c. Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).
d. Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).
e. Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).
f. As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Divisionfor prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

### 345.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS

If a gun violence restraining order is obtained orally, the officer shall (Penal Code § 18140):

a. Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.
b. File a copy of the order with the court as soon as practicable after issuance.
c. Ensure the order is provided to the Records Bureau for entry into the computer database system for protective and restraining orders  maintained by the Department of Justice.

## 345.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the service of the search warrant shall be done in accordance with Penal Code § 1542.5:

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1. 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.
2. 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.
3. 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.

## 345.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

a. Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).
b. Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
c. Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).
d. Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).
e. Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

## 345.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

a. Record the individual's name, address and telephone number.
b. Record the serial number of the firearm.
c. Prepare an incident report and property report.
d. Provide a property receipt to the individual who surrendered the firearms and ammunition.
e. Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

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## 345.8 STORAGE AND 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 stored in accordance with the Property and Evidence Policy.

Firearms and ammunition shall be returned to the restrained person upon the expiration of the order in accordance with Penal Code § 18120 and the Property and Evidence Policy (Penal Code § 18108).

## 345.9 TRAINING

The Training Sergeant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

## 345.10 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

## 345.11 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

a. Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):
    1. A temporary emergency gun violence restraining order.
    2. An ex parte gun violence restraining order.
    3. A gun violence restraining order issued after notice and hearing.
    4. Renewal orders.
b. Developing and maintaining factors to consider when assessing the need to seek an order, including (Penal Code § 18108; Penal Code § 18155):
    1. Whether threats have been made, and if so, whether the threats are credible and specific.
    2. Whether the potential victim is within close proximity.
    3. Whether the person has expressed suicidal tendencies.
    4. Whether the person has access to firearms.
    5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
    6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
    7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
    8. Whether the person has any history of drug or alcohol abuse.

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c. Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:
    1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
    2. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
    3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
    4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
    5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order (Penal Code § 18108).
d. Coordinating with the Training Sergeant 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 and participate in the evidence presentation process (Penal Code § 18108).
h. Coordinating with the Training Sergeant to ensure officers remain current with the following (Penal Code § 18108):
    1. Types of evidence a court considers when determining whether grounds exist for the issuance of a gun violence restraining order as provided in Penal Code § 18155 (Grounds for gun violence restraining order; examination by court).
    2. The different procedures and protections afforded by different types of firearm-prohibiting emergency protective orders that are available to law enforcement petitioners.
i. Establishing standards and procedures for addressing violations of a gun violence restraining order (Penal Code § 18108).
j. Establishing procedures for officers to provide information about mental health referral services during contact with persons exhibiting mental health issues (Penal Code § 18108).

## 345.12 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The Detective Bureau supervisor is responsible for the review of a gun violence restraining order (including temporary or ex parte orders) obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

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## 345.13 REVISIONS

Revised December 2021

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# Native American Graves Protection and Repatriation

## 346.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

### 346.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

**Funerary objects** - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

**Native American human remains** - Any physical part of the body of a Native American individual.

**Objects of cultural patrimony** - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

## 346.2 POLICY

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It is the policy of the Redwood City Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

## 346.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

## 346.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

## 346.5 REVISIONS

Reviewed July 2020

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# ADA Compliance

## 350.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to Redwood City Police Department services, programs, and activities for persons with disabilities, in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities. See the Service Animals Policy for guidance on protecting the rights of individuals who use service animals in accordance with the ADA.

### 350.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

**ADA coordinator** - The member designated by the Chief of Police to coordinate the department's efforts to comply with the ADA (28 CFR 35.107).

**Assistive devices, auxiliary aids, and services** - Tools used by persons with disabilities to facilitate their participation in services, programs, and activities offered by the Redwood City Police Department and to facilitate effective communication. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; a qualified reader; or a qualified interpreter.

**Disability** - A physical or mental impairment that substantially limits a major life activity including hearing, seeing, or speaking, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

**Facility** - All aspects of department buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

**Modification** - Any change, adjustment, alteration, adaptation, or accommodation that renders a department service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to services, programs, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

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**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, transliterators, sign language interpreters, and intermediary interpreters.

## 350.2 POLICY

It is the policy of the Redwood City Police Department that persons with disabilities, including victims, witnesses, suspects, and arrestees, have equal access to services, programs, and activities of the Department.

The Department will not discriminate against or deny any individual access to services, programs, or activities based upon the presence or suspected presence of disabilities.

## 350.3 ADA COORDINATOR RESPONSIBILITIES

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

a. Collaborating with the City ADA coordinator regarding the Redwood City Police Department's efforts to provide equal access to services, programs, and activities.
    1. Maintaining department compliance with accessibility standards for department web content and mobile applications as required by 28 CFR 35 Subpart H (28 CFR 35.200).
b. Collaborating with the City ADA coordinator to facilitate a process of periodic self-evaluation. The process should include:
    1. Inspection of current department facilities to identify access issues.
    2. Review of current department services, activities, and programs for access issues.
    3. Assessment and update, if necessary, of current compliance measures.
    4. Identification of recurring areas of complaint for which new methods of modification should be considered.
    5. Review of the department's emergency programs, services, and activities as they apply to persons with disabilities.
    6. Recommendation of a schedule to implement needed improvements.
c. Acting as a liaison with local disability advocacy groups or other disability-focused groups regarding access to department services, programs, and activities.
d. Developing procedures that will enable members to access assistive devices, auxiliary aids, and services, and making the procedures available as appropriate.
    1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to members.
e. Developing procedures for the review and processing of requests for modifications that will help members provide persons with disabilities access to department services, programs, and activities, as appropriate.

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f. Establishing procedures for the booking process to assist members with managing commonly encountered disabilities such as sight or mobility impairments and intellectual or developmental disabilities.
g. Providing notice to the public regarding the rights and protections afforded by the ADA. This may include posters, published notices, handbooks, manuals, and pamphlets describing department services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications (28 CFR 35.106).
h. Collaborating with other city departments during the planning process to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
i. Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities. The complaint procedures should include an appeal process (28 CFR 35.107).
j. Verifying that third parties providing department services, programs, or activities through contract, outsourcing, licensing, or other arrangement have established reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
k. Recommending amendments to this policy as needed.

## 350.4 REQUESTS

The goal of any modification should be to allow a person with a disability to participate in a service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, members should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Members should not ask about the nature and extent of a person's disability but should limit questions to elicit information necessary to determine the need for a modification and the appropriate type of modification.

If the requested modification or an alternative modification can reasonably be made at the time of the request, the member should make the modification. A member who is unable to accommodate a request or unsure about whether a request should be accommodated should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

### 350.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

a. Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
    1. A substantial alteration of the service, program, or activity.

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2. An undue financial or administrative burden on the Department. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
3. A threat to or the destruction of the historic significance of a historic property.
4. A direct threat to the health or safety of others (28 CFR 35.139).

b. If any of these circumstances are present, the ADA coordinator should work with department members and the person requesting the modification to determine if an alternative modification is available.
c. Where new construction or physical modification of an existing building or facility would be unfeasible or unduly burdensome, the ADA coordinator should work with department members to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
    1. Reassigning services, programs, or activities to accessible buildings or facilities.
    2. Utilizing technology, equipment, rolling stock, or other conveyances.
    3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
    4. Any other means or methods that would make services, programs, or activities readily accessible.
d. If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the service, program, or activity will not be made (28 CFR 35.150).

### 350.4.2 PERSONAL DEVICES AND ASSISTANCE

Although members should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

### 350.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications (28 CFR 35.130(f)).

## 350.5 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Members should remain alert to the possibility of communication problems when engaging with persons with disabilities. When a member knows or suspects an individual requires assistance to effectively communicate, the member should identify the individual's choice of assistive devices, auxiliary aids, and services. The individual's preferred communication method should 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 may be 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.

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In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever modification reasonably appears effective under the circumstances. This may include 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. Once the emergency has ended, the method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

### 350.5.1 TYPES OF ASSISTANCE AVAILABLE

Department members shall not refuse an available type of assistive device, auxiliary aid, or service to a person with a disability who is requesting assistance. The Department will not require persons with disabilities to furnish their own assistive device, auxiliary aid, or service as a condition for receiving access to department services, programs, and activities. The Department will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services (28 CFR 35.160).

The Department will not require that persons with disabilities use department-provided assistive devices, auxiliary aids, and services. Department-provided assistive devices, auxiliary aids, and services may include but are not limited to the means described in this policy.

### 350.5.2 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment. If such a recording is not available, members may read aloud from the appropriate form or provide forms with enlarged print.

### 350.5.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect, or arrestee) with individuals who normally rely on sign language or speechreading (i.e., lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the matter. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a legal proceeding.

Qualified interpreters should be:

a. Available within a reasonable amount of time.
b. Experienced in providing interpretation services related to law enforcement matters in the person's primary language.
c. Familiar with the use of text- and video-based communications products and systems.
d. Certified in either American Sign Language (ASL) or Signing Exact English (SEE).
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.

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Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Persons with disabilities shall not be required to provide an interpreter (28 CFR 35.160).

### 350.5.4 TELECOMMUNICATION SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., during booking or attorney contacts), members must also provide those with communication-related disabilities the opportunity to place calls using an available TTY, TDD, or other voice, text, or video-based communications product or system. Members shall provide additional time, as needed, for effective communication due to the slower nature of assisted communications.

The Department will accept all TDD and computer modem calls placed by individuals with communications-related disabilities and received via a telecommunications relay service (28 CFR 35.162).

### 350.5.5 COMMUNITY VOLUNTEERS

Where qualified interpreters are unavailable to assist members, department-approved community volunteers who have demonstrated competence in communication services, such as ASL or SEE, may be called upon to provide interpreter services when appropriate. However, department members must carefully consider the nature of the interaction and the relationship between the individual with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

### 350.5.6 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 interaction and relationship between the individual with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Except in an emergency involving an imminent threat to the safety or welfare of any person and no qualified interpreter is reasonably available, members shall not use a minor child as an interpreter (28 CFR 35.160).

### 350.5.7 FIELD ENFORCEMENT CONSIDERATIONS

Due to the unpredictable and varied nature of field enforcement, the Department recognizes that it is impracticable to provide immediate access to a comprehensive supply of assistive devices, auxiliary aids, and services to every member of this department. Members involved in interactions with persons with disabilities that occur in the field should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

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### 350.5.8 WITNESS OR VICTIM INTERVIEWS

Members who interview a witness or victim who demonstrates or states they are deaf or have a hearing loss shall make a good faith effort to secure the services of an interpreter without any unnecessary delay, unless the individual affirmatively indicates they do not need or cannot use an interpreter (Evidence Code § 754).

## 350.6 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals with disabilities are protected during a custodial interrogation, this department will provide reasonable modifications before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that the individual understands the process and desires to proceed without receiving a modification. *Miranda* warnings should be provided to a suspect via the individual's preferred method of communication.

Interrogations should be recorded whenever reasonably practicable. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

## 350.7 ARREST

If an individual with a communication-related disability is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter as soon as reasonably practicable, unless the individual indicates a preference for a different assistive device, auxiliary aid, or service, or the officer reasonably determines another effective method of communication exists under the circumstances.

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.

## 350.8 WEBSITE ACCESS

The ADA coordinator should work with the appropriate parties to develop online content that is readily accessible to persons with disabilities. Department web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice and federal regulations (28 CFR 35 Subpart H; 28 CFR 35.200).

Department website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

## 350.9 DOCUMENTATION

Whenever any modification has been provided, the member involved should document:

a. The type of modification, assistive device, auxiliary aid, or service provided.
b. Whether the individual elected to use an assistive device, auxiliary aid, or service provided by the Department or another identified source, as applicable.

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c. Whether the individual's express preference for the modification was not honored and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

All written communications exchanged in a criminal case shall be attached to the member's report or placed into evidence.

## 350.10 COMPLAINTS

A member who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access the department's programs, services, or activities should document the complaint and promptly refer the matter to the ADA coordinator (28 CFR 35.107). The Department shall assist persons with disabilities who require assistance to file a complaint regarding members of this department. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate.

## 350.11 TRAINING

Members should receive periodic training on ADA compliance, to include:

a. Awareness and understanding of this policy, related procedures, forms, and available resources.
b. Procedures for handling requests for modifications.
c. Accessing assistive devices, auxiliary aids, and services needed to accommodate requests for modifications.
d. General requirements of the ADA, including modifying policies and practices, communicating with individuals with disabilities, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the member's job duties.

Management staff, even if they do not interact regularly with individuals with disabilities, should receive training as appropriate to understand and reinforce this policy.

The Training Sergeant should maintain records of all training provided and retain a copy in each member's training file in accordance with the established records retention schedule.

### 350.11.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of department assistive devices, auxiliary aids, and services for communicating with individuals with communication-related disabilities. Such training and information should include:

a. The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.
b. ASL syntax and accepted abbreviations.

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c. Practical instruction on identifying and processing calls using TTY, TDD, or other voice, text, and video-based communications products and systems.
d. Hands-on experience in using TTY, TDD, or other voice, text, and video-based communications products and systems.

Training should be provided for all the Communications Center members who may have contact with individuals from the public who have communication-related disabilities. Refresher training should be provided as appropriate.

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# Chapter 4 - Patrol Operations

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# Patrol Function

## 400.1 PURPOSE AND SCOPE

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

## 400.2 POLICY

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

## 400.3 INFORMATION SHARING

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

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws.

## 400.4 FUNCTION

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

Patrol services include, but are not limited to:

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

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

## 400.5 CROWDS, EVENTS AND GATHERINGS

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

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

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

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

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

## 400.6 REVISIONS

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# Bias-Based Policing

## 401.1 PURPOSE AND SCOPE

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

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

### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing or improper profiling** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases (i. e., conscious and unconscious beliefs or attitudes towards certain groups).

## 401.2 POLICY

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

## 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

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

### 401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT

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

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

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

## 401.4 MEMBER RESPONSIBILITIES

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

### 401.4.1 REASON FOR CONTACT

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

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

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

The Redwood City Police Department will investigate all complaints of alleged bias-based policing against its members. Employees found to be in violation of this policy are subject to discipline in accordance with the department's disciplinary policy.

### 401.4.2 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP

An officer conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the officer reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Officers shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

## 401.5 SUPERVISOR RESPONSIBILITIES

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

1. Supervisors should discuss any issues with the involved officer and their supervisor in a timely manner.
    1. Supervisors should document these discussions in the prescribed manner.

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2. Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, Mobile Data Computer (MDC) data, and any other available resource used to document contact between officers and the public to ensure compliance with the policy.
    1. Supervisors should document these periodic reviews.
    2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.
3. Supervisors shall initiate investigations of any actual or alleged violations of this policy.
4. Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

## 401.6 ADMINISTRATION

Each year, the Field Operations Division Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

## 401.7 TRAINING

Training on fair and objective policing and review of this policy shall be conducted annually and include:

a. Explicit and implicit biases.
b. Avoiding improper profiling.

### 401.7.1 ADDITIONAL STATE REQUIREMENTS

Training should be conducted as directed by the Training Unit.

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

## 401.8 REVISIONS

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# *Bias-Based Policing*

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# Briefing Training

## 402.1 PURPOSE AND SCOPE

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

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

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

## 402.2 PREPARATION OF MATERIALS

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

## 402.3 REVISIONS

Revised July 2020

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# Crime and Disaster Scene Integrity

## 403.1 PURPOSE AND SCOPE

The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

## 403.2 CRIME SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Officers shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, the officer shall continue to do so until he/she is relieved by a supervisor.

### 403.2.1 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the functions which the first responder should reasonably attempt to take at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation, the availability of resources, capacity of personnel and totality of each circumstance:

a. Ensure no suspects are still in the area.
b. Broadcast emergency information, including all requests for additional assistance.
c. Provide first aid to injured parties if it can be done safely.
d. Evacuate the location as required.
e. Secure the inner and outer perimeter if needed.
f. Protect items of apparent evidentiary value.
g. Identify potential witnesses.
h. Start a chronological log noting critical times and personnel allowed access.

## 403.3 SEARCHES AT CRIME OR DISASTER SCENES

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

### 403.3.1 CONSENT

Officers should seek consent to search from authorized individuals where possible. However, in the case of serious crimes or major investigations, it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.

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## 403.4 EXECUTION OF HEALTH ORDERS

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

## 403.5 REVISIONS

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# Crisis Response Unit (SWAT & HNT)

## 404.1 PURPOSE AND SCOPE

The Special Weapons and Tactics Team (SWAT) in conjunction with the Hostage Negotiations Team (HNT), collectively referred to as the Crisis Response Unit (CRU)have been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

### 404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

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

### 404.1.2 SWAT TEAM DEFINED

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

### 404.1.3 CRISIS RESPONSE UNIT (CRU) DEFINED

As referred to herein the Crisis Response Unit will be composed of the Special Weapons and Tactics (SWAT) and Hostage Negotiations Team (HNT) groups.

## 404.2 LEVELS OF CAPABILITY/TRAINING

### 404.2.1 LEVEL I

A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team’s on-duty time should be devoted to training.

### 404.2.2 LEVEL II

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A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

404.2.3 LEVEL III

A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

## 404.3 POLICY

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

a. Command and Control

b. Containment

c. Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

404.3.1 POLICY CONSIDERATIONS

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

404.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

a. Locally identified specific missions the team is capable of performing.

b. Team organization and function.

c. Personnel selection and retention criteria.

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d. Training and required competencies.

e. Procedures for activation and deployment.

f. Command and control issues, including a clearly defined command structure.

g. Multi-agency response.

h. Out-of-jurisdiction response.

i. Specialized functions and supporting resources.

404.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to CRU members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

a. Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).

    1. All SWAT team members should have an understanding of operational planning.

    2. SWAT team training should consider planning for both spontaneous and planned events.

    3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

b. Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.

    1. When possible, briefings should include the specialized units and supporting resources.

c. Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.

d. A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

e. The appropriate role for a trained negotiator.

f. A standard method of determining whether or not a warrant should be regarded as high-risk.

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g. A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

h. Post incident scene management including:

    1. Documentation of the incident.

    2. Transition to investigations and/or other units.

    3. Debriefing after every deployment of the SWAT team.

        a. After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.

        b. Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.

        c. In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.

        d. When appropriate, debriefing should include specialized units and resources.

i. Sound risk management analysis.

j. Standardization of equipment deployed.

## 404.4 TRAINING NEEDS REVIEW

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

### 404.4.1 INITIAL TRAINING

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

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

### 404.4.2 UPDATED TRAINING

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Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

### 404.4.3 SUPERVISION AND MANAGEMENT TRAINING

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

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

### 404.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the CRU Commander. The CRU Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

a. Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.
b. Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. If the team member does not meet the minimum standard during the remediation test the team member will placed on an inactive status on the team and will not be able to participate tactically during any call-outs or operations. The Team member will be afforded another 30 days to meet the standard. Failure to meet the standard during the second remediation may be cause for removal from the team.
c. Those members who are on vacation, ill, or are on light duty status when the physical fitness test is performed will make arrangements with a team supervisor to complete the physical fitness test at a later date.
d. Semi-annually, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the CRU Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.
e. Each SWAT team member shall complete the annual SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Rangemaster who has been approved by the CRU commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify

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must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

404.4.5 TRAINING SAFETY

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

404.4.6 SCENARIO BASED TRAINING

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

404.4.7 TRAINING DOCUMENTATION

Team training shall be documented and records maintained by the Team Commander or his/her designee.

Such documentation shall be maintained in the Department's RIMS system. Individual team member training records shall be maintained by the Training Sergeant.

## 404.5 UNIFORMS, EQUIPMENT, AND FIREARMS

404.5.1 UNIFORMS

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

404.5.2 EQUIPMENT

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

404.5.3 FIREARMS

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

404.5.4 OPERATIONAL READINESS INSPECTIONS

The CRU Commander shall appoint a CRU supervisor to perform operational readiness inspections of all unit equipment on an annual basis. The result of the inspection will be forwarded to the CRU Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the CRU facility and equipment maintained or used in CRU vehicles.

## 404.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT

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The Captain of the SWAT/HNT group shall be selected by the Chief of Police upon recommendation of staff.

### 404.6.1 PRIMARY UNIT MANAGER

Under the direction of the Chief of Police, through the Patrol Division Captain, the Crisis Response Unit shall be managed by a lieutenant.

### 404.6.2 TEAM SUPERVISORS

The Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant.

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

The following represent the supervisor responsibilities for the SWAT/HNT group.

a. The Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the SWAT/HNT Captain.

b. The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the SWAT/HNT Captain.

## 404.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

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

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

### 404.7.1 TRAINING OF NEGOTIATORS

Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) or equivelant prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

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

## 404.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

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

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

### 404.8.1 TEAM EVALUATION

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

## 404.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the SWAT/HNT Unit. Generally, the Special Weapons and Tactics Team and the Hostage Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Hostage Negotiation Team such as warrant service operations. This shall be at the discretion of the SWAT/HNT Captain.

### 404.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the SWAT/HNT Unit is to respond to the scene. Upon final determination by the Watch Supervisor, he/she will notify the SWAT /HNT Captain.

### 404.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the SWAT/HNT Unit:

a. Barricaded suspects who refuse an order to surrender.

b. Incidents where hostages are taken.

c. Cases of suicide threats.

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d. Arrests of dangerous persons.

e. Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

### 404.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Supervisor. Deployment of the Redwood City Police Department SWAT/HNT group in response to requests by other agencies must be authorized by a Division Captain.

### 404.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

a. If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

b. Members of the Redwood City Police Department SWAT team shall operate under the policies, procedures and command of the Redwood City Police Department when working in a multi-agency situation.

### 404.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The On-Scene supervisor shall make a request to the Watch Commander for the Crisis Response Unit. The Watch Commander shall then notify the CRU Commander. If unavailable, a team supervisor shall be notified. The Watch Commander will then notify the Field Operations Division Commander as soon as practical.

The Watch Commander should advise the CRU Commander with as much of the following information which is available at the time:

a. The number of suspects, known weapons and resources.
b. If the suspect is in control of hostages.
c. If the suspect is barricaded.
d. The type of crime involved.
e. If the suspect has threatened or attempted suicide.
f. The location of the command post and a safe approach to it.
g. The extent of any perimeter and the number of officers involved.
h. Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The CRU Commander or supervisor shall then call selected officers to respond.

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### 404.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Crisis Response Unit, field personnel should, if safe, practical and sufficient resources exist:

a. Establish an inner and outer perimeter.

b. Establish a command post outside of the inner perimeter.

c. Establish an arrest/response team. The team actions may include:

    1. Securing any subject or suspect who may surrender.

    2. Taking action to mitigate a deadly threat or behavior.

d. Evacuate any injured persons or citizens in the zone of danger.

e. Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

f. Be prepared to brief the CRU Commander on the situation.

g. Plan for, and stage, anticipated resources.

### 404.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the CRU Commander, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Crisis Response Unit. The Incident Commander and the CRU Commander (or his or her designee) shall maintain communications at all times.

### 404.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-Crisis Response Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.

## 404.10 REVISIONS

Revised August 2020

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# Ride-Along Policy

## 405.1 PURPOSE AND SCOPE

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

### 405.1.1 ELIGIBILITY

The Redwood City Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

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

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

### 405.1.2 AVAILABILITY

The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Division Commander, or Watch Commander.

## 405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the sergeant assigned to approve ride-alongs. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver’s license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form.

The sergeant will schedule a date, based on availability.. If approved, a copy will be forwarded to the respective Watch Commanderand shift supervisor for their review. A sergeant may schedule and approve a ride-along on their own shift..

If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

### 405.2.1 PROGRAM REQUIREMENTS

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

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

Ride-along requirements for police cadets are covered in "Police Cadet Program" policy.

405.2.2 SUITABLE ATTIRE

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

405.2.3 RIDE-ALONG CRIMINAL HISTORY CHECK

All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Redwood City Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

## 405.3 OFFICER'S RESPONSIBILITY

The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times.

## 405.4 CONTROL OF RIDE-ALONG

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

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

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## 405.5 REVISIONS

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# Hazardous Material Response

## 406.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this department.

### 406.1.1 DEFINITIONS

Definitions related to this policy include:

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

## 406.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

a. Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest, or statements from the person transporting).
b. Notify the fire department.
c. Provide first-aid for injured parties if it can be done safely and without contamination.
d. Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
e. Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
f. Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 79355).

## 406.3 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in

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an employee memorandum that shall be forwarded via chain of command to the Watch Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

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

406.3.1 SUPERVISOR RESPONSIBILITY

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

To ensure the safety of members, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the fire department.

## 406.4 REVISIONS

Reviewed December 2023

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# Hostage and Barricade Incidents

## 407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

### 407.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is:

a. Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.
b. Unlawfully held against his/her will under threat or actual use of force.

## 407.2 POLICY

It is the policy of the Redwood City Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

## 407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect’s surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

### 407.3.1 EMERGENCY COMMUNICATIONS

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Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record, or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

a. The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),

b. The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and

c. There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).

d. An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.

e. The contents of any oral communications overheard are recorded on tape or other comparable device.

## 407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

### 407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

a. Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

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b. Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.
c. Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
d. Provide responding emergency personnel with a safe arrival route to the location.
e. Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
f. Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.
g. Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.
h. Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
i. Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).
j. If necessary and available, establish a tactical or exclusive radio frequency for the incident.
k. Establish a command post.

### 407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

a. Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.
b. Assign personnel to a react/contact team to control the subject should he/she start to use deadly force against hostages or attempt to exit the building, structure or vehicle, and attempt to escape or surrender prior to additional resources arriving.
c.
d. Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.
e. Request additional personnel, resources and equipment as needed (e.g., canine team, air support).
f. Provide responding emergency personnel with a safe arrival route to the location.
g. Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.
h. Coordinate pursuit or surveillance vehicles and control of travel routes.
i. Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.
j. Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

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k. Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.
l. Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.
m. If necessary and available, establish a tactical or exclusive radio frequency for the incident.

## 407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Negotiation Unit (CNU) response if appropriate and apprising the CNU Commander of the circumstances. In addition, the following options should be considered:

1. Ensure injured persons are evacuated and treated by medical personnel.
2. Ensure the completion of necessary first responder responsibilities or assignments.
3. Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.
4. Establish a command post location as resources and circumstances permit.
5. Designate assistants who can help with intelligence information and documentation of the incident.
6. Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or the Communications Center.
7. Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.
8. Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.
9. Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).
    a. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure thata court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.
10. Debrief personnel and review documentation as appropriate.

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## 407.6 CNU RESPONSIBILITIES

The Incident Commander will decide, with input from the CNU Commander, whether to deploy the CNU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CNU Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the CNU. The Incident Commander and the CNU Commander or the authorized designee shall maintain communications at all times.

## 407.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

## 407.8 REVISIONS

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# Response to Bomb Calls

## 408.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Redwood City Police Department in their initial response to incidents involving explosives, explosive devices, explosion /bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

## 408.2 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

## 408.3 FOUND EXPLOSIVES/SUSPECT DEVICES

When handling an incident involving a suspected explosive device, the following guidelines should be followed:

a. No known or suspected explosive item should be considered safe regardless of its size or apparent packaging. The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

b. When conditions allow, a minimum perimeter of 300 feet should be established around the device. An access point should be provided for support personnel.

c. As much information as is available should be promptly relayed to the Watch Commander including:

    1. The stated threat.

    2. Exact comments.

    3. Time of discovery.

    4. Exact location of the device.

    5. Full description (e.g., size, shape, markings, construction) of the device.

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d. The device should not be touched or moved except by qualified bomb squad personnel.

e. When conditions allow, all equipment within 300 feet of the suspected device capable of producing radio frequency energy should be turned off. This includes two-way radios, cell phones and other personal communication devices.

f. Consideration should be given to evacuating any buildings near the device.

g. A search of the area should be conducted for secondary devices or other objects that are either hazardous or foreign to the area and a perimeter should be established around any additional suspicious device found.

Explosive or military ordnance of any type should be handled only by the bomb squad or military ordnance disposal team.

## 408.4 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic incidents, a rapid response may help to minimize injury to victims, contamination of the scene by gathering crowds, or additional damage by resulting fires or unstable structures. Whether the explosion was the result of an accident or a criminal act, the responding officers should consider the following actions:

- Assess the scope of the incident, including the number of victims and extent of injuries.
- Assist with first aid.
- Assist with evacuation of victims.
- Identify and take appropriate precautions to mitigate scene hazards such as collapsed structures, bloodborne pathogens, hazardous materials and secondary explosive devices.
- Request additional resources as needed.
- Identify witnesses.
- Preserve evidence.

### 408.4.1 NOTIFICATIONS

When an explosion has occurred, the following people shall be notified as soon as practicable if their assistance is needed:

a. Fire Department

b. Bomb Squad

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c. Additional officers

d. Field supervisor

e. Watch Commander

f. Detectives

g. Forensic Science Services

408.4.2 CROWD CONTROL

Only authorized personnel with a legitimate need shall be permitted access to the scene. Spectators and other unauthorized individuals shall be excluded to a safe distance as is reasonably practicable given the available resources and personnel.

408.4.3 SCENE OF INCIDENT

As in any other crime scene, steps should immediately be taken to preserve the scene. The scene could extend over a long distance. Evidence may be imbedded in nearby structures or hanging in trees and bushes.

## 408.5 BOMB THREATS RECEIVED AT POLICE FACILITY

This procedure shall be followed should a bomb threat call be received at the police facility.

408.5.1 BOMB THREATS RECEIVED BY TELEPHONE

The following questions should be asked if a call of a bomb threat is received at the Police Department:

When is the bomb going to explode?

- Where is the bomb?
- What kind of bomb is it?
- What does it look like?
- Why did you place the bomb?
- Who are you? (to avoid possible termination of the call this should be the last question asked)

Attempt to keep the caller on the line as long as possible and obtain expanded answers to these five basic questions.

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During this time, document the following:

- Time of the call.
- Exact words of the person as accurately as possible.
- Estimated age and gender of the caller.
- Speech patterns and/or accents.
- Background noises.

If the incoming call is received at the police facility on a recorded line, steps shall be taken to ensure that the recording is preserved in accordance with current department evidence procedures.

### 408.5.2 RESPONSIBILITIES

The employee handling the call shall ensure that the Watch Commander is immediately advised and fully informed of the details. The Watch Commander will then direct and assign officers as required for coordinating a general building search or evacuation as he/she deems appropriate.

### 408.5.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

### 408.5.4 COUNTY OR MUNICIPAL FACILITY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Redwood City Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

## 408.6 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Redwood City, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

1. The location of the facility.

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2. The nature of the threat.
3. Whether the type and detonation time of the device is known.
4. Whether the facility is occupied and, if so, the number of occupants currently on-scene.
5. Whether the individual is requesting police assistance at the facility.
6. Whether there are any internal facility procedures regarding bomb threats in place, such as:
    1. No evacuation of personnel and no search for a device.
    2. Search for a device without evacuation of personnel.
    3. Evacuation of personnel without a search for a device.
    4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

408.6.1 ASSISTANCE

The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he /she will determine:

1. The appropriate level of assistance.
2. The plan for assistance.
3. Whether to evacuate and/or search the facility.
4. Whether to involve facility staff in the search or evacuation of the building.
    1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
    2. The safety of all participants is the paramount concern.
5. The need for additional resources, including:
    1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

## 408.7 REVISIONS

Revised July 2020

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# Arson and Suspicious Fire Notifications

## 409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Redwood City Police Department in determining when, how and to whom notification of suspected arsons or suspicious fire incidents should be made, and to establish responsibility for the release of information to the media and/or social media posts regarding arson or suspicious fire incidents.

## 409.2 POLICY

The Redwood City Police Department recognizes that suspected arsons and suspicious fires should be brought to the attention of supervisors and fire department officials to facilitate the coordination of the investigation and to ensure that inquiries from the media and the public are properly addressed.

The Redwood City Fire Department will be responsible for responding to media inquiries and for making public notifications and alerts on fire and arson incidents, as the Fire Department deems appropriate.The Redwood City Police Department will be responsible for addressing media inquiries and making public notifications and alerts on criminal activity involving any cases for which primary investigative responsibility lies with Police Department..Coordination at the Police and Fire Department command levels prior to the release of information will balance public safety concerns with investigative activities.

## 409.3 NOTIFICATIONS GUIDE

If an officer responds to a suspected arson or suspicious fire, the officer will contact the on-duty police supervisor and brief the supervisor on the nature and circumstances surrounding the fire. The on-duty police supervisor will notify the on-duty Fire Battalion Chief, and if needed the Investigations Division Sergeant to request the appropriate resources needed for the arson or suspicious fire investigation.

## 409.4 REVISIONS

Reviewed July 2020

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# Mental Illness Commitments

## 410.1 PURPOSE AND SCOPE

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

## 410.2 POLICY

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

## 410.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

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

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

### 410.3.1 VOLUNTARY EVALUATION

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

a. Arrange for transportation of the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.
b. If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.
c. Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and /or admission.

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## 410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

a. Available information that might assist in determining the cause and nature of the person’s action or stated intentions.

b. Community or neighborhood mediation services.

c. Conflict resolution and de-escalation techniques.

d. Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

### 410.4.1 SECURING OF PROPERTY

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

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

## 410.5 TRANSPORTATION

Under normal circumstances individuals should be transported to the appropriate treatment facility via ambulance. When no ambulance is available and upon approval of a supervisor, officers may transport individuals in a patrol unit to the appropriate treatment facility and shall secure them in in accordance with the Handcuffing and Restraints Policy.

Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

## 410.6 TRANSFER TO APPROPRIATE FACILITY

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Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

## 410.7 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

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

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

### 410.7.1 ADVISEMENT

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

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

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

## 410.8 CRIMINAL OFFENSES

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

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

a. Arrest the individual when there is probable cause to do so.

b. Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

c. Facilitate the individual's transfer to jail.

d. Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

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

## 410.9 FIREARMS AND OTHER WEAPONS

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

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

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

### 410.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The

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report shall be forwarded to the Detective Bureau, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

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

## 410.10 TRAINING

This department will provide in-serviceofficer training on interaction with mentally disabled persons, 5150 commitments and crisis intervention.

## 410.11 REVISIONS

Revised July 2020

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# Cite and Release Policy

## 411.1 PURPOSE AND SCOPE

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

## 411.2 POLICY

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

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

### 411.2.1 DISCRETION TO ARREST

While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the City, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

Officers are authorized to use verbal or written warnings to resolve minor traffic and criminal violations when appropriate.

## 411.3 RELEASE BY CITATION

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

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

### 411.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided

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the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

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

### 411.3.2 RELEASE AFTER BOOKING

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

## 411.4 NON-RELEASE

### 411.4.1 DISQUALIFYING OFFENSES

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

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

### 411.4.2 REASONS FOR NON-RELEASE

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

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

1. The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.

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2. The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety. The Redwood City Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third party payment source (Penal Code § 4011.10).
3. The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.
4. There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).
5. The person could not provide satisfactory evidence of personal identification.
    1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.
6. The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.
7. There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.
8. The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.
9. There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. Reasons may include:
    1. Previous failure to appear is on record
    2. The person lacks ties to the area, such as a residence, job, or family
    3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation
10. A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.
11. There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

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

## 411.5 MISDEMEANOR WARRANTS

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

a. The misdemeanor cited in the warrant involves violence.

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b. The misdemeanor cited in the warrant involves a firearm.
c. The misdemeanor cited in the warrant involves resisting arrest.
d. The misdemeanor cited in the warrant involves giving false information to a peace officer.
e. The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.
f. The person requires medical examination or medical care or was otherwise unable to care for their own safety.
g. The person has other ineligible charges pending against themselves.
h. There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.
i. The person refuses to sign the notice to appear.
j. The person cannot provide satisfactory evidence of personal identification.
k. The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

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

## 411.6 JUVENILE CITATIONS

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

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

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

## 411.7 REQUESTING CASE NUMBERS

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

## 411.8 REVISIONS

Revised December 2023

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# Foreign Diplomatic and Consular Representatives

## 412.1 PURPOSE AND SCOPE

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

### 412.1.1 DEFINITIONS

**Foreign National -** Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

**Immunity -** Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official “missions” (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

## 412.2 ARREST OR DETENTION OF FOREIGN NATIONALS

Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

## 412.3 CLAIMS OF IMMUNITY

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

a. Notify a supervisor.
b. Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person’s status.

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

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

### 412.3.1 DIPLOMATIC AGENTS

Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.

### 412.3.2 CONSULAR OFFICERS

Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

### 412.3.3 HONORARY CONSULS

Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for

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official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

## 412.4 IDENTIFICATION

All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state. Additionally they may have California credentials issued by the California Governor's Office of Emergency Services (Cal OES).

### 412.4.1 VEHICLE REGISTRATION

Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words “diplomat” or “consul.” Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an “honorary consul” label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating “US” as the state, if the officer has reason to question the legitimate possession of the license plate.

## 412.5 ENFORCEMENT PROCEDURES

The following procedures provide a guideline for handling enforcement of foreign nationals:

### 412.5.1 CITABLE OFFENSES

An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

a. Identification documents are to be requested of the claimant

b. The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear

c. The claimant shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established

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d. Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word “Refused” shall be entered in the signature box, and the violator shall be released

e. Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain

f. All other claimants are subject to the provisions of Vehicle Code § 40302(b) and policy and procedures outlined in this chapter

g. The violator shall be provided with the appropriate copy of the notice to appear

### 412.5.2 IN-CUSTODY ARRESTS

Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

a. Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

b. Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

| | |
|---|---|
| Office of Foreign Missions<br><br>San Francisco, CA | Office of the Foreign Missions<br><br>Los Angeles, CA |

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| | |
|---|---|
| (415) 744-2910, Ext. 22 or 23<br>(415) 744-2913 FAX<br>(0800-1700 PST) | (310) 235-6292, Ext. 121 or 122<br>(310) 235-6297 FAX<br>(0800-1700 PST) |
| Office of Foreign Missions<br>Diplomatic Motor Vehicle Office<br>Washington D.C.<br>(202) 895-3521 (Driver License Verification) or<br>(202) 895-3532 (Registration Verification)<br>(202) 895-3533 FAX<br>(0815-1700 EST) | Department of State<br>Diplomatic Security Service<br>Command Center<br>Washington D.C.<br>(202) 647-7277<br>(202) 647-1512<br>(Available 24 hours)<br>(202) 647-0122 FAX |

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Cal OES, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screening (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

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All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

## 412.6 TRAFFIC COLLISIONS

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have “D” coded in the license “class” box of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

### 412.6.1 VEHICLES

Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

### 412.6.2 REPORTS

A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words “Immunity Claim” shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Watch Commander/Supervisor apprised of the incident /accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.

## 412.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY

These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

a. There is a valid warrant issued for the person's arrest

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b. There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance

c. Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the individual that he/she is entitled to have his/her government notified of the arrest or detention. (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

### 412.7.1 ARREST PROCEDURE

Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36, (1969)).

If the individual requests such notification, the officer shall contact the Communications Center as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide the Communications Center with the following information concerning the individual:

- Country of citizenship
- Full name of individual, including paternal and maternal surname, if used
- Date of birth or age
- Current residence

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- Time, date, place, location of incarceration/detention and the 24-hour telephone number of the place of detention if different from the Department itself

If the individual claims citizenship of one of the countries for which notification of the consulate/embassy is mandatory, officers shall provide the Communications Center with the information above as soon as practicable, regardless of whether the individual desires that the embassy/consulate be notified. This procedure is critical because of treaty obligations with the particular countries. The list of countries and jurisdictions that require notification can be found on the U.S. Department of State website.

412.7.2 DOCUMENTATION

Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time the Communications Center was notified of the foreign national's arrest /detention and his/her claimed nationality.

## 412.8 REVISIONS

Revised July 2020

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# San Mateo County Immediate Deployment Protocol

## 413.1 POLICY

Immediate Deployment Protocol governs the Department's response to all active shooter events and rapidly unfolding and tense situations. The Redwood City Police Department will follow the San Mateo County Immediate Deployment Protocol for these types of incidents.

## 413.2 REVISIONS

Reviewed July 2020

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# Reporting Police Activity Outside of Jurisdiction

## 414.1 PURPOSE AND SCOPE

This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Redwood City Police Department.

### 414.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY

When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Watch Commander. If the request is of an emergency nature, the officer shall notify the Communications Center before responding and thereafter notify a supervisor as soon as practical.

### 414.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY

Any on-duty officer, who engages in follow-up law enforcement activities of any type outside the immediate jurisdiction of the greater Redwood City area not associated to an active investigation shall notify his or her supervisor or the Watch Commander at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Watch Commander as soon as practical.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the officer's Division Commander.

## 414.2 REVISIONS

Reviewed July 2020

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# Immigration Violations

## 415.1 PURPOSE AND SCOPE

The immigration status of individuals alone is generally not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Compliance with this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

### 415.1.1 DEFINITIONS

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

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

**Immigration enforcement** - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

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

## 415.2 POLICY

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

The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry.

This department does not actively participate in the enforcement of federal immigration laws.

## 415.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of

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law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

### 415.3.1 BASIS FOR CONTACT

Unless immigration status is relevant to another criminal offense or investigation (e.g., harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented alien shall not be the sole basis for contact, detention, or arrest.

### 415.3.2 SWEEPS

The Redwood City Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented aliens.

When enforcement efforts related to state and local laws and ordinances are increased in a particular area, equal consideration shall be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, shall not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion or socioeconomic status.

### 415.3.3 ICE REQUEST FOR ASSISTANCE

Requests by ICE, or any other federal agency, for assistance from this department should be directed to a supervisor. The Department may provide available support services, such as traffic control or peacekeeping efforts, to ICE or other federal agencies.

### 415.3.4 IDENTIFICATION

Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e. g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

### 415.3.5 ARREST

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If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation (see Vehicle Code § 40302(a) and Penal Code § 836, if pertinent to the circumstances). A field supervisor shall approve all such arrests.

### 415.3.6 BOOKING

If the officer is unable to reasonably establish an arrestee's identity, the individual may be booked into jail for the suspected criminal violation and held for bail.

A person detained exclusively pursuant to the authority of Vehicle Code § 40302(a) for any Vehicle Code infraction or misdemeanor shall not be detained beyond two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction or misdemeanor involved.

## 415.4 IMMIGRATION INQUIRIES PROHIBITED

The Redwood City Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

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

### 415.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U); 8 USC § 1101(a)(15)(T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa /T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status will be forwarded in a timely manner to the Detective Bureau Commander assigned to supervise the handling of any related case. The Detective Bureau Commander is responsible for the following:

a. Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.

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b. Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website.

c. Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration /certification has not already been completed and whether a declaration/certification is warranted.

d. Address the request and complete the declaration/certification, if appropriate, in a timely manner.

e. Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration/certification in the case file.

### 415.4.2 HUMAN TRAFFICKING T-VISA

Officers and their supervisors who are assigned to investigate a case of human trafficking shall complete the above process and documents needed for a T-Visa application within 15 business days of the first encounter with the victim, whether or not it is requested by the victim (Penal Code § 236.5).

### 415.4.3 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual’s record (Government Code § 15160).

### 415.4.4 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

## 415.5 INFORMATION SHARING

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

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

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

### 415.5.1 NOTICE TO INDIVIDUALS

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

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

### 415.5.2 ICE INTERVIEWS

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

If an employee encounters a situation where ICE makes a request for information or a request to interview a subject in our custody, the employee will immediately notify their supervisor and provide them with the details of the request. The supervisor will notify the Office of the Chief of the request without delay. The supervisor will adhere to the guidelines established in Redwood Police Department Policy § 428 and issue the appropriate forms The forms are accessible to all supervisors and are stored on the G: drive in the folder called "ICE forms (7283.1 GC)".

### 415.5.3 TRANSFERS TO IMMIGRATION AUTHORITIES

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

a. Transfer is authorized by a judicial warrant or judicial probable cause determination.
b. The individual has been convicted of an offense as identified in Government Code § 7282.5(a).
c. The individual is a current registrant on the California Sex and Arson Registry.
d. The individual is identified by the U.S. Department of Homeland Security’s Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

### 415.5.4 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

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

## 415.6 TRAINING

The Training Sergeant will ensure that all appropriate members receive immigration training.

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## 415.7 REVISIONS

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# Emergency Utility Service

## 416.1 PURPOSE AND SCOPE

The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

### 416.1.1 BROKEN WATER LINES

The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by the Communications Center.

### 416.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

### 416.1.3 RESERVOIRS, PUMPS, WELLS, ETC.

Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

### 416.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

## 416.2 TRAFFIC SIGNAL MAINTENANCE

The City of Redwood City contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the State of California.

### 416.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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## 416.3 REVISIONS

Reviewed July 2020

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# Patrol Rifles

## 417.1 PURPOSE AND SCOPE

In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Redwood City Police Department will make patrol rifles available to qualified patrol officers as an additional and more immediate tactical resource.

## 417.2 PATROL RIFLE

### 417.2.1 DEFINITION

A Department issued patrol 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 duty handgun. Personally owned rifles may be carried for patrol duty after authorization by the Chief of Police and the Department Rangemaster or designee and will be considered "Patrol Rifles" as it relates to Department policies.

## 417.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, as approved by the Chief of Police, may be used by officers in their law enforcement responsibilities. The authorized patrol rifle for the Department is the AR-15 type, as approved by a Department Rangemaster or designee, with approved optic, 600 lumen or greater light mounted to the rifle and a 2 point sling.

Three magazines and a carrying pouch will be issued to each sworn officer.

## 417.4 RIFLE MAINTENANCE

a. Primary responsibility for maintenance of patrol rifles shall fall on the Range Master or designee, who shall inspect and service each patrol rifle on an annual basis.
b. Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
c. Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
d. Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as "out of service" and details regarding the weapon's condition shall be included on the label. If the patrol rifle is privately owned the officer shall not be allowed to use this weapon on duty until the Range Master or designee inspects and approves the weapon for reentry into service.
e. Each patrol rifle shall be subject to inspection by a supervisor or the Range Master or designee at any time.

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f. No modification shall be made to any patrol rifle without prior written authorization from the Range Master or designee. All personally owned patrol rifles will meet the specifications outlined in 432.3 and are subject to inspection and approval for deployment by the Range Master or designee.

## 417.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of an initial 16-hour patrol rifle user's course and qualification score with a patrol rifle instructor. Officers shall thereafter be required to successfully complete annual training and qualification conducted by a patrol rifle instructor.

Any officer who fails to qualify or who fails to successfully complete two or more department sanctioned training/qualification sessions within a calendar year will no longer be authorized to carry the patrol rifle without successfully retaking a patrol officers user's course and qualification.

## 417.6 DEPLOYMENT OF THE PATROL RIFLE

Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

- Situations where the officer reasonably anticipates an armed encounter.
- When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.
- Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
- When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage.
- When an officer reasonably believes that a suspect may be wearing body armor.
- When authorized or requested by a supervisor.
- When needed to dispatch an animal.

## 417.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 301.

## 417.8 PATROL READY

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Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected by the assigned officer, the fire selector switch is in the safe position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

## 417.9 RIFLE STORAGE

a. When not in use, patrol rifles will be stored in the department armory or for SWAT personnel their SWAT locker or SWAT truck.
b. When not deployed at an incident scene, in-service patrol rifles should be secured in the vehicle in a locked gun rack or locked in the trunk with a security cable.
c. At the end of the assigned officer's shift, the patrol rifle will be returned and secured in the department armory or for SWAT personnel their SWAT locker or SWAT truck.

## 417.10 REVISIONS

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# Aircraft Accidents

## 418.1 PURPOSE AND SCOPE

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

418.1.1 DEFINITIONS

Definitions related to this policy include:

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

## 418.2 POLICY

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

## 418.3 AIRPORT TRAFFIC CONTROL PLAN - SAN FRANCISCO INTERNATIONAL AIRPORT (CODE 2000)

In the event of a major event at the San Francisco International Airport, such as an on-field crash, fire, explosion, hostage incident, threat, or hazardous materials accident on airport property Redwood City Police Department personnel will adhere to the San Mateo County Airport Traffic Control Plan

## 418.4 ARRIVAL AT SCENE

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

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

## 418.5 INJURIES AND CASUALTIES

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

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

## 418.6 NOTIFICATIONS

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

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

a. Fire department
b. Appropriate airport tower
c. Emergency medical services (EMS)

## 418.7 CONTROLLING ACCESS AND SCENE AUTHORITY

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

a. FAA.
b. Fire department, EMS or other assisting law enforcement agencies.
c. Coroner.
d. Air Carrier/Operators investigative teams with NTSB approval.
e. Appropriate branch of the military, when applicable.
f. Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

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

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

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

## 418.8 DANGEROUS MATERIALS

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

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

## 418.9 DOCUMENTATION

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

### 418.9.1 WRECKAGE

When reasonably safe, members should:

1. Obtain the aircraft registration number (N number) and note the type of aircraft.
2. Attempt to ascertain the number of casualties.
3. Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
    1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
4. Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
5. Acquire copies of any recordings from security cameras that may have captured the incident.

### 418.9.2 WITNESSES

Members tasked with contacting witnesses should obtain:

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

## 418.10 MEDIA RELATIONS

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

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

## 418.11 REVISIONS

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# Field Training Officer Program

## 419.1 PURPOSE AND SCOPE

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

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

## 419.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

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

### 419.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

a. Desire to be an FTO
b. Minimum of three years experience as a full time sworn police officer, and the most recent two years as a Redwood City Police Officer
c. Demonstrated ability as a positive role model
d. Participate and pass an internal oral interview selection process
e. Evaluation by supervisors

### 419.2.2 TRAINING

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

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

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

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## 419.3 FIELD TRAINING PROGRAM SUPERVISOR

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

The responsibilities of the Field Training Program supervisor include the following:

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

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

## 419.4 TRAINEE DEFINED

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

## 419.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete the Field Training Program, consisting of a minimum of 10 weeks (11 CCR 1004; 11 CCR 1005). The Field Training Program for entry level police officers at the Redwood City Police Department will be a minimum of 16 weeks.

The training period for a lateral officer may be modified depending on the trainee’s demonstrated performance and level of experience. A lateral police officer at the Redwood City Police Department will complete a minimum of 8 weeks in the Field Training Program.

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

### 419.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of their Orientation Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Redwood City Police Department. The officer shall become knowledgeable of the subject matter as

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outlined. They shall also become proficient with those skills as set forth in the manual. Additional subject matter and/or skills are also listed in the weekly Task List pages of the the ADORE Dailey Performance Evaluation program.

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

## 419.6 EVALUATIONS

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

### 419.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

a. Complete and submit a digital evaluation on the performance of their assigned trainee to their immediate supervisor via the immediate ADORE Daily Performance Evaluation program on a daily basis.
b. Review the Daily Trainee Performance Evaluations with the trainee each day.
c. Complete a detailed end-of-phase performance evaluation on their assigned trainee at the end of each phase of training.
d. Sign off all completed topics contained in the weekly Task Lists. The FTO shall note whether a specific task was reviewed, Trained, Performed, Verbally demonstrated or any combination of the four.

### 419.6.2 IMMEDIATE SUPERVISOR

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

### 419.6.3 TRAINEE

The trainee will be responsible for reviewing and acknowledging the documentation of their daily performance in the ADORE Dailey Performance Evaluation program and electronically signing the evaluation.. Refusal to sign the evaluation will be documented by the FTO and immediately brought to the attention of the Field Training Program Supervisor.

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

## 419.7 DOCUMENTATION

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

1. Daily Trainee Performance Evaluations
2. End-of-phase evaluations

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3. A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training.

The above listed training files will be stored both remotely and as part of the ADORE Daily Performance Evaluation program and a back-up file will be generated and locally maintained by the Field Training Program Supervisor at the completion of the program.

## 419.8 REVISIONS

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# Obtaining Air Support

## 420.1 PURPOSE AND SCOPE

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

## 420.2 REQUEST FOR AIRCRAFT ASSISTANCE

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

### 420.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for an aircraft, the Field Supervisor, or his/her designee, will call the closest agency having air support available. The Field Supervisor on duty will apprise that agency of the specific details of the incident prompting the request. Additional air support can also be requested through the San Mateo County OES Law Liaison via County communications.

### 420.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

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

a. When the aircraft is activated under existing mutual aid agreements
b. Whenever the safety of law enforcement personnel is in jeopardy and the presence of the aircraft may reduce such hazard
c. When the use of the aircraft will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
d. When an aircraft is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
e. Vehicle pursuits

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

## 420.3 REVISIONS

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# Field Interview and Photographing of Field Detainees

## 421.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

### 421.1.1 DEFINITIONS

Definitions related to this policy include:

**Consensual encounter** - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field interview** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable suspicion** - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

## 421.2 POLICY

The Redwood City Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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## 421.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Redwood City Police Department to strengthen community involvement, community awareness, and problem identification.

### 421.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

a. Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act
b. Actions suggesting that he/she is engaged in a criminal activity
c. Presence in an area at an inappropriate hour of the day or night
d. Presence in a particular area is suspicious
e. Carrying of suspicious objects or items
f. Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon
g. Location in proximate time and place to an alleged crime
h. Physical description or clothing worn that matches a suspect in a recent crime
i. Prior criminal record or involvement in criminal activity as known by the officer

## 421.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

a. The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
b. Where more than one suspect must be handled by a single officer.
c. The hour of the day and the location or neighborhood where the stop takes place.
d. Prior knowledge of the suspect's use of force and/or propensity to carry weapons.
e. The actions and demeanor of the suspect.
f. Visual indications which suggest that the suspect is carrying a firearm or other weapon.

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Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officershould be positioned to ensure safety and should not be involved in the search.

## 421.5 FIELD PHOTOGRAPHS

Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

### 421.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

### 421.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

### 421.5.3 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

## 421.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

a. Identifying all persons present at the scene and in the immediate area.
    1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
    2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest.

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Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

b. Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Redwood City Police Department members.
    1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

## 421.7 DISPOSITION OF PHOTOGRAPHS

All detainee photographs should be uploaded into the detainee's RIMS Person Record. All detainee photographs in this system should be associated with a RIMS FI entry or have a notation in the RIMS incident with the detaineeexplaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

When a photograph is taken in association with a particular case, the detective may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained in evidence as a part of the RIMS case file. All other photographs will be kept in RIMS as attachments to the detainees Person Record.

## 421.8 REVISIONS

Revised July 2020

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# Criminal Organizations

## 422.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Redwood City Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

### 422.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

## 422.2 POLICY

The Redwood City Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

## 422.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

a. Members using any such system are appropriately selected and trained.

b. Use of every criminal intelligence system is appropriately reviewed and audited.

c. Any system security issues are reasonably addressed.

### 422.3.1 SYSTEM ENTRIES

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It is the designated supervisor's responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Bureau. Any supporting documentation for an entry shall be retained by the Records Bureau in accordance with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Bureau are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

### 422.3.2 GANG DATABASES

The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Department, the basis for that designation, and the name of the agency that made the designation. The Department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

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The gang unit supervisor should forward reports or FIs to the Records Bureau after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Bureau supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

## 422.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

### 422.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

a. Must only be included upon documented authorization of the responsible department supervisor.
b. Should not be originals that would ordinarily be retained by the Records Bureau or Property and Evidence Unit, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the Communications Center records or booking forms.
c. Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.
d. May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

### 422.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

## 422.5 INFORMATION RECOGNITION

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Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

a. Gang indicia associated with a person or residence.
b. Information related to a drug-trafficking operation.
c. Vandalism indicating an animus for a particular group.
d. Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Street Crime Suppression Team supervisor to train members to identify information that may be particularly relevant for inclusion.

## 422.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

## 422.7 CRIMINAL STREET GANGS

The Street Crime Suppression Team Supervisor should ensure that there are an appropriate number of department members who can:

a. Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:
    1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
    2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
    3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).
b. Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.
c. Train other members to identify gang indicia and investigate criminal street gang-related crimes.

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## 422.8 TRAINING

The Street Crime Suppression Team supervisor should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

a. The protection of civil liberties.
b. Participation in a multiagency criminal intelligence system.
c. Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.
d. The type of information appropriate for entry into a criminal intelligence system or temporary information file.
e. The review and purging of temporary information files.

### 422.8.1 SHARED GANG DATABASE TRAINING

The Street Crime Supression Team supervisor should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

## 422.9 REVISIONS

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# Field Supervisor

## 423.1 PURPOSE AND SCOPE

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

## 423.2 DESIGNATION AS ACTING FIELD SUPERVISOR

When a sergeant is unavailable for duty as Field Supervisor, the Watch Commander will determine the appropriate replacement.

## 423.3 REVISIONS

Reviewed July 2020

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# Mobile Data Computer Use

## 424.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Data Computer (MDC) system in order to ensure appropriate access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

## 424.2 MDC USE

The MDC shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

All calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Watch Commander.

### 424.2.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

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

### 424.2.2 DOCUMENTATION OF ACTIVITY

MDC's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

a. All contacts or activity shall be documented at the time of the contact;
b. Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher;
c. Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDC.

### 424.2.3 STATUS CHANGES

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

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDC's.

### 424.2.4 EMERGENCY ACTIVATION OF MDC

If the emergency button is depressed on the MDC, the dispatcher will call the unit and ask if Code- 4. If there is no emergency, then he/she should answer "Code-4" and all units will resume their normal activity. If there is no response or the officer answers in some other way, the dispatcher shall proceed as follows:

a. If the unit is not on a call, the dispatcher will activate the "Follow Unit" function of the mapping application and send available units to assist in locating the unit transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available unit Code-3.
b. Notify the Field Supervisor and Watch Commander of the incident without delay.

Units not responding to the emergency shall refrain from transmitting on the radio until there is a Code-4, unless they are themselves handling an emergency.

## 424.3 MDC CONSIDERATIONS

### 424.3.1 NON-FUNCTIONING MDT

Whenever possible, officers will not use units with malfunctioning MDC's. Whenever officers must drive a unit in which the MDC is not working, they shall notify the Communications Center. It shall be responsibility of the Communications Center to record all information that will then be transmitted verbally over the police radio.

## 424.4 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system.

## 424.5 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

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

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

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

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

## 424.6 REQUIRED LOGON INFORMAION

In an effort to accommodate additional methods to communicate with personnel in the event radio and/or MDC contact is interrupted or ineffective, as well as provide a comprehensive list of available individual skills and equipment, uniformed and investigative personnel are required to include their cellular telephone number and specialty description(s) during the RIMS logon process.  If a member is unclear how to enter the required information, he/she is directed to refer to Memorandum M2015-026 for detailed instructions.

## 424.7 REVISIONS

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# Portable Audio/Video Recorders

## 425.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Redwood City Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

## 425.2 POLICY

The Redwood City Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

## 425.3 MEMBER PRIVACY EXPECTATION

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity for this department, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

## 425.4 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/ she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or malfunctions at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable.

Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

## 425.5 ACTIVATION OF THE PORTABLE RECORDER

This policy is not intended to describe every possible situation in which the portable recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

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The portable recorder should be activated in any of the following situations:

a. All enforcement and investigative contacts including stops and field interview (FI) situations
b. Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
c. Self-initiated activity in which a member would normally notify Dispatch
d. Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

### 425.5.1 SURREPTITIOUS USE OF THE PORTABLE RECORDER

Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation (Penal Code § 633).

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

### 425.5.2 CESSATION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member’s direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person’s attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

## 425.6 PROHIBITED USE OF PORTABLE RECORDERS

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while

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acting in their official capacity. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

When members find it necessary to use personally owned audio recording devices while on-duty, they shall comply with the provisions of this policy, including retention and release requirements. At the conclusion of their shift, members will download all evidentiary images/recordings and book them into evidence in DVD/CD form or upload them directly into RIMS. Once this process is completed, members should remove images/recordings from their personal devices.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

No member shall utilize a personally owned body worn camera or any other personally owned video recording device without the express permission of the Chief of Police.

## 425.7 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

a. The recording contains evidence relevant to potential criminal, civil or administrative matters.
b. A complainant, victim or witness has requested non-disclosure.
c. A complainant, victim or witness has not requested non-disclosure but the disclosure of the recording may endanger the person.
d. Disclosure may be an unreasonable violation of someone’s privacy.
e. Medical or mental health information is contained.
f. Disclosure may compromise an undercover officer or confidential informant.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e. g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

### 425.7.1 RETENTION REQUIREMENTS

All recordings shall be retained for a period consistent with the requirements of the organization's records retention schedule pertinent to the type of investigation being conducted.

## 425.8 RELEASE OF RECORDINGS

Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate department business purposes.

## 425.9 REVIEW OF RECORDED MEDIA FILES

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When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

a. Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

b. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

c. By media personnel with permission of the Chief of Police or the authorized designee.

d. In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.

   All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person’s privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

## 425.10 REVISIONS

Revised December 2023

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# Medical Marijuana

## 426.1 PURPOSE AND SCOPE

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

### 426.1.1 DEFINITIONS

Definitions related to this policy include:

**Cardholder** - A person issued a current identification card.

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

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

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

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

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

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

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

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## 426.2 POLICY

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

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

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

## 426.3 INVESTIGATION

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

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

### 426.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

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

### 426.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

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

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

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

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

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

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

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

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

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

### 426.3.4 ADDITIONAL CONSIDERATIONS

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

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

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

### 426.3.5 EXCEPTIONS

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

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

b. Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

c. Smoking marijuana (Health and Safety Code § 11362.79):

    1. In any place where smoking is prohibited by law.

    2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.

    3. On a school bus.

    4. While in a motor vehicle that is being operated.

    5. While operating a boat.

d. Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

### 426.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

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

## 426.4 FEDERAL LAW ENFORCEMENT

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

## 426.5 PROPERTY AND EVIDENCE UNIT SUPERVISOR RESPONSIBILITIES

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

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

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

## 426.6 REVISIONS

Revised July 2020

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# Automated License Plate Readers (ALPRs)

## 427.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

## 427.2 DEFINITIONS

"Automated license plate recognition operator" or "ALPR operator," means a person that operates an ALPR system. For RCPD purposes, this refers to personnel operating a vehicle or other item of equipment with ALPR cameras collecting license plate data.

"Automated license plate recognition end-user" or "ALPR end-user" means a person that accesses or uses an ALPR system. For RCPD purposes, this refers to personnel accessing data on a retroactive basis that is collected and stored in a centralized database(s).

"Automated License Plate Reader Program Administrator" or "ALPR Administrator" refers to the Investigations Division Lieutenant who shall be responsible for developing guidelines and procedures to comply with the requirements of California Civil Code § 1798.90.5 et seq.

## 427.3 ADMINISTRATION OF ALPR DATA

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Redwood City Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, human trafficking activities, electronic
surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the ALPR Administrator. The ALPR Administrator will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

### 427.3.1 ALPR ADMINISTRATOR

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The ALPR Administrator shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

a. A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.
b. Training requirements for authorized users.
c. A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.
d. Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.
e. Working with the Custodian of Records on the retention and destruction of ALPR data.
f. Ensuring this policy and related procedures are conspicuously posted on the department's website.

## 427.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (California Civil Code § 1798.90.51 - 1798.90.53):

a. An ALPR shall only be used for official law enforcement business by any Department member(s) whose job duties necessitate the use of an ALPR and that have completed Department approved training.
b. An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.
c. While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt
to identify suspect vehicles.
d. No member of this department shall operate ALPR equipment or access ALPR data without first completing Department approved training. (RCPD Policy § 427.8). A list of authorized users is maintained by the Training Sergeant.
e. No ALPR operator may access department, state or federal data unless otherwise
authorized to do so.
f. Officers will verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.
g. Use of an ALPR will be limited to department members with the following job titles: Police Officer, Detective, Police Sergeant, Police Lieutenant, Police Captain, Police Chief, Community Service Officer, Parking Enforcement Officer,
Communications Dispatcher, Communications Supervisor, Police Clerk, Records Supervisor, Court Liaison Clerk, Police Evidence & Property Clerk, Police Property & Evidence Room Coordinator,

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and Information Technology Senior Analyst. Information Technology staff may use an ALPR only for the purpose of repairing and/or ensuring proper functionality.

h. The employee using our ALPR system must recognize that the data collected from the ALPR device, and the content of referenced hotlists, consists of data that may or may not be accurate, despite ongoing efforts to maximize the currency and accuracy of such data. To the greatest extent possible, vehicle and subject information will be verified
using separate law enforcement information sources to confirm the vehicle or subject's identity and justification for contact. Users of ALPR data must, to the fullest extent possible, visually confirm the actual plate characters generated by the ALPR readers correspond with the digital image of the license plate in question.
i. Members shall not access an ALPR system that retains ALPR information that does not match information on a hot list for more than 60 days after the date of collection unless the ALPR system is operated by an airport authority.

## 427.5 ALPR DATA COLLECTION AND RETENTION

The ALPR Administrator is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles and fixedALPR cameras to the designated storage in accordance with department procedures.

ALPR information that is not on a hot list shall be purged no more than 30 days from the date of collection. ALPR information being used as criminal evidence will be retained until the criminal matter is resolved and /or in accordance with other criminal evidentiary retention schedules.

## 427.6 ACCOUNTABILITY AND SAFEGUARDS

All data will be closely safeguarded and protected by both procedural and technological means. The Redwood City Police Department will observe the following safeguards regarding access to and use of stored data (California Civil Code § 1798.90.51 - 1798.90.53):

a. All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time, and license plate number or other data elements used to query the ALPR system, as well as the purpose for accessing
the information. (Civil Code § 1798.90.52).
b. Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relates to a specific criminal investigation or department-related civil or administrative action.
c. When accessing the ALPR data, members must enter Agencan associated case or incident number and provide a short description of the reason for the search. Authorized users must enter a detailed reason for the access absent an associated case or incident number.

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d. ALPR system audits shall be conducted by the ALPR Administrator on an annual basis. The audit will review and assess ALPR end-user searches during the previous year to determine if all searches were in compliance with this policy. The audit shall also assess whether all ALPR information that does not match information on a hot list
has been purged no more than 30 days from the date of collection.
e. Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action and discipline, up to and including termination.

All data and images gathered by ALPRs are for official use of RCPD. Because such data may contain confidential information, it is not open to public view.

## 427.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by California state law, using the following procedures:

a. Agency members accessing ALPR data are subject to a pre-approval process by RCPD and the database management administration, confirming their authority to access the system for official law enforcement purposes.
b. The agency makes a written request for the ALPR data that includes:
    1. The name of the agency.
    2. The name of the person requesting.
    3. The intended purpose of obtaining the information.
c. The approved request is retained on file.
d. RCPD shall maintain a record of the access, which will include the date and time the information is accessed, the license plate number or other data elements used to query the ALPR system, the username of the person who accesses the information, and, as applicable, the organization or entity with whom the person is affiliated.

ALPR information shall not be sold, shared, or transferred to out-of-state or federal agencies without a court order or warrant issued by a California court.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the standard Records Release policies.

## 427.8 TRAINING

The Training Sergeant shall ensure that members receive department-approved training for those authorized to use or access the ALPR system (California Civil Code § 1798.90.51 - 1798.90.53).

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Only Department personnel trained in the use of ALPR technology, including its privacy and civil liberties protections, shall be allowed access to ALPR data. Training shall consist of:

a. Legal authorities, developments, and issues involving the use of ALPR data and technology;
b. Current Department policy regarding appropriate use of ALPR technology;
c. The evolution of ALPR technology including any new capabilities and associated risks; and
d. Technical, physical, administrative, and procedural measures to protect the security of ALPR data against unauthorized access or use;

## 427.9 ANNUAL ALPR REPORTING

The Department will prepare an annual ALPR Report and make it publicly available on Department's internet website for as long as the ALPR system is available for use. The department will also have available to the public, a "Transparency Portal" online, which will include the RCPD's ALPR policy, prohibited uses, the number of vehicles detected and number of hotlist hits in the last 30 days. The annual ALPR Report will include the following information:

a. A summary of how the ALPR system was used and the purpose of its use.
b. Report of the network audit, including the number of officers and the number of times the ALPR system was used.
c. The results of any internal audits, any information about violations of the ALPR use policy, and any actions taken in response.
d. A summary of any complaints or concerns received regarding the use of the ALPR system.

## 427.10 REVISIONS

Revised November 2023

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# Homeless Persons

## 428.1 PURPOSE AND SCOPE

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

### 428.1.1 POLICY

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

## 428.2 HOMELESS COMMUNITY LIAISON

The Chief of Police has designated a CCAT Officer to act as the Homeless Outreach Team Officer. The responsibilities of the Homeless Outreach Team Officer include the following:

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

## 428.3 FIELD CONTACTS

Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking

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reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

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

### 428.3.1 OTHER CONSIDERATIONS

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

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

## 428.4 PERSONAL PROPERTY

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

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor’s responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department

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Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

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

## 428.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

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

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

## 428.6 ECOLOGICAL ISSUES

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

## 428.7 REVISIONS

Reviewed July 2020

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# Mental Health and Crisis Intervention Incidents

## 429.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing either 1) mental health medical emergency/episode or 2) an emotional crisis triggering an inability to cope or make rational decisions. Situations of this nature require officers to distinguish between the need for medical attention or assistance vs. addressing a law violation. The better an officer's ability to quickly identify the outward indicators of a mental health crisis and appropriately transition their approach, tactics, and methods /modes of communication to address the medical condition or emergency, the greater the possibility the officer will enhance scene safety and achieve a peaceful resolution.

Guidelines provided in this policy take into consideration the rapidly evolving and uncertain nature of contacts with individuals suffering a mental health emergency or emotional crisis. Aspects of the policy provide direction and clarification on techniques and tactics designed to enhance the opportunity for a successful resolution that provides the appropriate medical intervention.

## 429.2 POLICY

In law enforcement, minimizing danger and reducing tension in potentially volatile situations is a daily responsibility. The Redwood City Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in a mental health crisis may benefit from medical or mental health assistance that requires police intervention to prevent injury or self-harm, and maintain the safety of other involved parties. As a means to accomplishing this commitment, the Department will continue to enroll department members in the POST 40-hour CIT (critical incident training) course and integrate relevant components of this policy throughout bimonthly refresher training where course curriculum correlates to situations involving a person in a mental health crisis. The intent is to ensure equitable and safe treatment of all involved. Officers will implement the CIT techniques and strategies they have learned when contacting, and interacting with persons in crisis. The goal of this policy is to guide officers to safely resolve person in crisis incidents without the use of force, whenever feasible, through the use of proven de-escalation techniques and strategies and to refer a person in crisis to the appropriate medical or mental health evaluation resource, as dictated by the circumstances at hand.

## 429.3 TERMS AND DEFINITIONS

Terms and definitions related to this policy include:

**Person in crisis** -A person who is experiencing a level of distress or mental health symptoms having exceeded the person's internal ability to manage their behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately, adverse effects of substance abuse or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may result in them being a danger to

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themselves or others. California Welfare & Institutions Code § 5150 provides appropriate guidelines and considerations to be used by officers when determining the final treatment resolution for the involved person in crisis.

**De-escalation** – The process of using strategies and techniques intended to decrease the intensity of the situation. An officers' ability to de-escalate conflict throughout an incident is vital to both increasing officer safety and the safety of the involved person(s). Whenever feasible, *i.e.*, reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person, officers should use de-escalation tactics in order to reduce the need for force in an effort to gain voluntary compliance or reach a peaceful resolution. The process of de-escalation is not only a desired practice when dealing with persons in crisis, it equally applies to all day-to-day policing and citizen-police interactions.

Examples of de-escalation strategies and techniques:

- Pre-planning with input on historical contacts, known or advised safety precautions
- Presence and where appropriate empathetic posturing
- Verbal volume or non-verbal communication, including silence and delayed response
- Verbal communication including building rapport, expressing empathy, expressing sympathy, and relating to the subject's situation
- Posturing
- Identify resources available for help, assistance, and/or treatment in lieu of threats of penalties, or criminal prosecution Disengagement or physical distancing
- Use of time to incorporate additional resources and/or supervisor input
- Apologizing
- Intervention
- Physical contact
- Use of force. (for guidelines on Use of Force see Policy Manual Section 300)

Anticipated outcomes for employing the technique of de-escalation:

- Increased officer, bystander, and participant safety
- Reduced conflict
- Enhanced community perception
- Gain voluntary compliance
- Improve trust and build community relationships
- Increase likelihood of mental health treatment or care

Cautions and considerations when considering using the technique of de-escalation:

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- Properly intended de-escalation efforts should never create additional safety issues
- The tactic of employing a de-escalation technique may not be appropriate in all situations, especially those that require immediate and decisive action to prevent serious injury to the person in crisis or protect the life of the officer or others involved
- Successful de-escalation requires two things: 1) the officer's ability or opportunity (dictated by the circumstances of the situation) to offer or initiate a de-escalation strategy, and 2) the ability or willingness of the person in crisis to participate (*Lack of participation in de-escalation by a person in crisis should not, by itself, prevent an officer from nonetheless attempting de-escalation when safely possible, given the circumstances of the situation)*
- Peace officer rank, position, or assignment should not limit any officer's ability or willingness to employ or allow de-escalation strategies, where appropriate.

**Crisis Intervention Training** – A 40 Hour California Peace Officer Standards & Training (POST) certified course of instruction which includes, but is not limited to, crisis de-escalation strategies and techniques, recognition of signs and symptoms of mental illnesses and substance abuse, and recognizing persons in behavioral crisis that may include attacks on those attempting to render assistance (family members, medical practitioners, police officers), self-inflicted injury or suicide, including the phenomenon referred to as 'suicide by cop'. All sworn personnel and those non-sworn members of the department who, by virtue of their assignment, will engage in providing services to a person suffering a mental health emergency /episode or an emotional crisis, will be enrolled in the course. Upon successful completion of the course, the member receives the designation as a POST certified CIT officer or CIT trained member. The Department is committed to having 100% of sworn personnel and dispatchers CIT certified.

**Crisis Intervention Training Coordinator** – A supervising member of the department responsible for coordinating member attendance in the POST CIT training course; typically, the Department Training Sergeant. The Training Sergeant is also responsible for integrating refresher training into the department's in-service training curriculum and reviewing a random number of field incidents involving people in crisis for continued compliance with the implementation and incorporation of the techniques and strategies provided in Critical Incident Training. The results of the review will be used to inform and improve the department's in-service training curriculum.

## 429.4 SIGNS / SYMPTOMS

Members should be alert to any of the following possible signs or symptoms of mental health issues that may signal that a person has the potential to rapidly move into a mental health crisis or is already in crises mode:

1. a. A known history of mental illness
   b. Threats of or attempted suicide or other forms of self-injury
   c. Loss of memory
   d. Incoherence, disorientation or slow response

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e. Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas
f. Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt
g. Social withdrawal
h. Manic or impulsive behavior, extreme agitation, uncontrollable rage, lack of control
i. Lack of fear
j. Anxiety, aggression, rigidity, inflexibility or paranoia

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

## 429.5 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The department's Community Coordination Activities Team (CCAT) Officer will be the point-of-contact with mental health professionals providing organized outreach and assistance within Redwood City, and update the organization as resources change. Department training, the POST CIT course training, and guidelines delineated in this policy, are intended to provide officers with the ability to appropriately respond to calls involving persons in crisis and coordinate the appropriate connection with professional mental health treatment or intervention.

## 429.6 RESPONDING OFFICERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed using appropriate officer safety tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Whenever possible, based on the totality of the circumstances, officers will prioritize the need for medical or mental health intervention vs. the need for criminal incarceration when deciding an appropriate method of contact, handling and resolution for incidents involving a person in crisis.

An officer responding to a call involving a person in crisis should, when practical under the circumstances:

1. a. Communicate with dispatch on available prior contact history for the person in crisis and how previous contacts were resolved, *i.e.*, medical referral, psychological commitment for evaluation, person under county conservatorship, person has identified mental health practitioner, violent previous encounter, or no prior contact.
   b. Communicate with supervisors for guidance, securing resources, and incident management prior to making contact with subjects suspected of being persons in crisis.
   c. Assess the situation using directly observed and gathered information in conjunction with reported information and make an independent preliminary determination using available information known to the officer regarding whether a mental health crisis may be a factor.

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When circumstances allow, officers should take a methodical and deliberate approach to making this preliminary determination.

d. Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use crisis intervention techniques to stabilize the incident as appropriate.
e. If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.
f. Attempt to determine if weapons are present or available.
    1. Prior to making contact, and whenever possible and reasonable, ask Dispatch to conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).
    2. Interview friends, associates or family members about non-registered firearms or bladed weapons carried by or accessible to the involved person in crisis.
g. Take into account the person's mental and emotional state and potential inability to understand commands or to comprehend the consequences of their actions or inactions, as perceived by the officer.
h. Secure the scene and clear the immediate area as necessary.
i. Employ tactics to preserve the safety of all participants.
j. Determine if a crime had been committed and the priority of its importance towards a final resolution for treatment vs. incarceration.
k. Request a supervisor, as warranted.
l. Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.
m. For a chronic occurrence contact or during an evolving incident where time allows or is appropriate, consider involving the assigned mental health practitioner or county conservator for the person in crisis.
n. If feasible, consider and employ alternatives to force.

## 429.7 SUPERVISOR RESPONSIBILITIES

Supervisors should respond to the scene of any interaction with a person in crisis that involves a display of violent or assaultive behavior by the person in crisis. Supervisors shall immediately respond to any person in crisis incident involving a weapon, a potential to involve weapons, or threat to commit suicide by forcing a confrontation with responding officers and assume command. If officers are not yet on scene, and whenever possible depending on the individual circumstances, supervisors should request that responding officers assemble at a designated location to discuss a plan and receive assignments for scene safety, initial contact officer, less-lethal officer and deadly force considerations. Depending on the availability of resources, the supervisor will maintain the responsibility for scene management and should not take an active contact or negotiating role which would cause a diversion away from their responsibility for overall resource safety and scene management.

If officers are already on scene, and if practical under the circumstances, the supervisor will review the plan assembled/implemented by their officers and provide their approval or make adjustments as

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necessary to provide an opportunity to slow down the delivery of services until adequate resources are on scene; this may include the need to do a tactical retreat to a safer distance or area to refine a plan and concur on assignments and individual responsibilities for a peaceful resolution.

Additional supervisor responsibilities include:

1. Attempt to secure appropriate and sufficient resources.
2. Ensure that all reports are completed and that incident documentation incorporates appropriate observations, planning strategies, plan execution and terminology or language consistent with CIT training.
3. When and where appropriate, consider strategic disengagement. Absent an imminent threat of injury to the involved parties or danger to the public, and as circumstances dictate, supervisors may consider a complete disengagement or engaging in passive monitoring as a consideration in reaching a peaceful resolution to a noncriminal mental health or person in crisis event.
4. Closely monitor any use of force, including the use of restraints, and strictly adhere to Department standards, polices and reporting expectations for any use of force.

## 429.8 911 EMERGENCY DISPATCH RESPONSIBILITIES

911 Emergency Call-taker – The call-taker is often the first emergency response person receiving a request for police/fire assistance involving a person in or with the potential to enter into a mental health crisis. Their line of questioning, astute attention to detail and application of CIT strategies and techniques can quickly alert appropriate resources to begin responding to the scene. If conditions allow, call-takers should:

1. Maintain continued contact with the reporting party (RP) for real-time updates or continued dialog with the person in crisis (this is especially needed for people contemplating suicide or actively engaged in the act of self-harm or suicide).

2. Obtain information on the subject in crisis and the state of current conditions/actions that prompted the 911 Emergency call.

3. Obtain information on issues related to safety:

   a. Weapons in possession or available to the person in crisis.

   b. Medications or illegal substances taken that may be causing a behavioral crisis.

   c. Current mental health condition, treatment, whether the person relies on mental health prescribed medication and the last time taken or when stopped taking.

   d. Prior incidents of crisis or suicide threats/attempts, previous police responses and their outcomes.

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e. Words, statements or indications that the person has expressed a desire to end their life, not go back to prison or that they want an officer to take their life.

f. Contact information for treating mental health professional and last visit.

g. Any other associated information that would help in peacefully resolving the situation.

4. Complete a system check in RIMS for prior contacts and outcomes.

5. Conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

6. Maintain a constant information flow with dispatch to update responding officers.

911 Emergency Dispatchers – Dispatchers can receive information about a person in crisis in two ways: 1) from a call-taker on line with a reporting party, or 2) from a patrol officer who becomes involved in an incident through their own observation and self-initiated activity or by citizen notification provided to the officer. Either way the information comes to the dispatcher, a triage of the information should follow the same protocol to inform the involved officer(s) or supervisor (when notification is warranted, Section 429.7) on all known information about the person in crisis.

Dispatchers should facilitate in either providing information obtained from the call-taker to assist responding officers with developing a response plan, and/or collect information from the field officer on scene to begin a historical triage of the person in crisis. Dispatchers will be responsible for assuring a field supervisor is aware of and responding to all person in crisis calls involving weapons, a potential to involve weapons or a stated desire to commit suicide. The notification and response acknowledgement will be entered into the CAD event.

## 429.9 DE-ESCALATION / CRISIS INTERVENTION TECHNIQUES

When time and circumstances reasonably permit, officers may consider that a de-escalation approach of taking no action or passively monitoring the situation may be the most reasonable response to a person in crisis when their actions, behavior, need for medical assistance or mental health intervention do not affect the safety of the individual or safety of the community, and no law violation has occurred. Consideration for employing this approach will be in concert with supervisor approval; time permitting.

Once it is determined that a situation is a mental health crisis needing police intervention, and immediate safety concerns have been addressed, responding officers should be aware of the following considerations and, when practical under the circumstances, should generally:

- Evaluate safety conditions
- Employ de-escalation techniques in a manner appropriate for the situation
- Introduce themselves and attempt to obtain the person’s name

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

Responding officers generally should not:

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

Exception: When circumstances of the incident, dictated by the actions of the person in crisis, require an immediate and decisive interaction by the officer to address immediate concerns for personal safety of all involved, loud and or decisive language may be the most appropriate technique for intervention and a process towards continued de-escalation strategies.

## 429.10 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communication and medical information collected. Documentation of the incident should follow standard report writing protocol and use descriptive terminology consistent with the direction provided during persons in crisis training. Any request made for a release of records of the reported incident, outside filing of criminal charges or other legal proceedings, will be reviewed by the Deputy Chief through the custodian of records.

### 429.10.1 COMMITMENT CONSIDERATIONS

Individuals in need of mental health assistance or evaluation who are not being arrested for a criminal violation should be processed in accordance with the requirements of California Welfare & Instructions Code § 5150.

## 429.11 TRAINING

In coordination with the mental health community, guidelines, strategies and techniques provided through attending a POST certified 40-hour CIT course, the Department will develop and provide comprehensive education and training to all department members interacting with persons in a crisis to enable them to effectively interact with persons in crisis and work towards a peaceful resolution.

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The assignment of sworn officers and non-sworn members of the department to attend a POST certified CIT course will be the responsibility of the training sergeant. The Training Sergeant will also be responsible for scheduling refresher training during in-service training cycles. The refresher training will cover law enforcement interactions involving persons with mental health disabilities (Penal Code § 13515.25). The instruction will include scenario-based training related to behavioral health and law enforcement interaction with persons with mental illness, intellectual disabilities, and substance use disorders (Penal Code § 13515.27). Instruction will also include legislative recommendations to conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

## 429.12 REVISIONS

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# Public Recording of Law Enforcement Activity

## 430.1 PURPOSE AND SCOPE

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

## 430.2 POLICY

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

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

## 430.3 RECORDING LAW ENFORCEMENT ACTIVITY

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

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

## 430.4 OFFICER RESPONSE

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

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant;

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directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

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

## 430.5 SUPERVISOR RESPONSIBILITIES

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

The supervisor should review the situation with the officer and:

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

## 430.6 SEIZING RECORDINGS AS EVIDENCE

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

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

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

## 430.7 REVISIONS

Reviewed July 2020

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# First Amendment Assemblies

## 431.1 PURPOSE AND SCOPE

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

## 431.2 POLICY

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

## 431.3 GENERAL CONSIDERATIONS

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

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

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

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

Officers should not:

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

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

### 431.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

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

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

## 431.4 UNPLANNED EVENTS

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

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

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

## 431.5 PLANNED EVENT PREPARATION

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

### 431.5.1 INFORMATION GATHERING AND ASSESSMENT

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

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.
- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

### 431.5.2 OPERATIONAL PLANS

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

The operational plan may include any of the following, as appropriate:

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

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r. Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force
s. Protocol for handling complaints during the event
t. Parameters for the use of body-worn cameras and other portable recording devices.

431.5.3 MUTUAL AID AND EXTERNAL RESOURCES

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

## 431.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

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

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

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

## 431.7 USE OF FORCE

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

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants'

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conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

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

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

## 431.8 ARRESTS

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

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

If employed, mass arrest protocols should fully integrate:

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

## 431.9 MEDIA RELATIONS

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

### 431.9.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally

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where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

## 431.10 DEMOBILIZATION

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

## 431.11 POST EVENT

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

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

### 431.11.1 AFTER-ACTION REPORTING

The Incident Commander should, as appropriate, prepare a comprehensive after-action report of the event, including all Use of Force reports and the following:

a. Date, time and description of the event
b. Actions taken and outcomes (e.g., injuries, property damage, arrests)
c. Problems identified
d. Significant events
e. Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.
f. If a disperal order was given, the Incident Commander shall document the circumstances which led to the determination that the assembly was unlawful.

## 431.12 TRAINING

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

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

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## 431.13 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

a. De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.
b. Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.
c. Individuals are given an objectively reasonable opportunity to disperse and leave the scene.
d. An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.
e. Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.
f. Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.
g. An objectively reasonable effort has been made to extract individuals in distress.
h. Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.
i. Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.
j. Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:
    1. A violation of an imposed curfew.
    2. A verbal threat.
    3. Noncompliance with a law enforcement directive.
k. If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

### 431.13.1 USE SUMMARY

The Field Operations Division Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

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## 431.14 ANTI-REPRODUCTIVE RIGHTS CALLS

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

## 431.15 REVISIONS

Revised December 2023

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# Civil Disputes

## 432.1 PURPOSE AND SCOPE

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

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

## 432.2 POLICY

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

## 432.3 GENERAL CONSIDERATIONS

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

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

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

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## 432.4 COURT ORDERS

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

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

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

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

### 432.4.1 STANDBY REQUESTS

All requests for standby assistance regarding a civil matter must first be approved by a supervisor before an officer is dispatched to respond. Supervisors need to review any applicable court orders involving either party in order to determine the legality or conditions of a civil standby.

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

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

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items.

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

## 432.5 VEHICLES AND PERSONAL PROPERTY

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

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## 432.6 REAL PROPERTY

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

## 432.7 REVISIONS

Reviewed July 2020

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# Medical Aid and Response

## 433.1 PURPOSE AND SCOPE

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

## 433.2 POLICY

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

## 433.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

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

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

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

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

a. The location where EMS is needed.
b. The nature of the incident.
c. Any known scene hazards.
d. Information on the person in need of EMS, such as:
    1. Signs and symptoms as observed by the member.
    2. Changes in apparent condition.
    3. Number of patients, sex, and age, if known.
    4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
    5. Whether the person is showing signs or symptoms of extreme agitation or is engaging in violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain.

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

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

## 433.4 TRANSPORTING ILL AND INJURED PERSONS

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

For guidelines regarding transporting ill or injured persons who are in custody, see the Transporting Persons in Custody Policy.

Members should not provide emergency escort for medical transport or civilian vehicles.

## 433.5 PERSONS REFUSING EMS CARE

If a person, not a juvenile subject to Welfare and Institutions Code 300, who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

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

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

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

All attempts to gain voluntary compliance for medical aid shall be documented by the primary officer.If there is no other associated case, the officers shall document their efforts in the disposition comments section of RIMS.

### 433.5.1 SICK OR INJURED ARRESTEE

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

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

Arrestees who have been refused by the jail or detention facility should be transported by ambulance. Officers shall not transport an arrestee in their vehicle to a hospital without a supervisor's approval.

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

## 433.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

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

## 433.7 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100026.01; 22 CCR 100027.01; 22 CCR 100027.02).

### 433.7.1 AED USER RESPONSIBILITY

Members whose vehicles have AED's assigned to them should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Sergeant who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated, as required, and turned into the Training Sergeant for downloading and replacement of AED supplies. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

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

### 433.7.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

### 433.7.3 AED TRAINING AND MAINTENANCE

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The Training Sergeant should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100027.05; 22 CCR 100027.06; 22 CCR 100028.07).

The Training Sergeant is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100027.05).

## 433.8 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may encounter persons who may be in need of immediate medical aid due to an apparent opioid overdose. After assessing the available circumstances (person's symptomology, presence of opioid narcotics, narcotic paraphernalia, input from witnesses, etc.) which lead the member to make the determination that the person is suffering from the effects of an opioid overdose, and requires medical assistance beyond the administration of CPR or a combined administration of CPR and AED application to regain voluntary breathing if the victim is unconscious and unresponsive, breathing is impaired or lack of a pulse due to a opioid induced overdose, members may administer opioid overdose medication in the form of intranasal naloxone (Narcan™). The application of naloxone will comply with protocols specified by the Medical Director of San Mateo County and any direction provided by the licensed health care provider who prescribed, dispensed and/or issued a standing order for the medication when all of the following criteria have been met: (Civil Code § 1714.22; 22 CCR 100019):

1. When the member has completed an opioid overdose intervention and treatment training program compliant with Civil Code § 1714.22 and passed an acceptable written and skills test to demonstrate competence in determining when the administration of naloxone is warranted and its proper application.
2. When the member is authorized by the Medical Director of San Mateo County.

### 433.8.1 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer, intranasal naloxone (Narcan™) opioid overdose medication, should handle, store and administer the medication consistent with their training.Under storage conditions recommended by the manufacturer, the shelf-life of naloxone, for reliable potency, is approximately 20 months. All Redwood City Police Department inventories of naloxone will be replaced on a prescheduled 18 month basis to maintain reliable potency of the medication.

As part of a pre-patrol vehicle inspection, members should inspect the vehicle assigned naloxone hard containment case for an intact security seal.If the seal is broken, request a new kit from the patrol sergeant who will issue a new kit and send the used kit to the Training Unit Sergeant for replenishment of supplies. Each hard case kit contains two (2) 4mg doses of intranasal naloxone (Narcan™), a CPR respirator face mask, eye shield, and protective gloves. Members assigned to units outside of the patrol structure will have naloxone (Narcan™) kits issued for their specific operational needs, or assigned vehicles and watercraft. The same pre-inspection and replacement process applies before deployment.

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Before deploying intranasal naloxone (Narcan™), members will perform a victim assessment, and determine unresponsiveness, absence of breathing and/or lack of pulse, and if available a timeframe for onset of symptoms or duration of time the condition(s) has existed. If after the assessment, the member determines that the person is suffering from an opioid overdose and meets the criteria for administration of intranasal naloxone, the member will do the following**:**

1. Notify dispatch of your observations and that the person is in a potential overdose state

2. Request priority response by Emergency Medical Services (EMS)

3. Request an in-field RCPD patrol AED unit be brought to your location

4. Be aware of scene and victim contamination, and practice ‘universal precautions’ for personal safety when administering opioid overdose protocols

5. Determine the combination of opioid overdose administration sequence protocols: CPR, AED, naloxone, or variations therein

6. To the best of your ability, communicate with dispatch each first-aid transition sequence performed for documentation purposes

7. Be mindful of a potential violent recovery of the victim after the administration of naloxone and take appropriate steps to prepare and reduce victim injury

8. Be prepared to provide EMS/Fire with your observations and specific course of action taken before their arrival

9. Coordinate with EMS/Fire transportation of the victim to a medical facility

When an opioid medication kit is used (with the exception of the intranasal Naloxone delivery device) the used kit should be turned into the member’s supervisor so a new kit can be obtained before going back into service to handle another call.

### 433.8.2 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering intranasal naloxone opioid overdose medication will detail its use in a Department Crime/Incident Report, CR-1, in RIMS. If the victim is transported to a medical facility and the scene and its contents are not held for a criminal investigation, the intranasal naloxone delivery device and packaging will be booked into property as evidence. In addition to the crime/incident report, the officer administering Naloxone will fill out the San Mateo County Law Enforcement Naloxone Reporting Form. The Records Division will assure the following is accomplished: 1) email the completed form to the San Mateo County Medical Director, and the San Mateo County Medical Services Agency as directed by the form; 2) scan the form into RIMS and make it part of the incident report; and 3) forward the original county reporting form to the Training Unit for any future reporting requirements.

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Any administration of naloxone by a department member or assistance provided where naloxone was administered will require reasonable time-delayed notification by the member's supervisor; up to the Deputy Chief level.

### 433.8.3 OPIOID OVERDOSE MEDICATION TRAINING

The Training Sergeant should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local health department and comply with the requirements in 22 CCR 100027.03 and any applicable POST standards (Civil Code § 1714.22).

### 433.8.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION

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

### 433.8.5 OPIOID OVERDOSE MEDICATION RECORD MANAGEMENT

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

## 433.9 ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS

The Field Operations Division Commander may authorize the acquisition of epinephrine auto-injectors for use by department members as provided by Health and Safety Code § 1797.197a. The Training Sergeant shall create and maintain an operations plan for the storage, maintenance, use and disposal of epinephrine auto-injectors as required by Health and Safety Code § 1797.197a(f).

Trained members who possess valid certification may administer an epinephrine auto-injector for suspected anaphylaxis (Health and Safety Code § 1797.197a(b); 22 CCR 100027.03).

### 433.9.1 EPINEPHRINE USER RESPONSIBILITIES

Members should handle, store and administer epinephrine auto-injectors consistent with their training and the Department operations plan. Members should check the auto-injectors at the beginning of their shift to ensure the medication is not expired. Any expired medication should be removed from service in accordance with the Department Operations Plan.

Any member who administers an epinephrine auto-injector medication should contact Dispatch as soon as possible and request response by EMS (Health and Safety Code § 1797.197a(b)).

### 433.9.2 EPINEPHRINE AUTO-INJECTOR REPORTING

Any member who administers an epinephrine auto-injector should detail its use in an appropriate report.

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The Training Sergeant should ensure that the Records Supervisor is provided enough information for required reporting to the EMS Authority within 30 days after each use (Health and Safety Code § 1797.197 a(f)).

Records regarding the acquisition and disposition of epinephrine auto-injectors shall be maintained pursuant to the established records retention schedule but no less than three years (Business and Professions Code § 4119.4(d)).

### 433.9.3 EPINEPHRINE AUTO-INJECTOR TRAINING

The Training Sergeant should ensure that members authorized to administer epinephrine auto-injectors are provided with initial and refresher training that meets the requirements of Health and Safety Code § 1797.197a(c) and 22 CCR 100027.03.

## 433.10 FIRST-AID TRAINING

The Training Sergeant should ensure officers receive initial first-aid training within one year of employment and refresher training every two years thereafter (22 CCR 100026.03; 22 CCR 100027.06).

## 433.11 REVISIONS

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# Body-Worn Cameras

## 434.1 PURPOSE AND SCOPE

This policy establishes responsibilities and foundational standards on when and how to use body-worn cameras by members of the Redwood City Police Department (Department) to ensure reliable recording of enforcement and investigative contacts with the public. This policy provides members with concise operational parameters designed to specifically limit individual discretion as to when to use and when not to use a body worn camera to document enforcement contacts or other interaction activity needing video documentation. Further, this policy sets forth strict guidelines regarding the review and release of archived digital evidence captured by a body-worn camera.

This policy is specific to the use of a body-worn camera, and does not duplicate or attempt to minimize other existing policies, procedures, or statutes for the collection or processing of other video or audio recorded evidence. This policy does not govern the use of surreptitious recording devices used in undercover operations.

Any sworn officer or civilian employee who knowingly violates the requirements of this policy shall be subject to discipline.

## 434.2 BACKGROUND

Historical data suggests law enforcement's use of body-worn cameras has proven effective in reducing violent confrontations during enforcement contacts, and complaints against officers. Body-worn camera recordings provide contextual documentation of police encounters and have become an important tool for increasing public trust through the transparent review of an officer's performance and documentation of a police contact or enforcement action.

However, body-worn camera recordings cannot provide all the information needed to make a fair and accurate judgment about police contacts or enforcement activity. Two dimensional video evidence provides a limited perspective of a police encounter and must be considered with all other available evidence, such as witness statements, independent officer observations, forensic video analysis, and documentary evidence, when evaluating the appropriateness of an officer's actions. Even with multiple camera coverage of an encounter, a video cannot interpret what an officer may have heard, felt, observed or was informed of through personal knowledge or specific information provided that helped inform their decision process; before, during, or after a contact.

While body-worn cameras create an additional form of enforcement documentation, the use of a body-worn camera does not reduce the requirement to collect other forms of evidentiary documentation or minimize the need for written documentation memorializing the enforcement contact. In comparison with reporting standards before the use of body-worn cameras, officers will need more documentation for actions taken in the field that may not have been entirely captured by the body-worn camera.

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Additionally, officers may need to document how limitations in video recording capability hindered their ability to capture a complete sensory input used in making an informed decision.

Persons reviewing body-worn camera recordings must also be cautious before reaching conclusions about what the video does or does not show. Evaluating body-worn camera recordings is inherently complex and requires a thorough understanding of many factors, including mechanical recording capability that may exceed the limitations of the human body when calculating reaction times to stressful observations, ocular limitations during stressful episodes or changes in lighting conditions, and limitations in equipment recording capabilities.

## 434.3 DEFINITIONS

Body-worn Camera (BWC): For purposes of this policy, "BWC" shall mean a device issued by the Department to be worn on the outer clothing of a Department member that records audio and visual files while performing the official duties of their assignment. The term does not apply to any recording device worn by a law enforcement officer while acting in an undercover capacity.

Camera on, Buffering mode: When the BWC is placed in the “on” position, the camera records video only to the internal memory in a continuous 30-second overwrite loop called buffered video.

Event mode: When the BWC is activated to event mode, the BWC records audio and video data. The previous 30 seconds of buffered video is also attached to the event recording file and becomes part of the permanent record. The difference between 'buffering mode' and 'event mode' is that event mode 'records and saves' data while buffering mode 'records only video' data but does not save the video data if the BWC is not activated to event mode recording.

Evidentiary Data: Refers to data of an incident or encounter that could prove useful for investigative purposes, including, but not limited to, a crime, an arrest or citation, a search, a use of force incident, or a confrontational encounter with a member of the public, Penal Code § 832.18(c)(1).

Non-evidentiary Data: Refers to data that does not have value to aid in an investigation or prosecution, such as data of an incident or encounter that does not lead to an arrest or citation, or data of general activities the officer might perform while on duty, Penal Code § 832.18(c)(2).

## 434.4 POLICY

The Redwood City Police Department is committed to the belief that audio/video recordings captured by a Body-Worn Camera (BWC) provide unbiased documentation of a Department member's daily encounters with the public. The use of this technology is expected to increase trust, promote officer safety, result in greater transparency, provide more effective prosecutions, increase documentation for use of force investigations, and provide those filing a citizen complaint with increased documentation of the encounter. The policy is intended to achieve an appropriate balance between the benefits of having BWC evidence and a citizen's reasonable expectation of privacy.

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Since the content of BWC recordings most often represent evidentiary data, and are considered Department records of investigations, downloading and storage of BWC data will adhere to practices set forth herein which the Department believes comport with the best practices protocols and guidelines provided in Penal Code § 832.18.The Department shall ensure that its BWCs video capture capabilities and associated data storage systems adhere to limitations on the use of "biometric data," "biometric surveillance systems," and "facial recognition or other biometric surveillance" defined in Penal Code § 832.19.

It is the policy of the Department to issue a BWC to every member assigned to a uniformed enforcement position or one who has investigative responsibilities.While it is understood that at no time should a member jeopardize their safety, or the safety of any other person, in order to activate a BWC.

## 434.5 DEPLOYMENT

### 434.5.1 EQUIPMENT

BWCs shall be issued to all sworn personnel below the rank of Deputy Chief. Members who are issued BWCs shall use the equipment solely for purposes authorized by this policy.

Once an Officer is issued a Department BWC and completes training, the officer or member will not deploy without a BWC from that point forward. Exceptions to this requirement will be addressed on a case-by-case emergency basis when BWC equipment is not available and requires the approval of a patrol supervisor to deploy without a camera. Notification of the occurrence will be made to the Watch Commander at the conclusion of the watch by the approving supervisor. Any activity the officer engages in that requires written documentation will include the notation: “deployed without BWC” as a stand-alone sentence at the beginning of any report taken or notes on a citation issued. Additionally, the supervisor will produce an officer’s activity report for the duration of the watch where an officer was deployed without a BWC. The report will reside with the Body Worn Camera Manager for a two (2) year retention period.

The use of non-Department issued BWCs while on-duty is prohibited. Department issued BWCs and all data, images, video and metadata captured, recorded or otherwise produced by the equipment are the sole property of the Department.

### 434.5.2 TRAINING

Members who are issued BWCs shall complete a Department-developed training program to ensure appropriate understanding of the policy, and use and care of equipment. Members shall complete additional training at least once each year, or as may be required at periodic intervals, to reinforce the practice of utilizing the BWC during all enforcement and/or investigative activities, communicate changes in policy, and educate regarding equipment upgrades.

### 434.5.3 CARE AND MAINTENANCE

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Members who are issued BWCs shall be responsible for the proper care and protection of the equipment as established by Department training. Equipment loss, damage or malfunction shall be brought to the attention of the member's supervisor as soon as possible so that a replacement unit can be issued.

Members shall follow the Department's inspection protocol provided during BWC training and test their issued BWC prior to each shift in order to verify the device is functioning properly, as established via Department training. Devices failing the inspection protocol shall be removed from service and the problem reported to the shift supervisor or on duty watch commander. The employee’s immediate supervisor will seek a replacement BWC which shall be issued before the member is deployed to the field.

Members who become aware of BWC malfunctions during their shift will immediately notify their supervisor. The supervisor will arrange for a replacement BWC and appropriately document the malfunction and replacement.

## 434.6 PERSONAL USE AND SOCIAL MEDIA

Members are prohibited from accessing BWC recordings for personal use, or using a secondary video recording device to screen capture a recording, or from uploading BWC recordings onto public or social media Internet Web sites without prior written authorization and approval of the Chief of Police or their designee.

### 434.6.1 REDACTIONS

Protected Person or Circumstance: In the event a member requests to have portions of a video file redacted for an event that captured video recordings of a protected person or circumstance, the member will submit a request to their immediate supervisor for review via email. The email will be forwarded through the member's chain of command to the Administrative Lieutenant. The subject line of the email should read Redaction Request. The email should contain sufficient information to locate the BWC file for review and reasons why the file should be considered for redaction to protect the individual or circumstances recorded. If redaction of the file is granted by the Administrative Lieutenant, an approval email will be sent to the Body Worn Camera Manager for creating a redacted file of the original recording. Documentation of the request and approval will be kept on a log maintained by the Body Worn Camera Manager. Altering BWC recordings involving protected persons or circumstances does not alter the original file.

Criminal Case / Public Record Request: Members of the Department responsible for BWC redactions of evidentiary recordings for case filings shall redact audio and/or video in accordance with accepted redaction protocols specified by the District Attorney or City Attorney, when producing a BWC record deemed releasable to the public. Altering BWC recordings through redaction does not alter the original file.

Accidental Recordings: In the event of an accidental activation of the BWC, where the resulting recording is of no investigative or evidentiary value, the member may request that the BWC file be deleted. The member will submit a request to their immediate supervisor for review via email. The transmittal will be forwarded through the member's chain of command to the Administrative Lieutenant. The subject line of

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the email should read: Redaction Request-Accidental Recording. The email should contain sufficient information to locate the BWC file for review and reasons why the file should be considered for removal and how the accidental recording occurred. If removal of the file is granted by the Administrative Lieutenant, an approval email will be sent to the Body Worn Camera Manager for deletion. Documentation of the request and approval will be kept on a log maintained by the Body Worn Camera Manager. Upon approval, the identified recording will be deleted after 90 days.

## 434.7 VIEWING AND REDACTIONS

434.6.1 ACCESSING BWC EVIDENCE

Unless authorized by the exceptions listed below, Department members shall not access, edit, alter, erase, duplicate, copy, share or otherwise distribute, in any manner, BWC recordings without prior written authorization and approval of the Chief of Police or the Chief's designee. Preparatory software for BWC recordings identify all recordings available for an identified incident and maintains an audit trail for who accessed and the reason(s) why the BWC file was viewed. Members will use the appropriate vendor specific justification criteria to document a review of BWC recordings stored on the BWC server.

(a) Detectives: Sworn personnel (Lieutenants, Sergeants, Officers) assigned to the Investigations Unit are authorized to view BWC recordings associated with assigned cases, cases they are assisting with, or cases they are using to develop investigative leads to solve crimes. Personnel assigned to Investigations are authorized to distribute BWC recordings to the District Attorney (DA) in the normal scope of their investigative responsibilities through BWC vendor specific licensed file sharing software protocols. The Investigations Unit Lieutenant will facilitate the release of BWC evidence to the DA inspector's team during a San Mateo County Officer Involved Critical Incident (OICI) investigation involving Redwood City Police Department members.

(b) Body Worn Camera Manager: The Body Worn Camera Manager shall be responsible for disclosing BWC evidence which may be subject to release pursuant to various statutes governing the release of records to the public or in response to a subpoena. The Body Worn Camera Manager is authorized to view, copy, and edit, if necessary, BWC evidence to ensure it comports with applicable statutes governing the release of records to the public or in response to a subpoena. Editing BWC evidence for public release does not alter the original file. A log of all BWC evidence released in compliance with a public request for records shall be maintained by the Body Worn Camera Manager on a designated computer file. BWC evidence released in compliance with a public request for records will follow normal retention schedules for a public request for records (two years).

(c) Training Sergeant: The Training Sergeant is authorized to view, copy and alter BWC recordings used for training to meet the professional standards of P.O.S.T. course curriculum. BWC recordings used for training shall be maintained by the Training Sergeant on a designated computer file. Altering BWC recordings for training does not alter the original file. Members are encouraged to inform their supervisor of any BWC recordings that may be of value for training purposes. The supervisor receiving such notification shall forward the information to the Training Sergeant via an email. The subject line of the email should be: Potential BWC Video for Training. The Training Sergeant shall be responsible for

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reviewing the request and presenting the request to the Administrative Lieutenant for consideration. A log of all "Request to Use BWC Recordings for Training" shall be maintained by the Training Sergeant on a designated computer file. No use of a BWC recording is allowed for training purposes without following the request and approval process.

(d) Administrative Lieutenant: The Administrative Lieutenant shall be responsible for reviewing all email requests to use BWC recordings for training. The Administrative Lieutenant will review the requested BWC video(s) to be considered for training and determine the appropriate level of approval needed before a final decision is reached for release. The Administrative Lieutenant's review will consider the recording's evidentiary value to any existing or potential court proceedings or internal disciplinary investigations. Negative impact to the involved member(s) captured in the recording will also be a consideration when deciding to release BWC recordings for training. Because BWC recordings are most often classified as evidence, no BWC recording(s) will be released for training without following the request and approval process.

(e) Sworn Personnel, CSO, PEO: Sworn personnel, Community Service Officers and Parking Enforcement Officerswho capture audio and/or video recordings on their BWC device are authorized to view their own recordings and the recordings of any other member who was involved in the identified incident for the express purpose of increasing the accuracy of a written report, or when preparing for court testimony, a deposition, or administrative interview. Sworn personnel are also authorized to view other appropriate BWC recordings to develop leads for solving other crimes

(f) Property Clerks and Court Officers: Property Clerks and Court Officers are authorized to review, make copies, or move electronic files to a BWC/DA shared licensed file of any BWC recording associated with a request to supply evidence to the District Attorney.

(g) Supervisors and Command Officers: Any supervisor or command officer is authorized to access any BWC recording that is relevant to their assignment or area of responsibility for the purposes of a performance review, criminal investigation, use of force review, citizen complaint, or BWC policy compliance audits assigned to their position. Supervisors will use the appropriate vendor specific justification criteria to document a review of BWC recordings stored on the BWC server. Supervisors may not randomly access BWC recordings for arbitrary or capricious purposes. When BWC recordings are administratively reviewed by Supervisors and command Officers, minor policy infractions discovered as a consequence of an unrelated viewing of the recording should be addressed as training opportunities or through documented counseling, and should not be utilized to initiate disciplinary action unless the policy infraction at issue has been documented as a reoccurring performance issue for the employee in question.

1. During a San Mateo County OICI Protocol investigation, a designated supervisor identified by either the field commander or investigations lieutenant, will take possession of the involved member(s) BWC and complete the download process. The timing of this activity should be consistent with the collection of other evidentiary items obtained from the officer's person and should be coordinated with the lead DA OICI team inspector.

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(h) Internal Affairs Investigator (IA): Any supervisor or command officer assigned to conduct an administrative investigation for misconduct is authorized to review any BWC recording related to their investigation. The assigned IA investigator will determine the need to restrict access to related BWC evidence during the investigation and beyond to protect the integrity of the investigation. Members needing to review restricted access BWC evidence for court preparation will need to coordinate their review with the assigned IA investigator. IA investigators will use the appropriate vendor specific justification criteria to document a review of BWC recordings stored on the BWC server.

(i) San Mateo County Officer Involved Critical Incident Team (OICI-T): District Attorney Inspectors and OICI-T members operating under the OICI County Protocol for an officer involved critical incident are authorized to access any BWC recordings related to the investigation downloaded to the Redwood City BWC online cloud storage database. The Investigations Unit Lieutenant will assign lockdown security reviewing protocols as appropriate to BWC recordings associated to the OICI-T investigation, and coordinate the electronic transfer of BWC recordings to the RCPD/DA shared vendor licensed file.

(j) Outside Law Enforcement Agency Member Access: During a combined law enforcement activity (outside agency assist, county and federal task force assignments, etc.), an outside law enforcement agency may request to receive BWC recordings to assist in an investigation (criminal or administrative) not covered by the San Mateo County OICI investigative protocols. The request for information will follow the same release criteria as any other request from a law enforcement agency that has demonstrated a need and right to know about records and evidence under the control of the Department.

1. Specific to this section, the same restrictions that apply to Department members for viewing BWC recordings shall apply to outside agency law enforcement officers involved in a combined law enforcement activity. Specifically, officers who are tasked with writing a report to document their activity and need access to BWC recordings to corroborate the accuracy of a written report shall be given access to review BWC recordings with particularity to their involvement and rank, provided that the incident is not being investigated under the San Mateo County OICI protocol. Allowing outside agency review of BWC recordings under these conditions shall be documented in a written report identifying the Department member(s) who captured the BWC recording that was reviewed and the identity of the outside agency officer(s) who reviewed or received copies of the BWC recording(s).

### 434.7.1 BWC PLACEMENT

Members who are issued a BWC shall affix the device on the outer most garment worn and in a pre-approved location consistent with the member's assignment, uniform worn, and equipment issued. Uniformed members who are issued a BWC shall have the camera affixed to the outer most garment of the uniform worn (shirt, jacket or windbreaker, rain coat, riot gear, rifle plate-carrier, etc.) whenever the member is in an enforcement assignment or position where police enforcement or citizen contact could occur.

### 434.7.2 CAMERA ON MODE

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Members who are issued a BWC shall keep the BWC in 'Camera On Mode' while on duty, except during instances listed in this policy under Prohibited Recordings. When the BWC is in Camera On Mode, the device is recording video in a 30-second continuous over-write loop without audio.

### 434.7.3 EVENT MODE (RECORD)

Members who are issued BWCs shall manually activate the device to Event Mode and record all enforcement contacts, including but not limited to: consensual encounters, citizen requests for assistance, pedestrian stops, traffic stops, calls for service, crimes in progress, search warrant service, arrest warrant service, subpoena service, and any other police-related contact that the member feels BWC evidence would assist in corroborating a written or verbal account of the enforcement activity or citizen contact. Further, members shall manually activate their BWC, or maintain continued activation, anytime contact with a member of the public becomes adversarial, regardless of the circumstances under which the contact was initiated.

When appropriate, members may find it useful to inform citizens they are being recorded in an effort to discourage inappropriate conduct or de-escalate potential conflicts. It is not the intent of the Department to mandate that members provide a warning or advisement during BWC activation; that discretion remains with each member and should be dictated by individual circumstances.

### 434.7.4 RECORDING STATEMENT OF VICTIMS, WITNESSES, AND SUSPECTS

a. Department members obtaining statements from victims and witnesses in a field situation are encouraged to use the BWC to record their interactions.
b. Domestic violence victim and witness statements are important to record because experience has shown that victims often recant their statements and witnesses may become unavailable to investigators. For these reasons, Department members shall use their BWC to record domestic violence victim and witness statements, including children witnesses during field investigations.
c. When necessary to obtain cooperation from a witness, Department members may position the BWC in a position to capture only audio of the person making a statement. If the person wishes to communicate in confidence and is not the subject of the current investigation, or if the person wishes to become a confidential informant, members have discretion to use good judgment in not recording the interaction.
d. Except for activity where Department members interact with the public through a police front lobby call for service or prisoner transport activity, BWC devices shall not be placed in "Event Mode" within the Redwood City Police Department building, surrounding buildings or gated parking areas of the facility absent a nexus to criminal enforcement or suspicious activity. This will avoid the possibility of recording a protected person or circumstance. BWCs shall not be used inside the Redwood City Police Department building to record suspect, victim or witness interviews that should be done by using a designated interview room with recording capabilities. BWCs shall not be used in conjunction with designated interview room recording equipment.

### 434.7.5 PRIVACY AND ADVISEMENT

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a. Private citizens do not have a reasonable expectation of privacy when talking with a Department member during the scope of the member's official duties, even when the contact is in a private residence or business. When a member is lawfully present in a home, business, office or other location (Example: enforcement activity, investigation, arrest warrant service, search warrant service, welfare check, exigent circumstances, or consent) in the course and scope of their official duties, there is no reasonable expectation of privacy. Therefore, members are not required to give notice that the BWC is recording. However, if asked, members shall advise the individual that they are being recorded.
b. Department members are not required to initiate recording an event, situation or circumstance solely at the demand of a citizen.
c. Department members are not required to cease recording an event, situation or circumstance solely at the demand of a citizen. It will be at the member's discretion or at the direction of a supervisor to cease recording in circumstances where the member believes that stopping the recording is reasonable or the recording would interfere with collecting the best evidence of the interaction (e.g. the requesting party is not a material witness and wishes to provide information anonymously). If a BWC recording is terminated in response to a citizen request, a verbal documentation shall be provided before the BWC is deactivated and memorialized in the member’s report.

Nothing in this section requires the member to leave their BWC deactivated if circumstances change. If the member knows they are being recorded by an involved or uninvolved party, the member will not deactivate their BWC device without good reason or being directed to do so by a higher ranking authority. Actions of this nature shall be documented in the official police account of the incident if documentation is warranted for the contact.

When the BWC is deactivated, the audio and video captured from the immediate preceding event is stored on the BWC hard-drive as a unique audio/video recording and the device transitions back to 'Buffering Mode'.

The use of a BWC to record a citizen complaint received in the field is an acceptable use of the device when the individual gives their permission to be recorded (Penal Code § 632).

### 434.7.6 MUTING BWC

The BWC may be placed in “Mute Mode” prior to or while discussing non-enforcement aspects of a case while on scene with other officers or a supervisor. Placing the BWC on mute prior to or while discussing sensitive Law Enforcement information away from the public is also acceptable.

While in a facility that provides psychiatric or medical services with a person that is in custody, the BWC may be placed in “Mute Mode” while the person is speaking with psychiatric or medical staff.

### 434.7.7 TRANSITION TO DEACTIVATION

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Once manually activated, the BWC shall remain in 'event mode' until the field event concludes or the event no longer holds evidentiary or investigative value, or the BWC recording moves into an area restricted by this policy, or a supervisor or command officer provides specific direction to cease recording. Examples of a transition to deactivation would include but are not limited to providing a debrief of the incident to a supervisor in the field after public contact has concluded, on a traffic control post or perimeter containment assignment with no immediate anticipated enforcement, concluding a traffic stop after the citation or warning has been issued and the Department member is completing the stop by writing notes on the citation.

434.7.8 FAILURE TO ACTIVATE BWC OR RECORD ENTIRE EVENT

If a Department member fails to activate a BWC when such activation is required, or fails to record the entire contact, or interrupts the recording, the member shall use the preset fields contained in the drop down menu in the Records Information Management System (RIMS) to document why a recording was not made, was interrupted or was terminated. This notation will become part of the official police report. Supervisors conducting report review will remain cognizant that repetitive errors in BWC recording should be documented and addressed with training or progressive discipline, when appropriate.

## 434.8 PROHIBITED USE

a. BWCs shall not be used to record non-work related activity. BWCs shall be used only in conjunction with official law enforcement duties.
b. BWCs shall not be used when the member is on break or engaged in personal activities.
c. BWCs shall not be used to record encounters with undercover officers or confidential informants.
d. BWCs shall not be used when the member has been directed by a supervisor or commander to cease recording or to not record an event.
e. BWCs shall not be used when informed by another officer that the dynamics of an incident transitioned into a non-recording activity, i.e., sexual assault, child abuse, confidential informant conversation, etc.
f. BWCs shall not be used during contacts inside a private residence, private business, or government office space not open to the general public, when the purpose of the officer's presence is for a "non-enforcement" contact or encounter.
g. BWCs shall not be used to record in areas where there is a heightened expectation of privacy, e.g. Department locker rooms, break rooms, restrooms, conference rooms, etc. (see Section 434.8.1 for further restrictions)
h. BWCs shall not be used to record communications with other Department members, except when actively involved in an incident where use of a BWC is required or authorized by this policy (i.e., no surreptitious recording of other Department members).
i. Internal Affairs investigators assigned to conduct a Department administrative investigation shall not use BWCs to record Department members. However, BWC evidence collected under the acceptable or required recording directions of this policy will be available to the Internal Affairs investigator.
j. BWCs shall not be used to document administrative interactions between a supervisor and subordinate, a subordinate and a supervisor, or any other combinations of member contact.

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k. BWCs shall not be used to record patrol shift briefings, operational briefings (formal or in-field), operational debriefs (formal or in-field), during detective crime scene walkthrough briefings, or Department training. Recording during Department training must be pre-approved by the Administrative Lieutenant and the circumstances for authorized use must be clearly stated in a memorandum from the Training Sergeant, and attached to the training lesson plan. All BWC recordings captured for training will be appropriately labeled and archived with the training lesson plan or research file associated with its authorized use. No use of the BWC for training or research will be authorized without following the Administrative Lieutenant approval process. Video recordings captured during training will be appropriately tagged as 'training video' files and follow policy for storage and deleted after 90 days. Any BWC recordings that may be captured as part of a P.O.S.T. Police Academy recruit employee training program will remain part of the collegiate curriculum of the college and will not be collected or stored on the Department's BWC server.

434.8.1 RESTRICTED/PROTECTED PRIVACY

a. The BWC should only be activated in a facility whose primary purpose is to provide psychiatric or medical services to record enforcement activity.
b. Patients expect privacy when in hospital settings. Members should not record patients during medical or psychological evaluations by a clinician or similar professional, or during treatment. During dynamic field situations it may not be practical or safe to avoid recoding confidential medical discussions or treatment. If recordings occur during these unavoidable circumstances, redactions of a private nature can be requested as detailed in Section 434.6.3, or redacted at a later time if the video is considered as a releasable public record under Government Code §6250 et seq., Senate Bill 1421 or Assembly Bill 748 of 2019. Members shall be aware of patients' expectation of privacy when in hospital settings. When unique circumstances dictate recording in hospitals and other medical facilities, members shall be careful to avoid recording persons other than the subject of the contact or enforcement action, where circumstances permits.
c. Members shall not regularly record while inside jail facilities. However, members shall continue recording any transport and booking process of a hostile prisoner through the intake jail process or until such time as jail staff take possession of the prisoner. Members making advance notification to jail intake personnel that assistance is needed with a hostile or combative prisoner will also provide notification of the activated BWC recording at the time contact is made with receiving jail personnel.

## 434.9 FIELD VIEWING

a. In addition to the BWC viewing guidelines provided in Section 434.6 of this policy, members are encouraged to review their individual BWC recordings shortly after the event concludes and verify the recording is appropriately tagged for retention using recording tags provided in Section 434.10.
b. Members involved in critical incidents defined within the San Mateo County OICI-T investigative protocol shall not review any BWC video or audio recording prior to direction provided by the OICI DA inspectors assigned to the incident.

## 434.10 DOWNLOAD & TAGGING EVIDENCE

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### 434.10.1 DOWNLOADING

Every member who turned on a BWC during their patrol watch or event activity will subject the device to download at the conclusion of each patrol watch or special event activity by placing the BWC in a designated download/charging cradle.

No member will go on their hours or days off without completing this download requirement.

See Section 434.6.1(g), Viewing & Redactions, Subsection A.7, Supervisors and Command Officers for BWC download responsibilities when an officer's actions fall under the San Mateo County OICI investigative protocols.

Downloading the BWC files will transfer the files to cloud data storage. At the conclusion of the download process, the BWC's hard-drive will be wiped clean of stored data and ready for future recordings.

### 434.10.2 TAGGING CATEGORIES

Unique tagging reference numbers assist in the management and retention of BWC evidence. Members will use the most appropriate designated BWC retention tags provided in this section to correlate a contact or enforcement activity to a retention tag that best describes their activity. More than one tagging category can be selected (e.g. self-initiated arrest with a non-GB/ use of force would be identified with tag #4 and #8.

BWC evidence shall be catalogued ("tagged") under the following categories to assist with quick access, BWC program management controls, and compliance to City retention schedules.

1. Assigned or Attached to a Call for Service: with or without a report, no arrest;
2. Assigned or Attached to a Call for Service: arrest made;
3. Self-Initiated Contact: with or without a report, no arrest;
4. Self-Initiated Contact: with an arrest (includes fill officer(s));
5. Traffic Stop: without a citation issued;
6. Traffic Stop: with citation or arrest, includes DUI investigation with arrest or release
7. Arrest and Search Warrant Service;
8. Use of Force without GBI;
9. Use of Force with GBI;
10. Officer-Involved Critical Incident: SMC OICI Protocol;
11. Investigative follow-up;
12. Training;
13. Accidential Activation.

Police personnel are reminded that BWC video does not take the place of detailed written documentation of the incident and should refrain from using phrases like "see video for more detail" as a means or method for documenting the incident.

## 434.11 SUPERVISOR RESPONSIBILITIES

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a. Supervisors are responsible for monitoring their subordinate's workload to ensure that the member has sufficient time to review relevant BWC recordings, before the conclusion of each shift. Exceptions may be made for members who will complete reports at the beginning of their subsequent shift the following day.
b. Supervisory personnel shall ensure that members equipped with BWC devices utilize them in accordance with the policy and procedures defined herein.
c. On the first Wednesday of each month, the Body Worn Camera Managert will review a preset number of randomly selected BWC recordings for a compliance to policy audit. The findings from this monthly audit will be compiled into a quarterly report. The quarterly report is due to the Administrative Lieutenant on the second Thursday following the close of the quarter. The review and report process will be standardized whenever possible, but may vary in some regards due to the unique nature of the pre-tagged BWC video (i.e., call for service, traffic stop, self--initiated enforcement contact, etc.).
d. Each Use of Force event captured by BWC video will be reviewed as part of the supervisor Use of Force investigation review and report before the incident report and BWC evidence is moved forward through the chain of command for review and comments. This section does not restrict the independent review of BWC video by supervisors or command staff when used to aid in the appropriate supervision or management of the workforce.
e. The Administrative Lieutenant will be responsible for conducting an annual review of the Body Worn Camera program and governing policies to insure compliance with current law and adherence to best practice policy and usage.

## 434.12 RETENTION SCHEDULE

The period for retention of BWC recordings will vary based upon the nature of the police interaction or connectivity to investigative proceedings (criminal or administrative). Retention periods for BWC recordings are as follows (Penal Code § 832.18):

- Criminal Evidence: Held until the criminal matter is resolved and/or in accordance with other criminal evidentiary retention schedules, but no less than 2 years
- Use of Force: Held until the criminal or civil action is resolved and/or in accordance with other criminal/civil litigation retention schedules, but no less than 2 years if no criminal or civil action is forthcoming
- Officer-involved shooting: Held until the criminal or civil action is resolved and/or in accordance with other criminal/civil litigation retention schedules, but no less than 2 years if no criminal or civil action is forthcoming
- Traffic enforcement stops: 2 years
- Traffic collision reports (CHP-555) 3 years
- Other enforcement contacts: 2 years
- Non-enforcement contacts: 90 days

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- Mistaken recordings: 90 days (after approval process, in Section 434.6.3, is completed)
- BWC data captured during training 90 days
- IA investigative evidence: 5 years (Penal Code § 832.5)

All BWC recordings related to any criminal proceeding, civil claim, pending litigation, or personnel complaint, shall be preserved until that matter is resolved in accordance with individual retention requirements of the evidence. BWC evidence exceeding a two-year retention requirement will be moved off of the vendor cloud storage server and stored directly onto a CD maintained with the corresponding investigation until such time as it can be considered for destruction or transition to another City approved storage process. Department members are required to ensure that the BWC recording is properly tagged for the necessary retention period.

## 434.13 RELEASE OF BWC EVIDENCE

Most video and audio recordings captured by BWCs are considered records of investigations conducted by the Department. Accordingly, the Department will comply with existing statutes governing the management, retention, and release of BWC files when considering a request to release BWC evidence.

## 434.14 REVISIONS

Created December 2020

Revised August 2025

## 434.15 SECTION TITLE

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# Racial and Identity Profiling Act of 2015 (RIPA)

## 435.1 PURPOSE AND SCOPE

The purpose of this policy is to establish the responsibilities of the Department to collect data on all stops conducted by peace officers of this Department on or before January 1, 2022. Commencing on or before April 1, 2023, the Department is required to annually report to the California Attorney General data on all stops conducted by peace officers within the Department during the proceeding calendar year. (Government Code § 12525.5 (a)(2))

## 435.2 BACKGROUND

The Racial and Identity Profiling Act of 2015 (AB 953), passed by the California Legislature, requires the reporting of detailed data regarding all stops, which AB 953 defines as a detention or search, including a consensual search, to the California Department of Justice.

As required by statue, the Redwood City Police Department is required to start collecting and reporting this data beginning January 1, 2022.

## 435.3 DEFINITIONS

Definitions related to this policy:

**Peace Officer** -Any sworn member of this Department.

**Stop -** Any detention by a peace officer of a person, or any peace officer interaction with a person in which the peace officer conducts a search, including a consensual search, of the person's body or property in the person's possession or control. (Government Code § 12525.5 (2))

## 435.4 DATA COLLECTED

Officers shall complete all applicable data fields for each stop that fall within this policy. The data fields include, but are not limited to, the following:

1. The time, date, duration and location of the stop.
2. The reason for the stop.
3. The result of the stop, such as, no action, warning, citation, property seized or arrest.
4. If a warning or citation was issued, the warning provided or violation cited.
5. If an arrest was made, the offense charged.
6. The perceived race or ethnicity, gender, and approximate age of the person stopped, provided that the identification of these characteristics shall be based on the observation and perception of the peace officer making the stop, and the information shall not be requested from the person stopped. When reporting the required data elements, the peace officer shall make his or her determination based on personal observation only. For motor vehicle stops, this section only applies to the driver,

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unless any actions specified under subsection 7 apply in relation to a passenger, in which case the characteristics specified in this section shall also be reported for him or her.

7. Actions taken by the peace officer during the stop, including, but not limited to, the following:
    a. Whether the peace officer asked for consent to search the person, and, if so, whether consent was provided.
    b. Whether the peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any.
    c. Whether the peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property.

## 435.5 SPECIAL CIRCUMSTANCES

There are circumstances in which, for practical or public safety reasons, officers will not be required to report stops, or will only be required to report stops if the officer takes certain additional actions after stopping the person.

### 435.5.1 STOPS THAT ARE NON-REPORTABLE

1. Stop made of a person at their residence who is the subject of a warrant, search condition, home detection or house arrest.
2. Active shooter incident.
3. Mass evacuation.
4. Routine security screening to enter a building or special event.

### 435.5.2 PASSENGERS IN VEHICLES

Stop data is not necessary for passengers in a vehicle unless the passenger is:

1. Asked for consent to search them.
2. Ordered by an officer to come out of the vehicle.
3. Physically removed by an officer from the vehicle.
4. Detained outside of the vehicle.
5. Handcuffed.

### 435.5.3 STOP DATA NOT NECESSARY FOR CERTAIN EVENTS

1. Traffic Control.
2. Crowd Control.
3. DUI Check Points.
4. Checking for proof of age at a residence for underage drinking.

If an officer detains or obtains consent to search a person during one of these events, stop data must be completed.

### 435.5.4 SEARCH WARRANTS AND ARREST WARRANTS AT RESIDENCES

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Stop data is only required if a person is not the subject of the arrest warrant or search warrant and any of the following occur:

1. Person is handcuffed.
2. A firearm is pointed at a person.
3. Any use of force on a person.

435.5.5 K-12 PUBLIC SCHOOL GROUNDS

1. Only the following interactions with students are subject to stop data reporting:
    a. Temporary custody (W&I 625).
    b. Citation.
    c. Arrest.
    d. Seizure of property as evidence of a crime.
    e. Referral to school administrator for suspected crime.
    f. Question of a student regarding a crime or truancy.
2. Interactions with non-students on school grounds follow normal stop data collection guidelines.

## 435.6 COMPLETING STOP DATA COLLECTION

1. Officers will complete stop data entries in the Redwood City Police Department RIMS system.

2. If multiple officers are involved in a stop, only one officer fills out stop data for the person(s) stopped. The officer that completes the data should be the officer that had the most engagement with the person(s).

3. If the Reason for Stop or Basis for Search free form fields in the stop data entry are required, officers shall not include any Personal Identifying Information of the person stopped (e.g. person's name, CDL number, social security number or any other identify identification numbers) or Unique Identifying Information of any officer (e.g. officers name or badge number) in these free form fields. (Government Code § 12525.5 (d))

4. When completing the Reason for Stop and Basis for Search free form fields, officers will have no more than 250 characters to explainthe reason for the stop and/or basis for the search. The regulations for stop data require the explanation include additional detail beyond the general check boxes already selected.
    a. The narrative should include the reason for the stop (e.g. speeding, headlight out, ran stop sign).
    b. The narrative should include the basis for the search; if one was conducted (e.g. consent, arrested, probation, parole).
    c. Do not use acronyms or penal, vehicle, or 10-codes. Only use plain language.
    d. Information in a narrative should not be a duplicate of what has already been selected in other fields; i.e. what you write in the Reason for Stop should not be re-written in the Basis for Search.

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5. All stop data entries should normally be completed by the officer before the end of their shift unless the shift supervisor approves delaying entries until the next work day. All stop data entries will be completed by the end of the officers work week.

## 435.7 TRANSFERRING STOP DATA TO CALIFORNIA DEPARTMENT DEPARTMENT OF JUSTICE

The Records Supervisor or designee will be responsible for transferring stop data records to DOJ. The data transfer should be completed at least once per week.

## 435.8 REVISIONS

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# Community Wellness and Crisis Response Team

## 436.1 PURPOSE AND SCOPE

This policy provides guidelines for the structure and operation of the Community Wellness and Crisis Response Team (CWCRT), a law enforcement and mental health partnership between the Redwood City Police Department (RCPD), Star Vista, and Behavioral Health and Recovery Services (BHRS) of the San Mateo County Health Department. This policy focuses on the intersection between RCPD staff and the assigned Star Vista Clinician, as they work together to respond to incidents of behavioral crisis.

The policy is not intended to address the practices of the Clinician, as those are addressed by the policies of BHRS and Star Vista.

## 436.2 POLICY

The CWCRT prioritizes the safeguarding of life for all community members. The CWCRT is a collaborative co-response model approach to presently occurring behavioral crisis situations, acknowledging that optimal support for those in crisis results from a partnership between law enforcement and mental health professionals. To accomplish this, a Clinician is assigned to the RCPD to respond to behavioral crisis incidents along with sworn staff.

The CWCRT is not intended to address long-term case management or in-depth care provision; instead, they are intended to assist with in-progress, current incidents.

## 436.3 DEFINITIONS

**Clinician** - An employee of Star Vista, certified as a licensed or unlicensed Marriage and Family Therapist (MFT), a licensed or unlicensed Clinical Social Worker (CSW), or a licensed or unlicensed Psychologist, assigned to the CWCRT.

**Behavioral Crisis** - An event in which an individual is at risk of harming themselves or others. Due to their behavior, they must be treated promptly to avoid injury to themselves or to others.

**MOU** - The signed Memorandum of Understanding between the County of San Mateo, Star Vista, and the City of Redwood City.

**Protected Health Information (PHI)** - Information shared between the RCPD and the Clinician in accordance with the MOU and the HIPAA Business Associated Agreement signed by both entities.

## 436.4 CWCRT STRUCTURE

### RCPD Program Oversight

The Clinician is a Star Vista employee and does not fall under the chain-of-command of the RCPD. For organizational oversight, the CWCRT falls under the RCPD Field Operations Division. The CWCRT

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Clinician reports to a Field Operations Lieutenant for appropriate program coordination, reporting, logistical matters, etc.

The Clinician will work a schedule determined to best meet the needs of the Redwood City community. There will not be a Clinician on duty at all hours; in those times, Officers will have primary responsibility to respond and address behavioral crisis incidents.

The Clinician will have work space available to them in the Police Department. When using the police radio, the Clinician will use a standardized radio call sign as determined by the Department.

**Attire**

The Clinician will wear a standardized attire as determined by the CWCRT program workgroup. This attire will help identify them as a non-law enforcement member of the CWCRT.

## 436.4.1 DECISION-MAKING AUTHORITY

1. During responses, for issues involving questions of safety, RCPD Officers will have final decision-making authority and responsibility.
2. If the incident involves a crime, the primary officer and clinician should strive to reach agreement on the appropriate course of action.
    a. In the event that agreement is not reached, the on-duty Patrol Sergeant or Watch Commander should be contacted.
    b. Ultimately, in such cases, RCPD has final decision-making authority and responsibility.
3. For issues regarding treatment and incident resolution involving a person in crisis that does not involve a crime, the clinician will have final decision-making authority and responsibility.

## 436.4.2 CWCRT PROGRAM COORDINATION

The CWCRT will have program coordination meetings, which will occur at a minimum on a monthly basis. These meetings will include the Field Operations Lieutenant, Star Vista staff, BHRS staff, the Clinician, and other individuals as appropriate. The CWCRT monthly meetings will assess the program and make recommendations on possible improvements to the following:

a. Equipment
b. Practices
c. Policies
d. Training
e. Other areas as deemed appropriate.

The CWCRT will prepare quarterly reports and presentations to share with RCPD executive staff, the Chief of Police, City of Redwood City executive management, Star Vista, and others as deemedappropriate.

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## 436.5 CWCRT RESPONSE GUIDELINES

To be successful, the CWCRT requires coordination between RCPD Dispatch, Officers, and the Clinician to achieve optimal outcomes for the community. Acknowledging that this policy cannot predict all possible scenarios, most CWCRT responses should follow these guidelines.

### 436.5.1 DISPATCHER RESPONSIBILITIES

RCPD Dispatchers should do the following:

1. When receiving a call for service involving an individual experiencing a behavioral crisis, Dispatchers should first dispatch officers as appropriate.
2. If the Clinician is on duty, Dispatch should dispatch them via the radio.
    a. If possible, a text message with the call details should also be sent to the Clinician via cell phone.
3. For calls for service not meeting the definition of a behavioral crisis, where a Dispatcher believes that a CWCRT response would be beneficial, the Dispatcher is encouraged to consult with an on-duty Patrol Sergeant.

### 436.5.2 OFFICERS RESPONSIBILITIES

RCPD Officers will have the following responsibilities during the CWCRT response:

1. The safety of the Clinician and the public must be paramount. Officers should ensure the scene is safe prior to the Clinician's arrival. Officers should not leave the scene until they and the Clinician agree that it is safe to do so for all involved.
2. If an officer determines that a CWCRT response would be beneficial in the resolution of an incident, they are encouraged to request that the Clinician respond.
3. If appropriate, officers should assist the Clinician in engaging the individual in question.
4. For incidents involving no criminal violation, the goal is a successful 'pass off,' in which the Clinician assumes responsibility for incident resolution.
    a. In such cases, officers may leave the scene after it is safe to do so.
        1. If the incident results in a mental health detention per 5150 W&I, even after officers have left the scene, the primary responding officer will be responsible for writing a police report to document the detention.
            a. This report will document such things as the reason for the call for service, the initial response, their observations and/or involvement, and the fact that the incident resulted in a 5150 W&I detention.
            b. The report should not include information that the officer did not directly observe (other than the incident resolution information).
5. For incidents involving a criminal violation in addition to a behavioral crisis, the primary officer will maintain investigative responsibility for the criminal violation. Research the individual in question through law enforcement databases and share appropriate information with the Clinician. This information should include past interactions with law enforcement, gun ownership or prohibitions, or other relevant information as determined by involved staff.

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6. Ensure appropriate documentation is entered in RIMS. This may include safety or hazard notifications, incident or case reports, photographs, etc.
    a. Ensure that the call for service is listed in RIMS as a CWCRT incident with the appropriate call type code.

436.5.3 CLINICIAN RESPONSIBILITIES

The Clinician should do the following:

1. When starting their shift, they should notify RCPD Dispatch that they are on-duty and available for CWCRT response. They will have a police radio available for radio dispatch.
    a. The Clinician should notify Dispatch when they end their shift and are off-duty.
2. The Clinician may self-dispatch to incidents, if they believe it involves a behavioral crisis or another matter benefiting from their involvement.
    a. When self-dispatching, the Clinician should advise RCPD Dispatch of their action.
    b. Before responding to the scene, the Clinician should stage nearby, confirm with on-scene officers that the scene is safe, and request authorization to respond.
3. When responding to a call for service, the Clinician should not go directly to the scene until officers notify them that the scene is safe.
    a. The Clinician should usually stage nearby for a timely arrival once the scene is deemed safe.
4. Research an individual's history through mental health information resources and share Protected Health Information with Officers in compliance with HIPAA legal restrictions on privacy and security of protected health information.
5. Once on scene, the Clinician should conduct mental health screening and assessment of the individual to determine the appropriate disposition for the needs and safety of the individual and community.
6. If the individual in question requires transport to another location, the Clinician will not provide this transportation.
    a. The Clinician will arrange that through medical transport (ie: AMR ambulance) or alternate means.
7. Ensure the individual in question receives information on available resources as appropriate.

## 436.6 CWCRT ADDITIONAL GUIDELINES

In addition to behavioral health crisis response, the Clinician will do the following as appropriate:

1. Provide appropriate training to RCPD personnel, in conjunction with the Training Unit, related to behavioral health issues, crisis resolution, de-escalation, or other topics related to the mission of the CWCRT.
2. Work with the RCPD Homeless Outreach Team (HOT) on outreach, service provision, or other projects as appropriate.
3. When available, serve as a resource to other City departments and other agencies for incidents involving subjects experiencing behavioral crisis.

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4. Collaborate with RCPD staff, other City departments, public agencies, non-profit organizations, etc, to provide a link between behavioral health service providers and individuals in need of such service.
5. Other duties as assigned.

## 436.7 REVISIONS

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# In-Car Camera System

## 437.1 PURPOSE AND SCOPE

The Redwood City Police Department has equipped police vehicles with In-Car Camera Systems (ICCS) to provide records of events and assist officers in the performance of their duties. The ICCS will also work in connection with the City's Automated License Plate Reader System (ALPR), capturing vehicle license plates, makes, styles and colors. This policy provides guidance on the use of these systems.

437.1.1 DEFINITIONS

**Activate** - Any process that causes the ICCS to transmit or store video or audio data in an active mode.

**BWC –** Body Worn Camera

**In-car camera system** - Refers to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monito

**ICCS/BWC Program Manager** - Personnel certified or trained in the operational use, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

**Recorded media** - Audio-video signal recorded and digitally stored on a storage device or portable media uploaded to an authorized remote server.

## 437.2 POLICY

It is the policy of the Redwood City Police Department to use mobile audio and video technology (ICCS /BWC) to more effectively fulfill the Department's mission. The use of the ICCS is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

## 437.3 OFFICER RESPONSIBILITIES

To ensure the effective use of our in-car camera system, all officers who drive fleet vehicles outfitted with the in-car camera system will follow the processes below:

a. At the start of every shift, an officer will log into the in-car camera video system and pair their BWCs before leaving the Department premises.
b. When done capturing video, whether started by an auto-trigger or started manually, the officer will stop the video capture and choose the appropriate category from the category drop-down list to tag the video.
c. All recordings shall be uploaded to the server prior to the end of shift.
d. When "tagging" the video, the officer will use the incident or case number as provided by Redwood City PD Communications.

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e. Officers will log out of the in-car camera system at the end of their shift.
f. Prior to the end of shift, officers will review their in-car video captures for the shift and determine which in-car camera video (if any) should be marked as evidence.
g. If the system is malfunctioning, the officer shall notify the on-duty supervisor for disposition.

## 437.4 ACTIVATION OF THE ICCS

The ICCS is designed to turn on whenever the vehicle's light bar is activated in the Code 2 setting (front facing solid red light), Code 3 setting, vehicle speed exceeds 80 MPH, when the ICCS detects a crash, when the rear passenger doors are opened or manually by the officer. The system remains on, indicated by a red light, until it is turned off manually. When the ICCS is in Buffering Mode it is on but has not been activated to record both sound and video. While in buffering mode, the ICCS will continuously record only video in 30 second loops.

Redwood City PD members who are issued AXON BWCs should be aware ICCS has a feature that automatically activates AXON BWCs when the ICCS is activated. AXON BWCs within 30 meters will automatically activate and begin to record when the ICCS is activated. Members who are issued AXON BWCs will activate their department issued BWCs in "sleep mode" upon entering the Police Department building. This "sleep mode" feature while inside the Police Department building will ensure the member's BWC will not activate in the event another member is testing their patrol vehicle's code 2 or code 3 lights inside the parking lot, prior to the start of their shift. Officers shall de-activate their BWC's "sleep mode" upon leaving the Police Department.

### 437.4.1 REQUIRED ACTIVATION OF THE ICCS

This policy is not intended to describe every possible situation in which Add Section Abovethe system may be used, although there are many situations where its use is appropriate. An officer may activate the system for official law enforcement business any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirement as the ICCS. The ICCS should be activated when practicable in any of the following situations:

a. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
b. All field contacts involving actual or potential criminal conduct.
c. All self-initiated activity in which an officer would normally notify Redwood City PD Communications.
d. Code - 3 responses.
e. Transportation of prisoners, suspects, and witnesses.
f. Any other circumstance where the officer believes that a recording of an incident would be appropriate.

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g. Officers shall turn off the ICCS when a juvenile is inside a patrol vehicle speaking with an attorney (in person or phone communication). Once the juvenile completes their communication with their attorney, officers shall turn back on the ICCS and continue the recording.
h. Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording.

Request by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer an issue unless the circumstance no longer fit the criteria for recording.

At no time is a member expected to jeopardize their safety in order to activate the ICCS. However, the recorder should be activated in situations described above as soon as practicable.

When members fail to turn on the ICCS, they shall document reason(s) in RIMS/Reports.

### 437.4.2 CESSATION OF RECORDING

Once activated, the ICCS should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

### 437.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the ICCS is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

### 437.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning ICCS should be placed into service. If these vehicles are placed into service, appropriate documentation should be made, including notification to Redwood City PD Communications.

Once every three months, beginning at new shift change, supervisors should validate that the ICCS operational procedures are being followed. Supervisors may not randomly access ICCS recording for arbitrary or capricious purposes. When ICCS recordings are administratively reviewed by supervisors and command officers, minor policy infractions discovered as a consequence of an unrelated viewing of the

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recording should be addressed as training opportunities or through documented counseling, and should not be utilized to initiate disciplinary action unless the policy infraction at issue has been documented as a reoccurring performance issue for the employee in question.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officers-involved shootings, in custody death, officer-involved collisions resulting in death or serious bodily injury), a supervisor shall respond to the scene and ensure that the appropriate supervisor, ICCS/BWC Program Manager or crime scene investigator properly uploads the recorded media as soon as practical. The media may need to be treated as evidence and should be handled in accordance with the current evidence procedures for recorded media.

If the officer is unable to upload the video due to extenuating circumstances, the on-duty supervisor will ensure it is uploaded as soon as practical by the end of the officer's shift.

## 437.5 REVIEW OF ICCS RECORDINGS

All recorded media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

When preparing written reports, members should review their recordings as a resource. However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member's performance.

Recorded files may also be reviewed:

a. Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation, criminal investigation or courtroom testimony preparation.
b. Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.
c. To assess proper functioning of the ICCS.
d. By media personnel with permission of the Chief of Police or the authorized designee.
e. In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.
f. All recordings should be reviewed by the ICCS/BWC Program Manager prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person's privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

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ICCS recordings may be used for training purposes with supervisor approval. However, in no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

## 437.6 DOCUMENTING ICCS USE

If any incident is recorded with ICCS, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation or document in the notes section of an E-cite, indicating that the incident was recorded. The officer shall also document any instance where the recorder malfunctioned, or the member failed to activate their ICCS when required by policy.

## 437.7 RETENTION SCHEDULE

The period for retention of ICCS recordings will vary based upon the nature of the police interaction or connectivity to investigative proceedings (criminal or administrative). Retention periods for ICSS recordings are as follows:

- Criminal Evidence: Held until the criminal matter is resolved and/or in accordance with other criminal evidentiary retention schedules, but no less than 2 years
- Use of Force: Held until the criminal or civil action is resolved and/or in accordance with other criminal/civil litigation retention schedules, but no less than 5 years if no criminal or civil action is forthcoming
- Officer-involved shooting: Held until the criminal or civil action is resolved and/or in accordance with other criminal/civil litigation retention schedules, but no less than 5 years if no criminal or civil action is forthcoming
- Traffic enforcement stops: 2 years (Penal Code §832.18)
- Traffic collision reports (CHP-555) 3 years (Penal Code §832.18)
- Other enforcement contacts: 2 years (Penal Code §832.18)
- Non-enforcement contacts: 60 days (Penal Code §832.18)
- Mistaken recordings: 60 days (Penal Code §832.18)
- ICCS data captured during training 60 days (Penal Code §832.18)
- IA investigative evidence: 5 years for records where there was not a sustained finding of misconduct and 15 years where there was a sustained finding of misconduct (Penal Code § 832.5)

All ICCS recordings related to any criminal proceeding, civil claim, pending litigation, or personnel complaint, shall be preserved until that matter is resolved in accordance with individual retention requirements of the evidence. ICCS evidence exceeding a two-year retention requirement (e.g. use of force cases, officer-involved shootings, traffic collision reports and IA investigations) will be moved off of the vendor cloud storage server and stored directly onto a CD maintained with the corresponding

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investigation until such time as it can be considered for destruction or transition to another City approved storage process. Department members are required to ensure that the ICCS recording is properly tagged for the necessary retention period.

### 437.7.1 RELEASE OF ICCS RECORDINGS

Most video and audio recordings captured by ICCS are considered records of investigations conducted by the Department. Accordingly, the Department will comply with existing statutes governing the management, retention, and release of ICCS files when considering a request to release ICCS/BWC evidence.

## 437.8 SYSTEM OPERATIONAL STANDARDS

a. ICCS vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.
b. The ICCS should be configured to minimally record for 30 seconds prior to an event.
c. The ICCS may not be configured to record audio data prior to activation.
d. Officers shall not erase, alter, reuse, modify or tamper ICCS recordings. Only lieutenants, captains, Chief of Police, ICCS/BWC Program Manager or designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

## 437.9 TRAINING

All members who are authorized to use the ICCS shall successfully complete an approved course of instruction prior to its use.

## 437.10 REVISIONS

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# Unmanned Aerial System (UAS) Operations

## 438.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS).

## 438.2 DEFINITIONS

**Unmanned Aerial System (UAS)** – An unmanned aerial system is an unmanned aircraft and the equipment necessary for the safe and efficient operation of that aircraft. An unmanned aircraft is a component of a UAS. It is defined by statute as an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.

## 438.3 POLICY

Unmanned aerial systems may be utilized to enhance the police department's mission of protecting lives and property. Any use of a UAS will be in strict accordance with constitutional and privacy rights, FAA regulations, other Redwood City Police Department Policies, and other applicable Federal, State, and local laws and regulations. Safety, above all else, is the primary concern in every operation, regardless of the nature of the mission.

## 438.4 PRIVACY

The Redwood City Police Department recognizes that use of a UAS involves potential privacy considerations and is committed to using a UAS in a manner that respects privacy rights. UAS operators will consider individuals' civil rights and reasonable expectations of privacy as key components of any decision made to deploy the system.

UAS operators will ensure that operations of the UAS appropriately balance operational needs with maintaining public privacy and freedom from intrusion. To ensure that legitimate privacy considerations are observed, UAS operators should:

a. Absent a warrant or exigent circumstances, adhere to FAA altitude regulations and take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.
b. Generally not record while flying to or from the mission area when there is no view of the designated target area. The camera gimbal should be directed away from uninvolved persons, and areas where there is a reasonable expectation of privacy. However, it is acceptable to angle the camera during approach or departure to facilitate efficient mission execution, situational awareness, and safety, provided it remains consistent with privacy considerations and department policy.
c. Maintain all evidence in compliance with state law and Department policy and procedure.

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## 438.5 PROGRAM COORDINATOR

The Chief of Police will appoint a Program Coordinator who will be responsible for the overall direction and management of the UAS program. The Program Coordinator will have the following responsibilities:

a. Ensuring that policies and procedures conform to current laws, regulations and best practices.
b. Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.
c. Ensuring that the department meets annually for the purpose of reviewing existing UAS procedures as well as new technologies, laws and regulations on UAS usage.
d. Develop and maintain a UAS Team Operations Manual which addresses procedures for UAS use, team member roles, FAA compliance, safety protocols, and training requirements.
e. Assign and delegate additional roles and responsibilities to members of the UAS team.
f. Manage and ensure compliance with all FAA reporting requirements, such as the timely submission of accident/injury reports.

## 438.6 UNMANNED AERIAL SYSTEMS OPERATOR TRAINING

Upon selection to the collateral assignment of UAS Operator, new members shall acquire an FAA Remote Pilot Certificate under the FAA's Small UAS Rule (Part 107). To maintain a level of proficiency with the UAS, operators will be required to attend regular training, as defined in the Operations Manual. Failure to demonstrate proficiency can result in removal from the UAS Team.

## 438.7 USE OF UNMANNED AERIAL SYSTEMS

Only authorized operators who are in compliance with the requirements of this Policy and the UAS Team Operations Manual shall be permitted to pilot the UAS.

UAS use is authorized under the following circumstances:

a. Response to calls for service (e.g. situations involving potential threats to public safety or criminal activity).
b. Missions based upon specific and articulable grounds to believe that the UAS will collect evidence relating to a criminal act.
c. Search and rescue.
d. Scene analysis and documentation for investigative purposes.
e. Hazardous Materials (hazmat) response.
f. Public safety and life preservation missions (e.g. barricaded suspects, hostage situations, kidnapping situations, active shooters, high-risk tactical operations, and other critical incidents) to reduce risk to department personnel, suspects and community members.
g. Disaster response (e.g. flood, earthquake, fire).
h. Suspected explosive devices.
i. Pursuant to a court order or warrant.

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j. Special events as necessary and appropriate for situational awareness, traffic safety or public safety.
k. Outside agency assists and mutual aid support when the underlying mission meets the uses outlined in this policy.
l. Training missions.
m. Flight demonstrations for the public., community engagement, and community outreach.
n. Missions addressing quality of life or community safety concerns.
o. Searching for wanted suspects.
p. Missions in which the underlying activity is otherwise permissible under law or department policy and the use of a UAS enhances safety or efficiency
q. Any other mission approved by the Chief of Police or the Chief's designee.

## 438.8 PROHIBITED USE

The UAS shall not be used:

a. To conduct random surveillance activities, defined as the use of a UAS without a legitimate operational objective, targeting specific individuals without a lawful basis or articulable suspicion, or sustained and deliberate viewing into areas where a reasonable expectation of privacy exists, without valid justification.
b. To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
c. To harass, intimidate or discriminate against any individual or group.
d. To engage in enforcement of immigration laws.
e. To conduct personal business of any type.
f. The UAS shall not be equipped with a firearm or any other weapon or device designed or capable of exerting force upon a person.

## 438.9 GUIDELINES

a. UAS Operators must comply with the guidelines set forth in the UAS Team Operations Manual.

## 438.10 RETENTION OF RECORDINGS

Evidence recorded by the UAS should be handled and retained in accordance with Redwood City Police Department Policy 337 (Public Safety Video Surveillance System) and Policy 434 (Body-Worn Cameras).

## 438.11 REVISIONS

- Adopted June 4, 2025

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# Chapter 5 - Traffic Operations

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# Traffic Function and Responsibility

## 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

## 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Redwood City Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) and the Department's Record Information Management System (RIMS) are valuable resources for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

## 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

### 500.3.1 WARNINGS

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Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.

500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

a. Explanation of the violation or charge
b. Court appearance procedure including the optional or mandatory appearance by the motorist
c. Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

a. Vehicular manslaughter
b. Felony and misdemeanor driving under the influence of alcohol/drugs
c. Felony or misdemeanor hit-and-run
d. Refusal to sign notice to appear
e. Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

## 500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

## 500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

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### 500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the Investigations Division may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

### 500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be available to each patrol and motorcycle unit while on duty. Each officer shall make sure their issued vest is maintained in serviceable condition and readily available before going into service.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Sergeant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

## 500.6 REVISIONS

Revised July 2020

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# Traffic Collision Reporting

## 501.1 PURPOSE AND SCOPE

The Redwood City Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

## 501.2 RESPONSIBILITY

The Traffic Sergeant will be responsible for distribution of the Collision Investigation Manual. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy.

## 501.3 TRAFFIC COLLISION REPORTING

All traffic collision reports taken by members of this department shall be forwarded to their immediate supervisor for approval and data entry into the Records Management System. The Traffic Sergeant will be responsible for monthly and annual reports on traffic collision statistics to be forwarded to the Patrol Division Commander, or other persons as required.

## 501.4 REPORTING SITUATIONS

### 501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

### 501.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Redwood City Police Department resulting in a serious injury or fatality, the Traffic Sergeant or the Watch Commander, may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

### 501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

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The Traffic Sergeant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

### 501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property unless there is a death or injury to any person involved, a hit-and-run violation, or Vehicle Code violation. An Incident Report may be taken at the discretion of any supervisor.

### 501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

a. When there is a death or injury (including complain of pain) to any persons involved in the collision
b. At the discretion of the officer or supervisor

## 501.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or death related traffic collision, the Watch Commander shall notify the Traffic Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Unit. In the absence of a Traffic Sergeant, the Watch Commander or any supervisor may assign an accident investigator or motor officer to investigate the traffic collision.

## 501.6 REVISIONS

Revised July 2020

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# Vehicle Towing and Release

## 503.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Redwood City Police Department. Nothing in this policy shall require the Department to tow a vehicle.

## 503.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway or blocking a driveway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

### 503.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage, or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator, and the original shall be submitted to the Records Bureau as soon as practicable after the vehicle is stored.

### 503.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Redwood City. The officer will then store the vehicle using a CHP Form 180.

### 503.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee’s vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

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- Traffic-related warrant arrest.
- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

### 503.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

### 503.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

### 503.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

### 503.2.7 RECORDS BUREAU RESPONSIBILITY

Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Watch Commander for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

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Approved storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by mail as applicable and as provided in Vehicle Code § 22851.3(d), Vehicle Code § 22852(a), and Vehicle Code § 14602.6(a)(2). The notice shall include the following (Vehicle Code § 22852(b)):

a. The name, address, and telephone number of this Department
b. The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage
c. The authority and purpose for the removal of the vehicle
d. A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice

## 503.3 TOWING SERVICES

The Redwood City Police Department maintains an approved rotational tow list in the Communications Center. The Department will select a tow company to use from this list in the following situations:

a. When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.
b. When a vehicle is being held as evidence in connection with an investigation.
c. When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal from the streets of vehicles obstructing traffic in violation of state or local regulations.

## 503.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried to the extent possible and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

## 503.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

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If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards.

## 503.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).

a. Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).
b. Vehicles removed that require payment of parking fines or proof of valid driver’s license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).
c. A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver’s license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:
    1. The vehicle was stolen.
    2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
    3. Any other circumstance as set forth in Vehicle Code § 14602.6.
    4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.
d. An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

## 503.7 REVISIONS

Revised July 2020

## 503.8 TOWING FOR EXPIRED REGISTRATION

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## *Vehicle Towing and Release*

Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

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# Vehicle Impound Hearings

## 504.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

## 504.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Redwood City Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent ( Vehicle Code §§ 22650(a) and 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays, or by consent of vehicle owner. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

### 504.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Traffic Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852 (d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

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Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department’s policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

a. If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

    1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

b. If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department’s expense (Vehicle Code § 22852(e)).

c. If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

## 504.3 REVISIONS

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# Impaired Driving

## 505.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

## 505.2 POLICY

The Redwood City Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

## 505.3 FIELD TESTS

The Traffic Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

## 505.4 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

a. The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

b. The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

c. The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

d. The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

### 505.4.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e. g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable,

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or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

### 505.4.2 BREATH SAMPLES

The San Mateo County Crime Lab is responsible for all devices that are used for the collection and analysis of breath samples. The San Mateo County Crime Lab will maintain and keep all records for the devises.

Officers will not use the breath sample devices until they have been trained by the San Mateo County Crime Lab

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the San Mateo County Crime Lab.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer’s belief shall be included in the officer’s report (Vehicle Code § 23612(a)(2)(C)).

### 505.4.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

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If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

### 505.4.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

### 505.4.5 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

### 505.4.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

### 505.4.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

## 505.5 REFUSALS

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When a person refuses to provide a viable chemical sample, officers should:

a. Advise the person of the requirement to provide a sample (Vehicle Code § 23612).

b. Audio-record the admonishment and the response if practicable.

c. Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

### 505.5.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

a. A search warrant has been obtained (Penal Code § 1524).

b. The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

### 505.5.2 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

1. Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
2. Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
3. Advise the person of the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.
    1. This dialogue should be recorded on audio and/or video if practicable.
4. Ensure that the blood sample is taken in a medically approved manner.
5. Ensure the forced blood draw is recorded on audio and/or video when practicable.
6. Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:
    1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.

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2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

7. Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

## 505.6 RECORDS UNIT RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

## 505.7 ADMINISTRATIVE HEARINGS

The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Officers called to testify at an administrative hearing should complete a supplemental report if during the hearing it is discovered there were errors, additional evidence was presented or additional witnesses were identified. The Records Bureau should forward the supplemental to the District Attorney's Office..

## 505.8 ARREST AND INVESTIGATION

### 505.8.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

a. The person is involved in a traffic crash.
b. The person is observed in or about a vehicle that is obstructing the roadway.
c. The person will not be apprehended unless immediately arrested.
d. The person may cause injury to themselves or damage property unless immediately arrested.
e. The person may destroy or conceal evidence of a crime unless immediately arrested.

### 505.8.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

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a. Forward a copy of the completed notice of suspension or revocation form and any confiscated driver’s license to the Department of Motor Vehicles (DMV).
b. Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.
c. Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

## 505.9 TRAINING

The Training Sergeant should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Sergeant should confer with the prosecuting attorney's office and update training topics as needed.

## 505.10 REVISIONS

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# Traffic Citations

## 506.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

## 506.2 RESPONSIBILITIES

The Traffic Sergeant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

## 506.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Sergeant. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Sergeant may request the Patrol Division Lieutenant to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required.

## 506.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Traffic Sergeant.

## 506.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a form requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Records Bureau. The Records Bureau shall forward the letter of correction to the court having jurisdiction and to the recipient of the citation.

## 506.6 DISPOSITION OF TRAFFIC CITATIONS

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The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Bureau.

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Bureau.

## 506.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

### 506.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels (Vehicle Code § 40215; Vehicle Code § 40230):

a. Administrative reviews are conducted by the Traffic Sergeant or designee who will review written /documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the Redwood City Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.
b. If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.
c. If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

### 506.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

a. Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).
b. Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).
c. An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

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d. Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

506.7.3 COSTS

a. There is no cost for an administrative review.
b. Appellants are not required to pay the full amount due for the citation before receiving an administrative hearing.
c. An appeal through Superior Court requires prior payment of filing costs including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

## 506.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile’s age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

## 506.9 REVISIONS

Revised July 2020

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# Disabled Vehicles

## 507.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

## 507.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

## 507.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of department resources, and the vulnerability of the disabled motorist.

### 507.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

### 507.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

### 507.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or, with supevisor permission, transport him/her to a safe area to await pickup.

## 507.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

## 507.5 REVISIONS

Revised July 2020

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# 72-Hour Parking Violations

## 508.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Redwood City City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669 or applicable City of Redwood City ordinances.

## 508.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Redwood City 72-Hour Parking Ordinance shall be marked and noted on the Redwood City Police Department Marked Vehicle Card. No case number is required at this time.

A paper clip should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent this. Vehicles may be marked via other means as deemed appropriate by the marking officer and the markings shall be noted on the Marked Vehicle Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice (Green Sticker)attached to the vehicle at least 72 hours prior to removal. Paint will not be used to mark vehicles.

All Marked Vehicle Cards shall be submitted to the Parking Enforcement Officer, or his/her designee, responsible for the Department's abandoned vehicle program.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle may be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the sergeant responsible for the Department's abandoned vehicle program.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

### 508.2.1 MARKED VEHICLE FILE

The Parking Enforcement Officer responsible for the Department's abandoned vehicle program shall be responsible for maintaining a file for all Marked Vehicle Cards.

The sergeant responsible for the Department's abandoned vehicle program shall assign officers to be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

### 508.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report (CHP form 180) shall be completed by the officer authorizing the storage of the vehicle.

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The storage report form shall be submitted to the Records or Dispatch Unit immediately following the storage of the vehicle. It shall be the responsibility of the Records or Dispatch Unit to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento ( Vehicle Code § 22851.3 (b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).

## 508.3 REVISIONS

Revised July 2020

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# Chapter 6 - Investigation Operations

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# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

## 600.2 POLICY

It is the policy of the Redwood City Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

## 600.3 CUSTODIAL INTERROGATION REQUIREMENTS

Any custodial interrogation of a person who is suspected of having committed any felony offense should be electronically recorded (audio/video or both as available) in its entirety as otherwise allowed by law. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Officers should also consider electronically recording a custodial interrogation, or any investigative interview, for any other offense when the officer reasonably believes it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of an interrogation should be destroyed or altered without written authorization from the District Attorney and the Investigations Divisioncommander. Copies of recorded interrogations or interviews may be made in the same or different format provided they are true, accurate and complete copies and are made only for authorized and legitimate law enforcement purposes.

Officers should not allow the recording to take the place of a thorough report and investigative interviews and should continue to obtain written statements from suspects when applicable.

### 600.3.1 MANDATORY RECORDINGS OF JUVENILES

Any interrogation of an individual under 18 years of age who in custody and suspected of committing murder shall be audio and video recorded when the interview takes place at a department facility, jail, detention facility or other official setting. The recording shall include the entire interview and a *Miranda* advisement preceding the interrogation (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

a. Recording is not feasible because of exigent circumstances that are later documented in a report.

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b. The individual refuses to have the interrogation recorded, including refusal anytime during interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

c. The custodial interrogation took place in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

d. The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed a murder.

e. The interrogation would disclose the identity of a confidential informant or jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

f. A recording device fails despite reasonable maintenance and the timely repair or replacement was not feasible.

g. Questions are part of a routine processing or booking, and not an interrogation.

These recordings shall be retained until a conviction is final and all direct and habeas corpus appeals are exhausted, a court no longer has any jurisdiction of the individual or the prosecution for that offense is barred (Penal Code § 859.5; Welfare and Institution Code § 626.8).

### 600.3.2 INTERROGATIONS AT POLICE FACILITY

Except under unusual circumstances will detainees or arrestees should not be interrogated in any other location than the following areas:

- Secure Holding Area interview rooms
- Investigations Division interview rooms. Any personnel not assigned to the Investigative Division will obtain the approval of a supervisor prior to using the Investigations Division interview rooms. Combative individuals will not be interrogated or interviewed in this location.

Interrogations will not be conducted in personal work areas, lobby, or any other areas.

## 600.4 POTENTIALLY EXCULPATORY EVIDENCE OR FACTS

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Officers must include in their reports adequate reference to all material evidence and facts which are reasonably believed to be exculpatory to any individual in the case. If an officer learns of potentially exculpatory information anytime after submission of the case, the officer must notify the prosecutor as soon as practicable.

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

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

## 600.5 INITIAL INVESTIGATION

### 600.5.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

1. Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
    1. An initial statement from any witnesses or complainants.
    2. A cursory examination for evidence.
2. If information indicates a crime has occurred, the officer shall:
    1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
    2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
    4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. Complete and submit the appropriate reports and documentation.
3. If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

### 600.5.2 NON-SWORN MEMBER RESPONSIBILITIES

A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement

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action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

## 600.6 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

### 600.6.1 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

a. Recording is not feasible because of exigent circumstances that are later documented in a report.
b. The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.
c. The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.
d. The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.
e. The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.
f. A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.
g. The questions are part of a routine processing or booking, and are not an interrogation.
h. The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

## 600.7 DISCONTINUATION OF INVESTIGATIONS

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The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

1. All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.
2. The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.
    1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
    2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.
3. The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.
4. The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.
5. Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.
6. Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

## 600.8 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

## 600.9 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

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Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

### 600.9.1 INTERCEPTING ELECTRONIC COMMUNICATION

Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

## 600.10 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigations Division Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

1. Security procedures are developed to protect information gathered through the use of the technology.
2. A usage and privacy policy is developed that includes:
    1. The purposes for which using cellular communications interception technology and collecting information is authorized.
    2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
    3. Training requirements necessary for those authorized employees.
    4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
    5. Process and time period system audits.
    6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
    7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
    8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department’s usage and privacy procedures and all applicable laws.

## 600.11 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Division Commander

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or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

## 600.12 REVISIONS

Revised December 2021

## 600.13 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

## 600.14 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the Redwood City Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

a. Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).
b. Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the city to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The Detective Bureau supervisor should provide the Records Supervisor with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Bureau Policy for additional guidance.

## 600.15 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

600.15.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

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When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Department as lost or stolen, the Detective Bureau supervisor shall assign an officer to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code §11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Department (Penal Code § 28220).

### 600.15.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The Detective Bureau supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Department who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify that the individual is no longer in possession of firearms and provide the information to the Records Bureau for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Bureau Policy for additional guidance).

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# Sexual Assault Investigations

## 601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

### 601.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 601.2 POLICY

It is the policy of the Redwood City Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

a. Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.
b. Conduct follow-up interviews and investigation.
c. Present appropriate cases of alleged sexual assault to the prosecutor for review.
d. Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.
e. Provide referrals to therapy services, victim advocates and support for the victim.
f. Participate in or coordinate with SART.

## 601.4 INVESTIGATION AND REPORTING

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## *Sexual Assault Investigations*

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

### 601.4.1 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to the Communications Center, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims are often reluctant or embarrassed to discuss details. Recanting or changing one or more aspects of a prior statement is not necessarily an indication of false reporting or that the case is unfounded. If the responding officer has reason to believe the incident may be without merit, he/she should document the evidence and inconsistencies. Due to physical and emotional trauma associated with sexual assault, inconsistencies in the victim's report are not uncommon. No opinions of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (42 USC § 3796gg-8; Penal Code § 637.4).

### 601.4.2 VICTIM RIGHTS

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

Whenever there is an alleged sexual assault the assigned officer shall accomplish the following:

1. Immediately provide the victim with the "Victims of Domestic Violence" card containing the names and locations of rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).
2. Advise the victim of the right to have a victim advocate and a support person present at any interview by law enforcement as provided in Penal Code § 679.04.
3. If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).
    1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of his/her right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).

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2. A support person may be excluded from the examination by the officer or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

### 601.4.3 NON-REPORTING VICTIM RIGHTS (VIOLENCE AGAINST WOMEN ACT)

The Violence Against Women Act (VAWA) creates two federal rights for individuals self-identifying as victims of sexual assault:

- The right to a Sexual Assault Forensic Medical Examination at no cost to the victim.
- Provision of a Sexual Assault Forensic Medical Examination without any requirement or obligation to engage with law enforcement or to participate in criminal justice proceedings.

If a sexual assault victim chooses not to engage with law enforcement:

1. a. Law enforcement for the jurisdiction of assault is notified.
   b. If the victim does not provide a location of the assault: law enforcement for jurisdiction of disclosure location is notified.
   c. Law enforcement should refer the victim to Rape Trauma Services (650 692- 7273) to discuss his/her options, and allow time for the victim to immediately consult with a sexual assault counselor.
   d. The victim will be informed that she/he has a right to a forensic exam, at public expense, regardless of her/his choice to engage with law enforcement. If a forensic exam is declined, medical care is still available at the Keller Center, and the victim can be transported to the Keller Center. If care at the Keller Center is declined, the victim should be advised to seek personal medical attention.
   e. If the victim wants evidence collection without law enforcement involvement, the victim will be transported to the Keller Center.
   f. After the CalOES 2-924 Abbreviated Sexual Assault Forensic Exam is performed, the evidence kit goes to the law enforcement agency.
   g. The victim has the option to convert the case to active status by reporting within 2 years.
   h. Law enforcement will store nonreporting victim evidence for a minimum of 2 years. Evidence may be destroyed after 2 years. Per Cal PC Section 680 (e), a victim shall be given written notification by law enforcement of intention to destroy or dispose of rape kit evidence. Per Section 680 (f): written notification shall be made at least 60 days prior to destruction or disposal of the rape kit evidence.

### 601.4.4 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

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Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

### 601.4.5 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, it is critical to the investigation that a urine sample from the victim be collected as soon as possible.

Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze rape kits, other sexual assault victim evidence and other crime scene evidence, any member of this department assigned to investigate a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). Generally, rape kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18 month period (Penal Code § 680(d)).

### 601.4.6 VICTIM NOTIFICATION OF DNA STATUS

1. Upon receipt of a written request from a sexual assault victim or the victim’s authorized designee, the assigned officer may inform the victim of the status of the DNA testing of any evidence from the victim’s case (Penal Code § 680).
    1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
    2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim’s authorized designee regarding the status of any DNA testing.
2. Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights (Penal Code § 680):
    1. To be informed if a DNA profile of the assailant was obtained from the testing of the rape kit or other crime scene evidence from their case.

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2. To be informed if there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.
3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Databank of case evidence.

3. Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).
    1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.
    2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

601.4.7 DESTRUCTION OF EVIDENCE

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.

601.4.8 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Detective Bureau supervisor.

Classification of a rape case as unfounded requires the Detective Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence to support the recanted information before the case should be determined as unfounded.

## 601.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The Detective Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

## 601.6 TRAINING

Subject to available resources, periodic training should be provided to:

1. Members who are first responders. Training should include:
    1. Initial response to sexual assaults.
    2. Legal issues.

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3. Victim advocacy.
4. Victim’s response to trauma.
5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

2. Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:
    1. Interviewing sexual assault victims.
    2. SART.
    3. Medical and legal aspects of sexual assault investigations.
    4. Serial crimes investigations.
    5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
    6. Techniques for communicating with victims to minimize trauma.

## 601.7 REVISIONS

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# Asset Forfeiture

## 602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

## 602.2 POLICY

The Redwood City Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Redwood City Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

## 602.3 ASSET SEIZURE

Before seizing any currency, vehicle or personal property pursuant to Health & Safety Code § 11470, a patrol officer should contact a SCST detective. The following guidelines will be observed:

a. The officer initiating an asset seizure investigation must contact the Deputy District Attorney assigned to asset forfeitures (or on-call DA afterhours) to obtain authorization to initiate the process.
b. The seizing officer or the detective will serve all persons with Notice of Seizure and Intended Forfeiture forms which includes an attached County of Origin Claim form Opposing Forfeiture, and a forfeiture receipt. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle or property seized.
c. When someone has made notification other than the Asset Forfeiture detective, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the supervisor of the Street Crime Suppression Team, for review.
d. Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income and other resources. The interviewing officer shall ensure that *Miranda* warnings are given and waivers obtained before interviewing any person who is in custody.
e. Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.
f. The seizure of assets subject to forfeiture is a civil proceeding filed through the county of origin, Office of the District Attorney Forfeiture Unit or Narcotic Enforcement Team.

### 602.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

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a. Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

b. Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):

    1. The property subject to forfeiture is legally seized incident to an arrest.

    2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should contact the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

### 602.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

a. Cash and property that does not meet the forfeiture counsel's current minimum forfeiture thresholds should not be seized.

b. Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).

c. A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect's immediate family (Health and Safety Code § 11470).

d. Vehicles, boats or airplanes owned by an "innocent owner," such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).

e. Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

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602.3.3 SEIZED VEHICLES

Vehicles seized subject to forfeiture will be taken to the police facility. A seized vehicle should not be impounded to a tow facility. The officer seizing the vehicle shall notify the detective supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

If the vehicle cannot be driven, a tow truck will be used to tow the vehicle to the police facility.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

## 602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

a. Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

b. Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

c. Forward the original seizure forms and related reports to the SCST Supervisor within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the SCST Supervisor.

## 602.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Unit Supervisor is responsible for ensuring compliance with the following:

a. All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

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b. All property received for forfeiture is checked to determine if the property has been stolen.

c. All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

d. Property received for forfeiture is not used unless the forfeiture action has been completed.

## 602.6 REVISIONS

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# Informants

## 603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

## 603.2 INFORMANT FILE SYSTEM

All individuals who have or will receive compensation for the provision of information, or consideration for their participation in relationship to a pending criminal case for the provision of information, will be considered informants. Accordingly, all informants will be subject to logging within the informant file system. The Street Crime Suppression Team Supervisor or his/her designee shall be responsible for maintaining informant files. A separate file shall be maintained on each confidential informant.

### 603.2.1 FILE SYSTEM PROCEDURE

Each file shall be coded with an assigned informant control number. An informant history shall be prepared to correspond to each informant file and include the following information:

a. Informant's name and/or aliases
b. Date of birth
c. Physical description: height, weight, hair color, eye color, race, sex, scars, tattoos or other distinguishing features
d. Current home address and telephone numbers
e. Current employer(s), position, address(es) and telephone numbers
f. Vehicles owned and registration information
g. Places frequented
h. Informant's photograph
i. Briefs of information provided by the informant and his or her subsequent reliability. If an informant is determined to be unreliable, the informant's file is marked as "Unreliable"
j. Name of officer initiating use of the informant
k. Signed informant agreement
l. Update on active or inactive status of informant

The informant files shall be maintained in a secure area within the Investigations Division. These files shall be used to provide a source of background information about the informant, enable review and evaluation of information given by the informant, and minimize incidents that could be used to question the integrity of detectives or the reliability of the confidential informant.

Access to the informant files shall be restricted to the Chief of Police, Deputy Chief, any Command Officer, the Street Crime Suppression Team Supervisor, or their designees.

## 603.3 USE OF INFORMANTS

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Prior to predicating any investigative or enforcement action solely upon information provided by a prospective confidential informant, the officer shall compile sufficient information through a background investigation in order to determine the reliability, credibility and suitability, of the individual, including age, maturity and risk of physical harm.

### 603.3.1 JUVENILE INFORMANTS

The use of juvenile informants under the age of 13-years is prohibited. Except as provided for in the enforcement of the Tobacco Enforcement Act, Business & Professions Code §§ 22950, et seq., the use of any juvenile informant between the ages of 13 and 18-years is only authorized by court order obtained pursuant to Penal Code § 701.5.

For purposes of this policy, a "juvenile informant" means any juvenile who participates, on behalf of this department, in a prearranged transaction or series of prearranged transactions with direct face-to-face contact with any party, when the juvenile's participation in the transaction is for the purpose of obtaining or attempting to obtain evidence of illegal activity by a third party and where the juvenile is participating in the transaction for the purpose of reducing or dismissing a pending juvenile petition against the juvenile.

## 603.4 GUIDELINES FOR HANDLING CONFIDENTIAL INFORMANTS

All confidential informants are required to sign and abide by the provisions of the departmental Informant Agreement. The officer using the confidential informant shall discuss each of the provisions of the agreement with the confidential informant.

Details of the agreement are to be approved in writing by the unit supervisor before being finalized with the confidential informant.

### 603.4.1 RELATIONSHIPS WITH CONFIDENTIAL INFORMANTS

No member of the Redwood City Police Department shall knowingly maintain a social relationship with a confidential informant while off duty, or otherwise become intimately involved with a confidential informant. Members of the Redwood City Police Department shall neither solicit nor accept gratuities nor engage in any private business transaction with a confidential informant.

To maintain officer/informant integrity, the following must be adhered to:

a. Officers shall not withhold the identity of an informant from their superiors
b. Identities of informants shall otherwise be kept confidential
c. Criminal activity by informants shall not be condoned
d. Informants shall be told they are not acting as police officers, employees or agents of the Redwood City Police Department, and that they shall not represent themselves as such
e. The relationship between officers and informants shall always be ethical and professional
f. Social contact shall be avoided unless necessary to conduct an official investigation, and only with prior approval of a supervisor
g. Officers should not meet with an informant in private (one on one) without another officer present

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h. In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses
i. Anytime information is provided for compensation, a brief narrative should be completed and placed in the informants file that documents if the information was valuable, reliable, unreliable or unable to use information provided

## 603.5 NARCOTICS INFORMANT PAYMENT PROCEDURES

The potential payment of large sums of money to any confidential informant must be done in a manner respecting public opinion and scrutiny. Additionally, to maintain a good accounting of such funds requires a strict procedure for disbursements.

### 603.5.1 PAYMENT PROCEDURE

The amount of funds to be paid to any confidential informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case.
- The significance, value or effect on crime.
- The amount of assets seized.
- The quantity of the drugs seized.
- The informant's previous criminal activity.
- The level of risk taken by the informant.

The Investigations Division Captain or his/her designee will determine the proper amount of payment based on the above listed considerations.

### 603.5.2 CASH DISBURSEMENT POLICY

The following establishes a cash disbursement policy for confidential informants. No informant will be told in advance or given an exact amount or percentage for services rendered.

### 603.5.3 PAYMENT PROCESS

Funds shall be requested by the case agent. The case number shall be recorded justifying the payment. Payments of $500 and under may be authorized by an Investigations Division Supervisor. Payments over $500 will need the approval of the Investigations Division Captain and the Chief of Police. Payments will be made in cash out of the Investigations Division Buy/Expense fund.

To complete the transaction with the confidential informant the case agent shall have the confidential informant sign the payment voucher indicating the amount received, the date, and that the confidential informant is receiving funds in payment for information voluntarily rendered in the case. The Redwood City Police Department case number shall be recorded on the voucher. The case agent and a witnessing officer will sign the voucher when the payment is completed. A copy of the payment voucher will be placed in the confidential informant's file. The payment voucher files shall be maintained in a secure area of the Investigations Division.

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If the payment amount exceeds $500.00, a complete written statement of the confidential informant's involvement in the case shall be placed in the confidential informant's file. This statement shall be signed by the confidential informant verifying the statement as a true summary of his/her actions in the case(s).

Each confidential informant receiving a cash payment shall be informed of his or her responsibility to report the cash to the Internal Revenue Service (IRS) as income.

603.5.4 REPORTING OF PAYMENTS

Each confidential informant receiving a cash payment shall be informed of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the confidential informant should be provided IRS Form 1099 (26 CFR § 1.6041-1). If such documentation or reporting may reveal the identity of the confidential informant and by doing so jeopardize any investigation, the safety of peace officers or the safety of the confidential informant (26 CFR § 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the confidential informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the confidential informant's file.

## 603.6 REVISIONS

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# Eyewitness Identification

## 604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

### 604.1.1 DEFINITIONS

Definitions related to the policy include:

**Eyewitness identification process** -Any field identification, live lineup or photographic identification.

**Field identification** -A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Live lineup** - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

**Photographic lineup** - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

## 604.2 POLICY

The Redwood City Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## 604.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Detective Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

a. The date, time and location of the eyewitness identification procedure.

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b. The name and identifying information of the witness.
c. The name of the person administering the identification procedure.
d. If applicable, the names of all of the individuals present during the identification procedure.
e. An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.
f. An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.
g. If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.
h. An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.
i. A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.
j. A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.
k. Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

## 604.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

### 604.5.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

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When practicable, the person composing the lineup and the person presenting the lineup should not be directly involved in the investigation of the case. When this is not possible, the member presenting the lineup must take the utmost care not to communicate the identity of the suspect in any way.

When practicable, the employee presenting a lineup to a witness should not know which photograph or person is the suspect.

Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

The employee presenting the lineup to a witness should do so sequentially and not simultaneously (i.e., show the witness one person at a time). The witness should view all persons in the lineup.

The order of the suspect or the photos and fillers should be randomized before being presented to each witness.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating officer should contact the appropriate prosecuting attorney before proceeding.

### 604.5.2 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the officer should observe the following guidelines:

a. Obtain a complete description of the suspect from the witness.
b. Assess whether a witness should be included in a field identification process by considering:
    1. The length of time the witness observed the suspect.
    2. The distance between the witness and the suspect.
    3. Whether the witness could view the suspect's face.
    4. The quality of the lighting when the suspect was observed by the witness.
    5. Whether there were distracting noises or activity during the observation.
    6. Any other circumstances affecting the witness's opportunity to observe the suspect.
    7. The length of time that has elapsed since the witness observed the suspect.
c. If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
d. When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.

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e. A person should not be shown to the same witness more than once.
f. In cases involving multiple suspects, witnesses should only be permitted to view the suspects one at a time.
g. A person in a field identification should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

## 604.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report. The sequential photographic lineup admonishment must be administered in compliance with **Penal Code § 859.7**, and this admonishment shall be noted as having been provided. The officer shall record in writing, **verbatim**, the eyewitness's **statement of confidence** in any identification made. This statement should reflect the witness's own words describing their level of certainty at the time of identification and must not be paraphrased or summarized.

### 604.6.1 DOCUMENTATION RELATED TO RECORDINGS

The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

### 604.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION

If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

## 604.7 REVISIONS

Revised December 2021

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# Brady Material Disclosure

## 605.1 PURPOSE AND SCOPE

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

### 605.1.1 DEFINITIONS

Definitions related to this policy include:

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

## 605.2 POLICY

The Redwood City Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Redwood City Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

## 605.3 DISCLOSURE OF INVESTIGATIVE INFORMATION

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

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

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

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

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## 605.4 DISCLOSURE OF PERSONNEL INFORMATION

Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:

a. In the event that a *Pitchess* motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of *Brady* information in the officer's personnel file.
b. The prosecuting attorney should then be requested to file a *Pitchess* motion in order to initiate an in-camera review by the court.
c. Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.
d. The Custodian of Records shall accompany all relevant files during any in-camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.
e. If the court determines that there is relevant *Brady* information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.
    1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

## 605.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

## 605.6 TRAINING

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

## 605.7 REVISIONS

Reviewed December 2020

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# Guidelines for the Investigative Use of Social Media

## 606.1 PURPOSE AND SCOPE

This policy is intended to establish guidelines for the use of social media in pre-employment background investigations, crime analysis, situational assessments, criminal intelligence development, and criminal investigations.

## 606.2 DEFINITIONS

**Crime Analysis and Situational Assessment** - Analytic activities to enable police personnel to identify and understand trends, causes, and potential indicia of criminal activity, including terrorism.

**Criminal Intelligence Information** - Data which meets criminal intelligence collection criteria and which has been evaluated and determined to be relevant to the identification of criminal activity engaged in by individuals who or organizations which are reasonably suspected of involvement in criminal activity.

**Criminal Nexus** - Established when behavior or circumstances are related to an individual or organization's involvement or planned involvement in criminal activity or enterprise.

**Online Alias** - An online identity encompassing identifiers, such as name and date of birth, differing from the employee's actual identifiers, that uses a nongovernmental Internet Protocol address. Online alias may be used to monitor activity on social media websites or to engage in authorized online undercover activity.

**Online Undercover Activity** - The utilization of an online alias to engage in interactions with a person via social media sites that may or may not be in the public domain (i.e. "friending a person on Facebook").

**Public Domain** - Any Internet resource that is open and available to anyone.

**Social Media** - A category of Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social media networking sites (Facebook, MySpace), micro blogging sites (Twitter), photo- and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit).

**Social Media Monitoring Tool** - A tool used to capture data and monitor social media sites by utilizing automated tools such as web crawlers and word search functions to make predictive analysis, develop trends, or collect information. Examples include Netbase, Twitterfall, Trackur, Tweetdeck, Socialmention, Socialpointer, and Plancast.

**Social Media Websites** - Sites which focus on building online communities of people who share interests and activities and/or exploring the interests and activities of others. Social media websites are further categorized by Internet-based resources that integrate user-generated content and user participation. This includes, but is not limited to, social networking sites (Facebook, MySpace), micro blogging sites (Twitter,

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Nixle), photo-and video-sharing sites (Flickr, YouTube), wikis (Wikipedia), blogs, and news sites (Digg, Reddit). The absence of an explicit reference to a specific social media website does not limit the application of this policy.

**Valid Law Enforcement Purpose** - A purpose for information/intelligence gathering development, or collection, use, retention, or sharing that furthers the authorized functions and activities of a law enforcement agency, which may include the prevention of crime, ensuring the safety of the public, furthering officer safety, and homeland and national security, while adhering to law and agency policy designed to protect the privacy, civil rights, and civil liberties of Americans.

## 606.3 POLICY

Social media may be a valuable investigative tool to detect and prevent criminal activity. Social media has been used for community outreach events such as providing crime prevention tips, providing crime maps, and soliciting tips about unsolved crimes. Social media may also be used to make time sensitive notifications regarding special events, weather emergencies, or missing or endangered persons. While social media is a new resource for law enforcement, employees must adhere to this policy to protect individuals' privacy, civil rights, and civil liberties and to prevent employee misconduct.

## 606.4 UTILIZATION OF SOCIAL MEDIA

a. Social media may be used by Investigative Division personnel for the following valid law enforcement purposes:
    1. Pre-employment background investigations;
    2. Crime analysis and situational assessment reports;
    3. Criminal intelligence development;
    4. Criminal investigations.
b. While on duty, employees will utilize social media, access social media websites, online aliases, and social media monitoring tools only for a valid law enforcement purpose. The utilization of an online alias or social media monitoring tool for personal use is prohibited and is considered employee misconduct. Employees will only utilize social media to seek or retain information that:
    1. Is based upon a criminal predicate or threat to public safety; or
    2. Is based upon reasonable suspicion that an identifiable individual, regardless of citizenship or U.S. residency status, or organization has committed an identifiable criminal offense or is involved in or is planning criminal conduct or activity that presents a threat to any individual, the community, or the nation and the information is relevant to the criminal conduct or activity (criminal intelligence information); or
    3. Is relevant to the investigation and prosecution of suspected criminal incidents; the resulting justice system response; the enforcement of sanctions, orders, or sentences; or the prevention of crime; or
    4. Is useful in crime analysis or situational assessment reports for the administration of criminal justice and public safety; or

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5. Is relevant to pre-employment background investigations.

c. The Redwood City Police Department will not utilize social media to seek or retain information about:
    1. Individuals or organizations solely on the basis of their religious, political, social views or activities; or
    2. An individual's participation in a particular non-criminal organization or lawful event; or
    3. An individual's race, ethnicity, citizenship, place of origin, disability, gender, or sexual orientation unless such information is relevant to the individual's criminal conduct or activity or if required to identify the individual; or
    4. An individual's age other than to determine if someone is a minor.
d. The Redwood City Police Department will not directly or indirectly receive, seek, accept, or retain information from:
    1. An individual or nongovernmental information provider who may or may not receive a fee or benefit for providing the information if there is reason to believe that the information provider is legally prohibited from obtaining or disclosing the information; or
    2. A source that used prohibited means to gather the information.

## 606.5 AUTHORIZATION TO ACCESS SOCIAL MEDIA WEBSITES

a. This section addresses the authorization necessary to utilize social media and access social media websites for crime analysis and situational awareness/assessment reports; intelligence development; and criminal investigations. **Public Domain:** No authorization is necessary for general research, topical information or other law enforcement uses that do not require the acquisition of an online alias. **Online Alias:** An online alias may only be used to seek or retain information that:
    1. Is based upon a criminal predicate or threat to public safety; or
    2. Is based upon reasonable suspicion that an identifiable individual, regardless of citizenship or U.S. residency status, or organization has committed a criminal offense or is involved in or is planning criminal conduct or activity that presents a threat to any individual, the community, or the nation and the information is relevant to the criminal conduct or activity; or
    3. Is relevant to the investigation and prosecution of suspected criminal incidents; the resulting justice system response; the enforcement of sanctions, orders, or sentences; or the prevention of crime; or
    4. Is useful in crime analysis or situational assessment reports for the administration of criminal justice and public safety.
b. **Authorization for Online Aliases**: Personnel must submit a request for an online alias. The request must contain the following information:
    1. Purpose for the request (i.e. type of investigative activity);
    2. Username;

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3. Identifiers and pedigree to be utilized for the online alias, such as email address, username and date of birth. Do not include password(s) for online aliases and ensure password(s) are secured at all times; and
4. Photograph to be used with online alias, if applicable.

c. The unit supervisor must evaluate the request to determine whether an online alias would serve a valid law enforcement purpose. The work unit supervisor must maintain the requests for online alias and their status (approved/denied) for two years from the date of deactivation of the online alias. Investigative Division personnel with an approved online alias may use their online alias to make false representations in concealment of personal identity in order to establish social media accounts (i.e. a Facebook account). The establishment of a social media account with an approved online alias must be documented. **Authorization for Online Undercover Activity:**
    1. An employee who has an authorized online alias may also request authorization to engage in online undercover activity. Only sworn officers will be authorized to engage in online undercover activity utilizing the online alias.
    2. Online undercover activity occurs when the employee utilizing the online alias interacts with a person via social media. Online undercover operations will only be utilized when there is reason to believe that criminal offenses have been, will be or are being committed (e.g. internet chat rooms where child exploitation occurs).
    3. Employees must submit a request to engage in online undercover activity. The unit supervisor must evaluate the request to determine whether online undercover activity is appropriate. If the request is approved, the authorization must be maintained in the file containing the record of the online undercover activity. The request must contain the following information:
        a. Online alias(es) to be used in the online undercover activity;
        b. Social media accounts utilized;
        c. Valid law enforcement purpose; and
        d. Anticipated duration for the online undercover activity
    4. In situations involving exigent circumstances, the unit supervisor may provide verbal authorization for online undercover activity. The unit supervisor should provide written documentation of the request, the exigent circumstances, and the circumstances of the verbal authorization as soon as practical.
    5. A record will be maintained of all online undercover activity.
    6. Once authorized to engage in online undercover activity, the investigator should utilize the appropriate deconfliction system.
    7. All approved online undercover activity requests will be reviewed monthly by the work unit supervisor to ensure continued need for the online undercover activity. Approved online undercover activity that does not provide information regarding a valid law enforcement purpose within thirty (30) days will be discontinued.
    8. A summary will be placed in the file indicating the date of termination of the online undercover activity. The online alias may be maintained if it is anticipated that it will be utilized again.

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## 606.6 AUTHORIZATION TO UTILIZE SOCIAL MEDIA MONITORING

Prior to utilizing a social media monitoring tool, the unit supervisor will submit a request through the chain of command to the Investigations Commander for authorization to use the social media monitoring tool. The social media monitoring tool may be utilized in criminal investigations; criminal intelligence development; and crime analysis and situational assessment reports (e.g. during sporting events, demonstrations or other large gatherings that require a law enforcement presence to ensure the safety of the public). The request must contain the following:

a. A description of the social media monitoring tool;
b. Its purpose and intended use;
c. The social media websites the tool will access;
d. Whether the tool is accessing information in the public domain or information protected by privacy settings; and
e. Whether information will be retained by the department and if so, the applicable retention period for such information.

In exigent circumstances, the unit supervisor may obtain verbal authorization to utilize the social media monitoring tool and provide written documentation as soon as practical. The written documentation should include a description of the exigent circumstances and the verbal authorization, as well as the required information for the request.

If approved, the social media monitoring tool may be utilized for a period of ninety (90) days or, in the case of situational assessments such as an event or large gathering, until the conclusion of the law enforcement activity related to the event. After ninety (90) days, the work unit supervisor must submit a summary describing the law enforcement actions that resulted from the use of the social media monitoring tool. If continued use is needed, the summary may also contain a request to continue using the social media monitoring tool. The process to approve the request is the same as the original request.

## 606.7 SOURCE OF RELIABILITY AND CONTENT VALIDITY

Information developed from social media sites should be corroborated using traditional investigative tools including interviews, verification of address, verification of internet protocol address information, or other lawful means.

## 606.8 DOCUMENT RETENTION

Other than crime analysis and situational assessment reports, all information obtained from social media websites shall be placed within a case file, suspicious activity report, or intelligence report. At no time should Investigative Division personnel maintain any social media files outside of these authorized files.

Crime analysis and situational assessment reports may be prepared for special events management, including First Amendment-protected activities. At the conclusion of the situation requiring the report or

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First Amendment-protected event where there was no criminal activity related to the information gathered, the information obtained from the social media monitoring tool will be retained for no more than fourteen (14) days. Information from the social media monitoring tool that does indicate a criminal nexus will be retained in an intelligence report, suspicious activity report, or case investigative file as directed by the Redwood City retention schedule.

Information identified as criminal in nature that is obtained in the course of an investigation from a social media site will be collected and retained using screen shots, printouts of chat logs, copying uniform resource locators (URL's) for subpoena or investigatory purposes, or storing the information via secure digital means. When possible, employees will utilize investigative computer systems and software intended to record data from social media sites.

## 606.9 OFF DUTY CONDUCT

An employee who becomes aware of potential criminal activity via the Internet while off duty shall contact their supervisor or on duty watch commander if the activity involves a minor child or exigent circumstances to determine the best course of action.

As soon as practical following awareness of the potential criminal activity, the employee should prepare detailed notes to document a complete description of the information observed and specifics as to the events that occurred or action taken.

Employees shall act to preserve and maintain proper custody of images, texts, photographs, or other potential evidence.

## 606.10 PERSONAL EQUIPMENT AND PERSONAL SOCIAL MEDIA WEBSITES AND PASSWORDS

Given the ease with which information can be gathered from public Internet searches, tracking services, and other computer analytic technology, the use of employee's personal or family Internet accounts, social media, or Internet service for official Redwood City Police investigations is prohibited.

## 606.11 DISSEMINATION

Retention and dissemination of social media information will be the same as the type of file, whether a paper or electronic file, in which the information is located. For example, retention and dissemination of social media information within an intelligence file will be treated in the same manner as an intelligence file. Information developed during the course of a criminal investigation will be located in the investigative case file and retained and disseminated in the same manner as the investigative case file.

## 606.12 EMPLOYMENT BACKGROUND INVESTIGATIONS

As part of its employment background process, Investigative Division personnel will conduct a search of social media websites and profiles in the public domain regarding the applicant. Applicants will be notified that this search will be conducted. Applicants are not required to disclose passwords to social media sites

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or profiles to the Redwood City Police Department. In the event an applicant discloses their password, the background investigator will not utilize the password to log into the applicant's social media site or profile. Employees will not search or attempt to gain access to private social media profiles.

All searches of applicant social media pages and profiles will only search information that is in the public domain.

Online aliases will not be used to conduct employment background investigations.

Only criminal comments or images will be collected as part of the background investigatory process. Employees will not collect or maintain information about the political, religious, or social views, associations or activities of any individual or any group unless such information directly relates to criminal conduct or activity.

During the course of a background investigation, if a reference, supervisor, or colleague of the applicant provides negative information on the applicant related to a social media site, the investigating officer will prepare an investigative summary outlining the information provided by the reference.

## 606.13 SANCTIONS FOR MISUSE

Any employee who violates the provisions of this directive will be subject to disciplinary action, up to and including termination.

## 606.14 COMPLAINTS AND INFORMATION QUALITY ASSURANCE

Complaints from the public regarding information obtained from social media websites will be submitted to the Administrative Lieutenant and handled in accordance with the provisions of this policy manual. If the information is determined to be erroneous, the information will be corrected or deleted.

## 606.15 REVISIONS

Revised July 2020

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# Warrant Service

## 607.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

## 607.2 POLICY

It is the policy of the Redwood City Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

## 607.3 OPERATION SUPERVISOR

The operation supervisor shall review all risk assessment forms with the involved division lieutenant to determine the risk level of the warrant service.

The operation supervisor will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

## 607.4 SEARCH WARRANTS

Officers should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor.

## 607.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor.

If the warrant is classified as high risk, the operation supervisor will coordinate with the division lieutenant.. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a

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residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

## 607.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

a. Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.
b. A clear explanation of the affiant's training, experience, and relevant education.
c. Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.
d. A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.
e. Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.
f. A specific description of the location to be searched, including photographs of the location, if reasonably available.
g. A sufficient description of the items to be seized.
h. Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

## 607.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

a. When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.
b. The warrant service is audio- and video-recorded when practicable and reasonable to do so.
c. Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.
d. Reasonable efforts are made during the search to maintain or restore the condition of the location.
e. Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

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f. Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).
g. A list is made of all items seized and a copy provided to the person in charge of the premises if present or otherwise left in a conspicuous place.
h. A copy of the search warrant is left at the location.
i. The condition of the property is documented with video recording or photographs after the search.

## 607.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

## 607.9 ACTIONS AFTER WARRANT SERVICE

The supervisor shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

## 607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency.

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The director should ensure that members of the Redwood City Police Department are utilized appropriately. Any concerns regarding the requested use of Redwood City Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside Redwood City Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Redwood City Police Department when assisting outside agencies or serving a warrant outside Redwood City Police Department jurisdiction.

## 607.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

## 607.12 TRAINING

Officers should receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

## 607.13 REVISIONS

Revised July 2020

## 607.14 NO-KNOCK ENTRIES

No-knock entries are only authorized if a no-knock warrant has been obtained or if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

## 607.15 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

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# Operations Planning and Deconfliction

## 608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 608.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

## 608.2 POLICY

It is the policy of the Redwood City Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

## 608.3 OPERATION SUPERVISOR

The assigned operation supervisor will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operation supervisor will review risk assessment forms with involved division lieutenant to determine whether a particular incident qualifies as a high-risk operation.

## 608.4 RISK ASSESSMENT

### 608.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

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The officer should gather available information that includes, but is not limited to:

a. Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.
b. Maps of the location.
c. Diagrams of any property and the interior of any buildings that are involved.
d. Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).
e. Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).
f. Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).
g. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).
h. Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

### 608.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor.

The supervisor and division lieutenantshall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

### 608.4.3 HIGH-RISK OPERATIONS

If the operation is determined to be high risk, the operation supervisor should::

1. Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:
    a. CRU (SWAT & HNT)
    b. Additional personnel
    c. Outside agency assistance
    d. Special equipment
    e. Medical personnel
    f. Persons trained in negotiation
    g. Additional surveillance
    h. Canines
    i. Property and Evidence Unit or analytical personnel to assist with cataloguing seizures

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j. Forensic specialists
k. Specialized mapping for larger or complex locations

2. Contact the appropriate department members or other agencies as warranted to begin preparation.
3. Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
4. Coordinate the actual operation.

## 608.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, but no later than two hours prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

## 608.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

1. Operation goals, objectives, and strategies.
2. Operation location and people:
    1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
    2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids
    3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

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    4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children
3. Information from the risk assessment form by attaching a completed copy in the operational plan.
    1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.
4. Participants and their roles.
    1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.
    2. How all participants will be identified as law enforcement.
5. Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.
6. Identification of all communications channels and call-signs.
7. Use of force issues.
8. Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).
9. Plans for detaining people who are not under arrest.
10. Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.
11. Communications plan.
12. Responsibilities for writing, collecting, reviewing, and approving reports.

### 608.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

## 608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

1. The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.
2. All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.
3. The operation supervisor shall ensure that all participants are visually identifiable as law enforcement officers.

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1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

4. The briefing should include details of the communications plan.
    1. It is the responsibility of the operations director to ensure that the Communications Center is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
    2. If the radio channel needs to be monitored by the Communications Center, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
    3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

## 608.8 CNU PARTICIPATION

If the operation supervisor and division lieutenant determines that CNU participation is appropriate, the operations supervisorand the CNU supervisor shall work together to develop a written plan. The CNU supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the CNU supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

## 608.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

## 608.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any CNU debriefing.

## 608.11 TRAINING

Officers and CNU team members who participate in operations subject to this policy should receive periodic training including, but not limited to, topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

## 608.12 REVISIONS

Revised December 2021

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# Forensic Genetic Genealogy

## 609.1 PURPOSE AND SCOPE

This policy provides guidance for the use of forensic genetic genealogy (FGG) to generate investigative leads.

### 609.1.1 DEFINITIONS

Definitions related to this policy include:

**Combined DNA Index System (CODIS)** - An FBI computer software program that operates deoxyribonucleic acid (DNA) profile databases for law enforcement use.

**DNA typing laboratory** - A laboratory that analyzes biological samples, including extracted DNA, in order to provide various DNA profile types. State or local crime labs are generally not equipped to provide single nucleotide polymorphism (SNP) DNA profiles; therefore, the use of private DNA typing laboratories is often necessary for FGG.

**Extracted DNA** - The DNA isolated from a biological sample remaining after previous DNA testing has been completed.

**Forensic genetic genealogy (FGG)** - The process of obtaining a SNP DNA profile from a biological sample collected during an investigation; uploading the profile to a genetic genealogy site for comparison to the consumer profiles in the site's database to identify genetic relatives; and using the identified genetic relationships, as well as traditional genealogy research, to generate investigative leads.

**Genetic genealogist** - A genealogist who uses DNA testing with traditional genealogical research methods to assist law enforcement or private clients in identifying biological relatives of an individual.

**Genetic genealogy site** - A database of DNA profiles voluntarily submitted by public consumers for the purpose of identifying genetic relatives. The availability of genetic genealogy sites for law enforcement use varies depending on their terms of service.

**Short tandem repeat (STR) DNA profile** - The results of DNA typing in a format that can be processed through CODIS and state DNA databases. This is the type of DNA used in conventional non-FGG law enforcement investigations.

**Single nucleotide polymorphism (SNP) DNA profile** - The results of DNA typing in a format that enables an unknown DNA sample to be compared to the DNA profiles maintained by a genetic genealogy site. This is the DNA type used in FGG.

## 609.2 POLICY

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The Redwood City Police Department's use of FGG will be in coordination with prosecutors, the Coroner, and other appropriate resources only in qualifying cases after reasonable conventional investigative methods have been pursued. Members will take reasonable steps to maintain the integrity of the FGG process and safeguard the privacy rights of individuals whose DNA profiles are analyzed.

## 609.3 CRITERIA FOR FGG USE

Before using FGG, the lead investigator should coordinate with the supervisor to determine whether the case meets the following requirements:

a. Biological evidence collected as part of the underlying investigation (or extracted DNA from the biological evidence) is available for additional testing and is reasonably believed to be attributable to:
    1. The perpetrator of an unsolved violent felony.
    2. The unidentified human remains of a suspected homicide victim.
b. All reasonable conventional investigative methods have been utilized and all reasonable investigative leads have been pursued (e.g., relevant case information entered in the National Missing and Unidentified Persons System (NamUs) and the Violent Criminal Apprehension Program (ViCAP) national database).
c. An STR DNA profile has been developed from the biological evidence collected in the case and, absent unusual circumstances, has been uploaded to CODIS and any applicable state DNA database for comparison with negative results.

## 609.4 COORDINATION

Once a preliminary determination has been made that a case may qualify for the use of FGG, the lead investigating member should consult with the appropriate prosecutor to address current and prospective legal issues and determine if a search warrant is required.

In the case of unidentified human remains, the lead investigator should also consult with the Coroner.

## 609.5 SUBMISSION OF SAMPLE

The biological evidence or extracted DNA should be submitted to a DNA typing laboratory approved by the Department in order to obtain a SNP DNA profile.

Once a SNP DNA profile has been obtained from the biological evidence or extracted DNA, the lead investigating member should arrange for it to be compared to the SNP DNA profiles contained in one or more genetic genealogy sites to identify possible genetic relatives. The lead investigator should work with a qualified genetic genealogist as needed during this process.

When submitting a SNP DNA profile for comparison, the lead investigator or the authorized designee (e. g., assigned genetic genealogist) shall notify the genetic genealogy site that the request for comparison is

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from a law enforcement agency and confirm that the site's terms of service permit FGG for the type of case being investigated. The use of the SNP DNA profile and any subsequent comparison shall be limited to the original underlying investigation.

If at any time during the FGG process the case no longer meets the criteria for FGG use, the lead investigator should promptly notify the DNA typing laboratory, genetic genealogy site, and/or genetic genealogist to cease any further analysis and to return all evidence, data, and materials to the Department.

## 609.6 ANALYSIS OF FGG DATA

Once results of a comparison are received from a genetic genealogy site, the information should be evaluated by a genetic genealogist, who will assist the lead investigator in identifying potential investigative leads.

The lead investigator should promptly and diligently pursue each viable lead identified through the FGG process using traditional investigative methods, as appropriate, to:

a. Eliminate an individual as a potential suspect in the case.
b. Link an individual to the case as a potential suspect.
c. Identify human remains.

## 609.7 COLLECTION OF THIRD-PARTY DNA SAMPLE

If it is determined that a third-party DNA sample (i.e., from a person not likely to be a suspect in the investigation) should be collected and analyzed for FGG, consent from the third party should be obtained prior to collection.

If there is a reasonable belief that the integrity of the investigation would be compromised by seeking consent from the third party prior to collection, the lead investigator should consult with the prosecutor regarding applicable laws and procedures in both the jurisdiction of the investigation and the jurisdiction where the collection will occur, if different.

The use of a third-party DNA sample shall be limited to the original underlying investigation.

## 609.8 POST-IDENTIFICATION

Members shall not rely solely on FGG identification of a potential suspect for probable cause to make an arrest or obtain an arrest warrant. Unless there is sufficient evidence independent of the FGG data to support an arrest, a potential suspect identified through FGG should not be arrested until the suspect's identity is confirmed.

Members shall not rely solely on FGG to identify human remains unless there is sufficient evidence independent of the FGG data to declare the identification or confirmation testing has been completed.

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Confirmatory DNA testing should be conducted by collecting a known DNA sample from the potential suspect or, in the case of unidentified human remains, from a close biological relative. This known DNA sample should be submitted for comparison to the original unknown STR DNA profile through conventional methods (e.g., in CODIS).

The lead investigator should consult with the prosecutor to determine the appropriate method of obtaining a known DNA sample.

Once the identity of a suspect or the identity of unidentified human remains has been confirmed through conventional DNA testing, the lead investigator should:

a. Consult with the prosecutor to evaluate the entire investigative file for consideration of criminal charges or further investigation.
b. If applicable, consult with the Coroner for an amendment to a certificate of death.

## 609.9 PRIVACY CONSIDERATIONS

Members should make reasonable efforts to respect and protect the privacy of non-suspect genetic relatives identified through the FGG process. The names and identifying information of any non-suspect genetic relatives should not be included in official reports, probable cause declarations, or affidavits for search warrants and should not be disclosed unless otherwise required by law or court order.

The lead investigator should formally request that the SNP DNA profile be removed from all genetic genealogy sites upon identity confirmation and should retain a copy of the request for department records. The lead investigator should request that all case-related records and data provided to, or generated by, a genetic genealogist during the FGG process be returned to the Department.

## 609.10 RETENTION OF DNA SAMPLES AND RELATED RECORDS

Genetic information, including any derivative profiles and genetic genealogy site user information, should be retained in accordance with the established records retention schedule. The lead investigator should coordinate with the Property Officer and provide adequate notice to the appropriate prosecutor's office before destroying any profiles or data obtained from the FGG process.

See the Property and Evidence Policy for guidelines regarding biological evidence, including DNA samples.

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# Facial Recognition Technology Use

## 610.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the use of facial recognition technology (FRT) by an officer to assist in the development of investigative leads. This policy also provides guidance for FRT data access, use, and retention.

This policy does not apply to the use of FRT in user identification applications for personal electronic devices, access control systems, or automated video redaction software.

### 610.1.1 DEFINITIONS

Definitions related to this policy include:

**Facial recognition technology (FRT)** - A software application, electronic system, or a third-party service that uses biometric algorithms to compare facial features of a probe image with the features of images contained within an image database.

**Probe image** - A search image submitted to FRT for comparison with images contained within an image database.

## 610.2 POLICY

It is the policy of the Redwood City Police Department to limit FRT use to developing investigative leads for legitimate law enforcement purposes while recognizing and protecting established constitutional and privacy rights.

## 610.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee shall approve any FRT system or service prior to its implementation and use by the Department.

## 610.4 FRT COORDINATOR

The Chief of Police or the authorized designee shall appoint an FRT coordinator. The responsibilities of the FRT coordinator include:

a. Establishing procedures for department FRT use that conform to applicable laws, regulations, and best practices. Procedures should include:
    1. A process for submitting and assessing officer requests to use FRT.
    2. Requirements related to processing and reviewing results generated from the use of FRT.
b. Establishing procedures for collecting, processing, and storing FRT data.
c. Establishing procedures for access and security controls for department FRT systems, services, and data.

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1. Access levels should be no higher than necessary to accomplish organizational tasks, missions, or functions.

d. Establishing a procedure for submitting images to the image database. The procedure should include:
    1. A requirement that officers submit images.
    2. Restrictions related to the use of images voluntarily provided to the Department by members of the public (e.g., driver's license, state identification, passport, any other official identification that includes a photograph).
e. Administering data quality assurance measures (e.g., probe image suitability, quality, integrity).
f. Conducting periodic audits of department FRT use.
    1. The audit should include a review of FRT use, documentation of those uses, and confirmation of data purging, where appropriate.
g. Confirming that authorized users have completed department-approved FRT and forensic image comparison training prior to using FRT.
h. Coordinating with the Training Sergeant to develop, identify, and update FRT training for officers who utilize the FRT system.
i. Establishing and implementing a schedule for routine maintenance, upgrades, enhancements, testing, and refreshes of FRT for proper performance purposes.
j. Establishing procedures for reporting errors, malfunctions, or deficiencies of FRT systems, services, or data.
k. Coordinating with the information systems technology supervisor, department counsel, and appropriate administrators to develop information-sharing procedures with outside agencies in accordance with state and federal law.

## 610.5 AUTHORIZED USES OF FRT

FRT may be used as a tool to develop investigative leads for legitimate law enforcement purposes to assist in the identification of the following:

a. Unknown suspects where attempts at identification through other means have been exhausted or ineffective
b. Potential victims, as appropriate (e.g., human trafficking, child sexual abuse material)
c. Deceased individuals
d. Individuals who are incapacitated or do not know their identities
e. Individuals who are lawfully detained and whose identities are in question (e.g., no identification or false identification provided)
f. Suspects in unsolved crimes
g. Missing or endangered persons
h. Unknown individuals pursuant to any other legitimate law enforcement purpose

## 610.6 ACCESS TO FRT

Only officers authorized by the Department may use FRT.

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Prior to using FRT, an officer seeking authorization shall submit a request to the appropriate supervisor consistent with department procedures.

The request should, at a minimum, include the following:

a. The nature of the investigation
b. The reason an officer believes that FRT use is necessary
c. An explanation of how FRT may assist with the development of investigative leads
d. A case identification number

## 610.7 FRT SEARCHES

An officer may submit a probe image for comparison with images available within the department FRT image database consistent with department procedures.

FRT searches shall only be conducted using lawfully obtained probe images.

Before proceeding with official law enforcement action based on FRT results, the results should be thoroughly reviewed by an officer trained in FRT.

### 610.7.1 USES AND LIMITATIONS OF FRT SEARCH RESULTS

Information resulting from an FRT search shall be considered an investigative lead only and not a positive identification of any person or utilized solely as the basis for engaging in any law enforcement action. Image comparisons generated from FRT use do not represent definitive confirmation of an identity match or non-match. Any positive identification and connection of a person to an investigation shall be determined through additional investigative means and resources.

### 610.7.2 FRT SEARCH DOCUMENTATION

The investigating officer shall document all FRT searches in the appropriate department report, including any arrest report where FRT was used as an investigative tool. Documentation shall include:

a. The requesting officer's name and position.
b. Confirmation that the search was pre-approved pursuant to department procedures.
c. The purpose of the search.
d. The search parameters, if any.
e. The date and time of the search.
f. A list of any image databases searched.
g. The results of the search, including the number of investigative leads produced and, where applicable, the matching score of each.
h. The additional means used to identify any person (e.g., visual comparison of images by a trained investigator, other subsequent investigation).

## 610.8 PRIVACY CONSIDERATIONS

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The Department shall adhere to all applicable federal and state laws regarding privacy concerns related to FRT use. Absent a warrant or exigent circumstances, the officer shall not record or capture images where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure, mass surveillance of public places or quasi-public places). Officers shall take reasonable precautions to avoid inadvertently recording or capturing images where there is a reasonable expectation of privacy.

## 610.9 PROHIBITED USES

FRT shall not be used in a manner that targets individuals or groups solely based on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, or any other classification or status protected by law.

In addition, FRT shall not be used:

a. For the arrest of individuals based solely on FRT results.
b. For any purpose that violates the U.S. Constitution or laws of the United States, including the protections of the First, Fourth, and 14th Amendments.
c. For any non-law enforcement purpose.
d. As the sole basis for identification to establish probable cause in a criminal investigation.
e. To harass or intimidate any individual or group.
f. In any other manner that would violate applicable law, regulation, or policy.

No officer shall request that a third-party use FRT to obtain results that would not be permitted under this policy.

## 610.10 RELEASE OF FRT DATA

Unless disclosure is required by law or court order, FRT data should only be released to the public in accordance with federal and state public record laws. Requests for the release of FRT data shall be processed in accordance with the Records Maintenance and Release Policy.

## 610.11 RETENTION OF FRT DATA

FRT data shall be retained in accordance with the established records retention schedule.

Unmatched probe images shall be purged in accordance with the established records retention schedule.

## 610.12 TRAINING

Officers whose duties may require the use of FRT should receive initial training and periodic refresher training on this policy and related procedures and should demonstrate their knowledge and understanding. Training should include but is not limited to the following:

a. Capabilities and limitations of FRT
b. FRT system functions and interpretation of results
c. Data security and privacy concerns

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d. Documentation and reporting requirements (e.g., FRT results, general statistics, collection of FRT data, FRT requests)
e. Digital media handling and protections
f. Common terminology (e.g., human face recognition, automated face recognition, holistic face processing, unfamiliar face matching)
g. Principles of comparison
h. Cognitive bias, confirmation bias, implicit bias, and automation bias
i. Applicable policy, procedure, and federal and state law requirements

The FRT coordinator shall maintain a record of each authorized officer's training and acknowledgement of this policy.

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# Chapter 7 - Equipment

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# Department Owned and Personal Property

## 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

## 700.2 CARE OF DEPARTMENT PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

a. Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.
b. The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.
c. Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
d. Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.
e. In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

## 700.3 FILING CLAIMS FOR PERSONAL PROPERTY

Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

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The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

### 700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

## 700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

a. A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.
b. A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

### 700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

## 700.5 REVISIONS

Reviewed July 2020

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# Vehicle Maintenance

## 701.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

## 701.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

### 701.2.1 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

## 701.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

### 701.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- Emergency road flares
- Yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit
- 1 Blanket
- 1. Fire Extinguisher

## 701.4 VEHICLE REFUELING

Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-half tank of fuel. Vehicles shall only be refueled at the authorized location.

## 701.5 WASHING OF VEHICLES

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All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

## 701.6 NON-SWORN EMPLOYEE USE

Non-sworn employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Non-sworn employees shall also prominently display the “out of service” placards or lightbar covers at all times. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## 701.7 REVISIONS

Reviewed July 2020

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# Vehicle Use

## 702.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Redwood City to provide assigned take-home vehicles.

Additional guidelines for member responsibilities when transporting persons in custody may be found in the Transporting Persons in Custody Policy.

## 702.2 POLICY

The Redwood City Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments, and other considerations.

## 702.3 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

### 702.3.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

### 702.3.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

a. The circumstances are unplanned and were created by the needs of the department.
b. Other reasonable transportation options are not available.
c. The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Redwood City City limits.
d. Off-street parking will be available at the member’s residence.
e. Vehicles will be locked when not attended.

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f. All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

### 702.3.3 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Redwood City Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

### 702.3.4 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

a. Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.
b. It is the member's responsibility to ensure that the assigned vehicle is maintained according to the established service and maintenance schedule.
c. All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
d. The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
e. When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.
f. All weapons shall be removed from any vehicle left for maintenance.
g. Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

## 702.4 KEYS AND SECURITY

All uniformed field members approved to operate marked patrol vehicles should be issued a copy of the unit key as part of their initial equipment distribution upon hiring. Officers shall not duplicate keys.

Members assigned a permanent vehicle should be issued keys for their assigned vehicle.

The loss of any key shall be promptly reported in writing through the member's chain of command.

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Patrol vehicles shall be turned off and locked at all times when unattended. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights & canine safety). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

## 702.5 VEHICLE DAMAGE, ABUSE AND MISUSE

When a City-owned vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see also Traffic Collision Reporting Policy).

When a collision involves a City vehicle or when a member of this department is an involved driver in a collision that occurs in this jurisdiction, and the collision results in serious injury or death , the supervisor should request that an outside law enforcement agency be summoned to investigate the collision.

The member involved in the collision shall complete the City's vehicle collision form. If the member is unable to complete the form, the supervisor shall complete the form.

Any damage to a vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there is any vehicle abuse or misuse.

## 702.6 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating a City-owned vehicle upon the toll road shall adhere to the following:

a. All members operating a City-owned vehicle for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

b. All members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Division Commander within five working days explaining the circumstances.

c. Toll road transponders are maintained by the Department for use by members engaged in department related business. Any member can utilize a transponder for said business by checking one out from the Investigations Supervisor.

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## 702.7 SHIFT ASSIGNED VEHICLES

Members who use a fleet vehicle as part of their work assignment shall ensure that the vehicle is properly checked out and logged on the daily shift roster, according to current procedures, prior to taking it into service. If for any reason during the shift the vehicle is exchanged, the member shall ensure that the exchanged vehicle is likewise properly noted on the daily shift roster.

Personnel assigned to routine scheduled field duties shall log onto the in-car computer inputting the required information when going on duty. If the employee exchanges vehicles during the shift, the new vehicle number shall be entered.

The Watch Commander shall ensure a copy of the unit roster indicating personnel assignments and vehicle numbers is completed for each shift and maintained for a minimum period of two years.

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of the shift. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

Members assigned to vehicles equipped with a Mobile Data Computer (MCT) shall log onto the MCT with the required information when going on-duty. If the vehicle is not equipped with a working MCT, the member shall notify the Dispatch Center. Use of the MCT is governed by the Mobile Computer Terminal Use Policy.

## 702.8 UNSCHEDULED USE OF VEHICLES

Personnel responding to court outside of their normal work schedule shall ask for permission from the on duty shift supervisor before taking a vehicle off the service line. Requests will be evaluated based on the operational needs of the organization and will be denied if sufficient units are not available.

Members utilizing a City-owned vehicle for any purpose other than their regularly assigned duties shall first notify the Watch Commander of the reason for use and a notation will be made on the vehicle roster indicating the operator's name and vehicle number. This section does not apply to members permanently assigned an individual vehicle (e.g., command staff, detectives), who regularly use the vehicle on an unscheduled basis as part of their normal assignment.

## 702.9 UNMARKED VEHICLES

Except for use by the assigned member, unmarked units shall not be used without first obtaining approval from the supervisor of the unit to which the vehicle is assigned.

## 702.10 INVESTIGATIONS DIVISION VEHICLES

Investigations Division vehicle use is restricted to investigative personnel during their assigned work hours unless approved by an Investigation Division supervisor. After-hours use of Investigation Division vehicles

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by members not assigned to the Investigation Division shall be recorded with the Watch Commander on the shift roster.

## 702.11 AUTHORIZED PASSENGERS

Members operating marked department vehicles shall not permit persons other than City members or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as a passenger in their vehicle. Officers shall obtain approval from a supervisor prior to providing a courtesy transport to any non-City personnel.

## 702.12 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

## 702.13 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any suspect, prisoner or arrestee, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

## 702.14 PRIVACY

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All City-owned vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

## 702.15 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

## 702.16 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor.

## 702.17 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

## 702.18 NON-SWORN MEMBER USE

Non-sworn members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Non-sworn members shall prominently display the "out of service" placards or light bar covers at all times. Non-sworn members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## 702.19 REVISIONS

Reviewed December 2023

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# Military Equipment Use

## 703.1 PURPOSE AND SCOPE

The purpose of this policy is to provide direction and guidelines for the acquisition, funding, use and reporting of military equipment. This policy is provided to fulfill the obligations set forth in Assembly Bill 481 (2021). involving the requirements that the Redwood City Police Department develop and submit a Military Equipment Use Policy to the Redwood City Council for approval under the requirements of California Government Code §7071(b).

## 703.2 POLICY

It is the policy of the Redwood City Police Department that members of this Department comply with the provisions of Government Code § 7071 with respect to military equipment.

## 703.3 DEFINITIONS

Definitions related to this policy include:

California Government Code § 7070(c) defines Military Equipment as any of the following:

1. Unmanned, remotely piloted, powered aerial or group
2. Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers. However, police versions of standard consumer vehicles are specifically excluded from this subdivision.
3. High mobility multipurpose wheeled vehicles (HMMWV), commonly referred to as Humvees, two and one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached. However, unarmored all-terrain vehicles (ATVs) and motorized dirt bikes are specifically excluded from this subdivision.
4. Tracked armored vehicles that provide ballistic protection to their occupants and utilize a tracked system instead of wheels for forward motion.
5. Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
6. Weaponized aircraft, vessels, or vehicles of any kind.
7. Battering rams, slugs, and breaching apparatuses that are explosive in nature. However, items designed to remove a lock, such as bolt cutters, or a handheld ram designed to be operated by one person, are specifically excluded from this subdivision.
8. Firearms of.50 caliber or greater. However, standard issue shotguns are specifically excluded from this subdivision.
9. Ammunition of.50 caliber or greater. However, standard issue shotgun ammunition is specifically excluded from this subdivision.

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10. Specialized firearms and ammunition of less than.50 caliber, including assault weapons as defined in Sections 30510 and 30515 of the Penal Code, with the exception of standard issue service weapons and ammunition of less than.50 caliber that are issued to officers, agents, or employees of a law enforcement agency or a state agency.
11. Any firearm or firearm accessory that is designed to launch explosive projectiles.
12. "Flashbang" grenades and explosive breaching tools, "tear gas," and "pepper balls," excluding standard, service-issued handheld pepper spray.
13. Taser Shockwave, microwave weapons, water cannons, and the Long-Range Acoustic Device (LRAD).
14. The following projectile launch platforms and their associated munitions: 40mm projectile launchers, "bean bag," rubber bullet, and specialty impact munition (SIM) weapons.
15. Any other equipment as determined by a governing body or a state agency to require additional oversight.
16. Notwithstanding paragraphs (1) through (15), "Military Equipment" does not include general equipment not designated as prohibited or controlled by the federal Defense Logistics Agency.

## 703.4 GENERAL PROVISIONS

The Redwood City Police Department's Military Equipment Use Policy is a publicly releasable written document governing the use of military equipment in compliance with California Government Code §7070 (d). The policy includes the use of military equipment that are possessed by the Redwood City Police Department, or reasonably likely to be deployed by its law enforcement partners in situations of mutual aid or mutual assistance. Compliance with the provisions of this policy follow Department disciplinary protocols for misconduct.

## 703.5 MILITARY EQUIPMENT COMPLIANCE OFFICER

The Administrative Captain will have the responsibility to ensure compliance with the Military Equipment Use policy, and production of the annual Military Equipment Report presented to City Council. The Administrative Captain will maintain oversight authority of the program and manage disciplinary investigations for policy misconduct, when appropriate. The Administrative Captain's responsibilities include but are not limited to:

(a) Identifying Department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the City Council.

(b) Conducting an inventory of all military equipment at least annually.

(c) Collaborating with any allied agency that may use military equipment within the jurisdiction of Redwood City Police Department (Government Code § 7071).

(d) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

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1. Publicizing the details of the meeting.

2. Preparing for public questions regarding the Department's funding, acquisition, and use of military equipment.

(e) Preparing the annual Military Equipment Report for submission to the Chief of Police and ensuring that the report is made available on the Department website (Government Code § 7072).

## 703.6 TRAINING RESPONSIBILITIES

The Training Sergeant will ensure compliance with tracking the assignment of all military equipment and associated training, including any course required by the Commission on Peace Officer Standards and Training, that must be completed before any officer is allowed to use each specific type of military equipment to ensure the full protection of the public's welfare, safety, civil rights, and civil liberties and full adherence to the Military Equipment use policy.

## 703.7 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from City Council by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed Military Equipment Use policy is submitted to City Council and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The Military Equipment Use policy must be approved by City Council prior to engaging in any of the following (Government Code § 7071):

(a) Requesting military equipment made available pursuant to 10 USC § 2576a.

(b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

(e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment. (g) Acquiring military equipment through any means not provided above.

## 703.8 ANNUAL MILITARY EQUIPMENT REPORT TO COUNCIL

Pursuant to California Government Code §7070(d)(6), and in accordance with California Government Code §7072, the Redwood City Police Department will submit to the Redwood City Council a Military

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Equipment Report within one year of approval of this policy, and annually thereafter for as long as the military equipment is available for use. The Department will make each annual Military Equipment Report publicly available on its internet website for as long as the military equipment is available for use. The annual Military Equipment Report will include the following information for the immediately preceding calendar year for each type of military equipment:

1. A summary of how the military equipment was used and the purpose of its use.
2. A summary of any complaints or concerns received concerning the military equipment.
3. The results of any internal audits, any information about violations of the military equipment use policy, and any actions taken in response.
4. The total annual cost for each type of military equipment, including acquisition, personnel, training, transportation, maintenance, storage, upgrade, and other ongoing costs, and from what source funds will be provided for the military equipment in the calendar year following submission of the annual military equipment report.
5. The quantity possessed for each type of military equipment.
6. If the Redwood City Police Department intends to acquire additional military equipment in the next year, the quantity sought for each type of military equipment. A request for military equipment will include:
    - A description of each type of military equipment, the quantity sought, its capabilities, expected lifespan, and product descriptions from the manufacturer of the Military Equipment.
    - The purpose and authorized use of each piece of equipment.

The City Council will use the annual Military Equipment Report as a mechanism to ensure the Department's compliance with this Military Equipment Use policy, and to help it determine whether to approve, revise, or revoke components of the Military Equipment Use policy for the subsequent year.

## 703.9 EXIGENT CIRCUMSTANCES, MUTUAL AID, AND COORDINATION WITH OTHER JURISDICTIONS

Military equipment shall not be used by any member of this jurisdiction unless the military equipment is approved for use in accordance with this Department policy or in exigent circumstances. In exigent circumstances, it is not feasible to seek advance approval for the use of equipment needed to carry out critical operations. Exigent circumstances are defined as, "…a law enforcement agency's good faith belief that an emergency involving the danger of, or imminent threat of death or serious physical injury to any person is occurring, has occurred, or is about to occur." In the event of exigent use of unapproved military equipment, the Police Department will notify City Council within thirty (30) days of acquiring and/or using Military Equipment pursuant to this Section, as well as include any such occurrence in the Annual Military Equipment Report.

Military equipment used by other jurisdictions that are providing mutual aid to this jurisdiction shall comply with their respective military equipment use policies in rendering mutual aid. This shall be the requirement for both planned and exigent mutual aid requests.

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## 703.10 METHODS FOR REGISTERING A COMPLAINT

Pursuant to California Government Code §7070(d)(7), members of the public may register complaints or concerns or submit questions about the use of each specific type of military equipment in this policy by any of the following means:

Via email to: RCPD@redwoodcity.org

1. Via phone call to: (650) 780-7100
2. Via mail sent to:

   Redwood City Police Department

   Attn: Military Equipment Compliance Officer 1301 Maple Street

   Redwood City, CA 94063

The Redwood City Police Department is committed to responding to complaints, concerns and/or questions received through any of the above methods in a timely manner.

EQUIPMENT

The remainder of this Military Equipment Use policy is divided into two sections. Section One lists qualifying equipment that is owned/utilized by the Redwood City Police Department.

Section Two lists qualifying equipment that is not ownedor regularly utilized by the Redwood City Police Department, but which is known to be ownedand/or utilized by the San Mateo County Emergency Services Bureau and other San Mateo County public safety agencies and which may be periodically used by Redwood City police personnel in limited and extreme or exigent circumstances. Such circumstances may include the execution of high-risk search and arrest warrants, armed barricaded subjects, hostage situations and active shooter incidents.

## 703.11 SECTION ONE EQUIPMENT

<table>
<tr><td colspan="2">Equipment Type: 5.56mm Automatic/Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)</td></tr>
<tr><td colspan="2">Equipment: Colt M4 rifle</td></tr>
<tr><td>Quantity Owned/Sought: 12 owned</td><td>Lifespan: Approximately 15 years</td></tr>
<tr><td colspan="2"></td></tr>
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**Equipment Capabilities:** The M4 is a gas operated, magazine fed semi-automatic/automatic rifle firing a.223 Remington or 5.56mm NATO caliber projectile. The rifles are only issued/used by SWAT. Rifles are outfitted with lighting and optics as appropriate for the assignment.

**Manufacturer Product Description:** The Colt M4 is a lightweight, magazine fed, gas-operated, air-cooled, shoulder-fired rifle capable of single-shot semiautomatic fire or automatic fire by the use of a selector lever.

**Purpose/Authorized Uses:** SWAT**Team Officers may deploy the M4 rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:**

1. **Situations where the officer reasonably anticipates an armed encounter.**
2. **When an officer is faced with a situation that may require accurate and effective fire at long range.**
3. **Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.**
4. **When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.**
5. **When an officer reasonably believes that a suspect may be wearing body armor.**
6. **When authorized or requested by a supervisor.**

**Fiscal Impacts:** Initial cost of approximately $1500 each. All rifles were purchased in January of 2013 and are in very good condition. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.

**Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Police Department Policies on Use of Force and Firearms.

**Training Required:** In addition to M4 rifle and standard SWAT Operator training, SWAT Operators must successfully complete a CA POST certified SWAT course as well as regular SWAT training and qualifications as required by law and policy.

**Other Notes:** None.

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*Military Equipment Use*

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|---|---|
| **Equipment Type: 5.56mm Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)** | |
| **Equipment:** Colt LE6945 carbine rifle | |
| **Quantity Owned/Sought:** 4 owned | **Lifespan:** Approximately 15 years |
| **Equipment Capabilities:** The Colt LE6945 is a gas operated, magazine fed semiautomatic rifle is capable of firing a.223 Remington/5.56mm NATO projectile bullet and designed for law enforcement use. These rifles are shorter than standard rifles as they are designed to be carried concealed and secured on police motorcycles. | |
| **Manufacturer Product Description:** The Colt LE6945 is a lightweight, magazine fed, gas-operated, air-cooled, shoulder-fired rifle using a semi-auto firing system chambered in.223 Remington/5.56 NATO with a barrel length of 10.3". These rifles are outfitted with lights and optic aiming systems. | |
| **Purpose/Authorized Uses:** The only authorized users are assigned traffic officers. The Traffic**Officers may deploy the rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:**<br>1. **Situations where the officer reasonably anticipates an armed encounter.**<br>2. **When an officer is faced with a situation that may require accurate and effective fire at long range.**<br>3. **Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.**<br>4. **When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.**<br>5. **When an officer reasonably believes that a suspect may be wearing body armor.**<br>6. **When authorized or requested by a supervisor.** | |
| **Fiscal Impacts:** Initial cost of the rifles was $1663 per rifle. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff. | |
| | |

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*Military Equipment Use*

**Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Police Department Policies on Use of Force and Firearms.

**Training Required:** Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as yearly department firearms training and qualifications as required by law and policy.

**Other Notes:** The rifles were purchased in 2017 and are only carried by Traffic Officers.

**Equipment Type: 5.56mm Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)**

**Equipment:** Patrol Rifle – 5.56mm Semi-Automatic

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| **Quantity Owned/Authorized:** 87 | **Lifespan:** Approximately 15 years |

**Equipment Capabilities:** The patrol rifle is a gas operated, magazine fed semi-automatic rifle capable of firing a.223 Remington/5.56mm NATO projectile bullet.

**Manufacturer Product Description:** The patrol rifle is a lightweight, magazine fed, gas-operated, air-cooled, shoulder-fired rifle using a semi-auto firing system chambered in.223 Remington/5.56 NATO with a barrel length of 16.5". These rifles are outfitted with lights and optic aiming systems. There are several authorized makes and models of the patrol rifle, all of which are functionally the same and meet the same description and specifications. The following model are currently used by sworn officers: Colt LE6920 (78), LWRC M61C (2); Daniel Defense DDM4 (4), Noveske N4 (2); Smith and Wesson MP15 (1).

**Purpose/Authorized Uses:** The patrol rifle is authorized for use by all sworn officers who have been department trained and successfully qualified with it. Officers may deploy the rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

1. Situations where the officer reasonably anticipates an armed encounter.
2. When an officer is faced with a situation that may require accurate and effective fire at long range.

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3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
5. When an officer reasonably believes that a suspect may be wearing body armor.
6. When authorized or requested by a supervisor.

**Fiscal Impacts:** Initial cost of the rifles was approximately $1500 per rifle. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.

**Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Police Department Policies on Use of Force and Firearms.

**Training Required:** Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as yearly department firearms training and qualifications as required by law and policy.

**Other Notes:** The patrol rifle was first authorized for use in 2013.

**Equipment Name: Specialized firearms and ammunition - CA Gov't Code §7070(c)(10)**

**Equipment:** H&K MP5

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| **Quantity Owned/Sought:** 23 owned | **Lifespan:** Approximately 15-20 years |

**Equipment Capabilities:** The H&K MP5 shoots the 9mm projectile bullet.

**Manufacturer Product Description:** An automatic, magazine fed, delayed roller, closed bolt operated gun with a 10-inch barrel and adjustable stock. Extremely reliable, accurate and easy to control, particularly well-suited for use in and around confined areas such as vehicles and building interiors.

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**Purpose/Authorized Uses:** Only current/former SWAT members are issued MP5 guns. Officers may deploy the MP5 in a manner consistent with rifle guidelines in any circumstance where the officer can articulate a reasonable expectation that the MP5 may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

1. Situations where the officer reasonably anticipates an armed encounter.
2. When an officer is faced with a situation that may require accurate and effective fire at long range.
3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
5. When an officer reasonably believes that a suspect may be wearing body armor.
6. When authorized or requested by a supervisor.

**Fiscal Impacts:** Initial cost of approximately $1,695 each. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.

**Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Police Department Policies on Use of Force and Firearms.

**Training Required:** Officers are trained by POST certified firearms instructors.

**Other Notes:** None.

**Equipment Name: Specialized firearms and ammunition - CA Gov't Code §7070(c)(10)**

**Equipment:** AK-47

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| **Quantity Owned/Sought:** 1 owned | **Lifespan:** Approximately 15-20 years |

**Equipment Capabilities:** The AK-47 shoots the 7.62mm projectile bullet.

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| **Manufacturer Product Description:** The semi-automatic ZPAPM70 series sporting rifle was created on the operating principle of the M70 automatic rifle. This model features high quality two-piece over molded handguard is made from rubber-covered fiberglass. The modular design includes a smooth top cover as well as three short sections of Picatinny rail that can be attached to the sides and bottom of the lower portion for accessories. The design of the lower handguard allows installation of the cleaning rod. The 4 position adjustable buttstock includes and adjustable cheek riser for optimal accuracy. |
| **Purpose/Authorized Uses:** This rifle is not authorized for duty use. This is a training aide for weapon familiarization. Ak-47 patterned rifles are periodically encountered by officers and this rifle is kept to train officers on how to safely unload and secure this type of weapon. |
| **Fiscal Impacts:** Initial cost of approximately $1,000. The ongoing costs are minimal, ammunition pricing will vary and maintenance is conducted by departmental staff. |
| **Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Police Department Policies on Use of Force and Firearms. |
| **Training Required:** No specialized training required. This item is used under the supervision of RCPD POST certified range staff as a training aid only. |
| **Other Notes:** None. |

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| **Equipment Name: Specialized firearms and ammunition - CA Gov't Code §7070(c)(10)** | |
| **Equipment:** Accuracy International.308 Rifle | |
| **Quantity Owned/Sought:** 2 owned | **Lifespan:** Approximately 15-20 years |
| **Equipment Capabilities:** The Accuracy International rifle is a precision rifle capable of extreme accuracy over ling distances capable of firing a.308 caliber projectile | |

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**Manufacturer Product Description:** The AT is a configurable, mission-adaptable, long-range tactical rifle system offered in.308/7.62 NATO caliber. It is a bolt action operated rifle.

**Purpose/Authorized Uses:** Long-range precision firing system used solely by SWAT during tactical operations. This rifles designed to deliver highly controlled and precise shots under narrow circumstances such as counter-sniper situations and to provide over watch protection at large community events. Deployed only by authorized sniper-trained SWAT Team members. General guidelines for deployment include:

1. Situations where the officer reasonably anticipates an armed encounter.
2. When an officer is faced with a situation that may require accurate and effective fire at long range.
3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
5. When an officer reasonably believes that a suspect may be wearing body armor.
6. When authorized or requested by a supervisor.

**Fiscal Impacts:** Initial cost - $5,250. The ongoing costs are minimal, ammunition pricing will vary and maintenance is conducted by departmental staff.

**Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Police Department Policies on Use of Force and Firearms.

**Training Required:** POST SWAT Operator basic course. POST Rifle Marksmanship and Sniper course, Monthly training to maintain proficiency.

**Other Notes:** None

**Equipment Name: Specialized firearms and ammunition - CA Gov't Code §7070(c)(10)**

**Equipment:** Thompson Submachine Gun

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| **Quantity Owned/Sought:** 1 owned | **Lifespan:** Approximately 15-20 years |
| **Equipment Capabilities:** The Thompson shoots the.45 caliber projectile bullet. | |
| **Manufacturer Product Description:** Not available | |
| **Purpose/Authorized Uses:** This rifle is not authorized for duty use. This is a training aide for weapon familiarization and potential display in the future. | |
| **Fiscal Impacts:** Initial cost - unknown. The ongoing costs are minimal, ammunition pricing will vary and maintenance is conducted by departmental staff. | |
| **Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Police Department Policies on Use of Force and Firearms. | |
| **Training Required:** No specialized training required. This item is used under the supervision of RCPD POST certified range staff. | |
| **Other Notes:** This equipment is currently inoperable and there are no plans to repair it back to full working order. | |

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| **Equipment Type: 40mm Less Lethal Launchers and Kinetic Energy Munitions - CA Gov't Code §7070(c)(14)** | |
| **Equipment:** Defense Technology 40mm Launcher | |
| **Quantity Owned/Sought:** 38 owned | **Lifespan:** Approximately 15 years |
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*Military Equipment Use*

**Equipment Capabilities:** The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, which are essentially sponge projectiles.

Manufacturer Product Description: The 40LMTS is a tactical single shot launcher that features an expandable ROGERS Super Stoc and an adjustable integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two-point sling attachment. The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics /sighting systems. The munition is a Defense Technology eXact iMpact LE 40mm sponge baton round. This is a lightweight, high-speed projectile consisting of a plastic body and sponge nose that is spin stabilized via the incorporated rifling collar and the 40 mm launcher's rifled barrel. The round utilizes smokeless powder as the propellant, and, therefore, have velocities that are extremely consistent. Used for Crowd Control, Patrol, and Tactical Applications.

**Purpose/Authorized Uses:** The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force options. These are used by both patrol and SWAT Team officers. Each patrol car is equipped with one of these launchers. Approved uses may include, but are not limited to:

- Armed self-destructive, and armed or unarmed dangerous and/or combative individuals.
- Circumstances where a tactical advantage can be obtained.
- Potentially vicious animals.
- Training exercises or approved crowd control situations.

**Fiscal Impacts:** The initial cost of this equipment was approximately $1,000 each. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff.

**Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Polices on Use of Force and Crowd Control. Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652).

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| **Training Required:** Officers must complete a department certified 40mm course as well as regular training and qualifications as required by law and policy. |
| **Other Notes:** None. |

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| **Equipment Type: 37mm Less Lethal Launcher - CA Gov't Code §7070(c)(14)** | |
| **Equipment:** Defense Technology 37mm Launcher | |
| **Quantity Owned/Sought:** 2 owned | **Lifespan:** Approximately 15 years |
| **Equipment Capabilities:** The 37mm Less Lethal Launcher is capable of firing 37mm Munitions. | |
| **Manufacturer Product Description:** These models are no longer in production. | |
| **Purpose/Authorized Uses:** The 37mm is no longer in service for duty use. These models are used for training purposes only. | |
| **Fiscal Impacts:** Unknown what the original cost was. No ongoing cost. | |
| **Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Police Department Policies on Use of Force and Crowd Control. | |
| **Training Required:** Officers providing training with these devices are POST certified. | |
| **Other Notes:** These launchers are obsolete having been replaced by the 40mm launchers but are still used for training as they are similar in operation and effect to the 40mm. They will be used in this training only capacity until all 37mm ammunition in inventory has been expended, after which the launchers will destroyed. | |

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| **Equipment Type: Beanbag Shotgun- CA Gov't Code §7070(c)(14)** | |
| **Equipment:** Remington 870 Less Lethal Bean Bag Shotgun | |
| **Quantity Owned/Sought:** 2 owned | **Lifespan:** Approximately 20 years |
| **Equipment Capabilities:** Fires a translucent 12 gauge 40 gram drag stabilized bean bag round | |
| **Manufacturer Product Description:** The Remington Model 870 is a U.S. made pump-action shotgun. It is widely used by law enforcement as a defensive weapon and by the public for target shooting, hunting and self-defense. The Model 870 features a bottom-loading, side ejecting receiver, tubular magazine under the barrel, dual action bars, internal hammer, and a bolt which locks into and extension in the barrel. A pump action is a repeating firearm action that is operated manually by moving a sliding handguard on the gun's fore stock. When shooting, the sliding forend is pulled reward to eject any expended cartridge and to cock the hammer/striker, and then pushed forward to load a new cartridge into the chamber. This action is required for each cartridge to be fired. The Model 870 is capable of firing any 12 gauge shotgun cartridge; however, the Redwood City SWAT Team uses this platform exclusively to fire a Less Lethal Drag Stabilize Bean Bag rounds. The shotgun had been visibly marked with a bright orange stock to signify it has been converted from a lethal platform to a less-lethal platform. The munition fired is a drag Stabilized 12 Gauge Bean Bag Round is a translucent 12 gauge shell loaded with a 40-Gram tear shaped bag made from cotton and ballistic material blend and filled with #9 shot. This design utilizes four stabilizing tails and utilizes smokeless powder as the propellant. | |
| **Purpose/Authorized Uses**: The Remington 870 Shot Gun and its Drag Stabilized Bean Bag Munitions are intended for use as a less lethal use of force option. The SWAT Team permits the use of less lethal platforms to assist with the de-escalation of potentially violent confrontations. Only personnel who have successfully completed training in the proper use and deployment of less lethal impact weapons shall be authorized to use them during actual operations | |
| **Fiscal Impacts:** Unknown what the original cost was. No ongoing cost. | |
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**Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Police Department Policies on Use of Force and SWAT Operation policies

**Training Required:** Only trained members of the SWAT team are authorized to deploy these devices. They are only used during SWAT operations and under the close supervision of the SWAT Team chain of command. Instructors are POST certified. Periodic update training is conducted with the SWAT Team to maintain proficiency.

**Other Notes:**

**Equipment Type: Tear Gas (Chemical Agent) - CA Gov't Code §7070(c)(12)**

**Equipment:** Defense Technology 37mm Ferret Rounds of CS

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| **Quantity Owned/Sought:** 52 owned | **Lifespan:** 5 years (all expired) |

**Equipment Capabilities:** Disperses CS chemical agent

**Manufacturer Product Description:** The Ferret® 37mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle.

In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects.

**Purpose/Authorized Uses**: These devices are all expired. They are only used for training purposes.

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| **Fiscal Impacts:** Unknown at time of purchase. Approximately $20 each |
| **Legal/Procedural Rules Governing Use:** Applicable Redwood City Training and Safety policies as well as Use of Force and SWAT policies. |
| **Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Instructors are POST certified. |
| **Other Notes:** None. |

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| **Equipment Type: Distraction Device - CA Gov't Code §7070(c)(12)** | |
| **Equipment:** Defense Technology Distraction Device | |
| **Quantity Owned/Sought:** 117 | **Lifespan:** 5 years |
| **Equipment Capabilities:** known as Noise Flash Diversionary Device (NFDD) these devices are meant to create a distraction by producing a flash of light and 175 decibel noise through the use of igniting flash powder. | |
| **Manufacturer Product Description:** The Non-Reloadable Distraction Device unit incorporates an M201A1 type fuse with hex design gun steel body. This is a compact version of the 8933 Low Roll body Distraction Device is the newest version of the first reusable non-bursting canister that limits movement and rolling once deployed. The compact Distraction Device fits safely in your hand and packs all the power of the full size Distraction Device. This is a smaller, lighter device with the same output. | |
| **Purpose/Authorized Uses:** These devices are only used by the SWAT team during critical incidents or planned operations. These devices are most often used outside of a residence during a surround and | |

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call out in order to gain the attention of the occupants or as a distraction/diversion for dangerous persons.

**Fiscal Impacts:** Approximately $50 per device. Periodically need to be replaced when they used operationally or in training exercises. They are also date stamped with an expiration and must be used or removed from the operational inventory by this date. No anticipated purchase in the coming fiscal year.

**Legal/Procedural Rules Governing Use:** Applicable Redwood City Training and Safety policies as well as Use of Force and SWAT policies.

**Training Required:** Only trained members of the SWAT team are authorized to deploy these devices. They are only used during SWAT operations and under the close supervision of the SWAT Team chain of command. Instructors are POST certified. Periodic update training is conducted with the SWAT Team to maintain proficiency.

**Other Notes:** 28 devices are approved for use. 89 devices are expired and used for training only.

**Equipment Type: Explosive Breaching Tools - CA Gov't Code §7070(c)(12)**

**Equipment:** Remington 870 12 Gauge Breaching Shotgun

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| **Quantity Owned/Sought:** 1 | **Lifespan:** 20 years |

**Equipment Capabilities:** Designed to shoot specialized penetrating rounds into the mechanisms of locked doors and force entry in an expedient manner.

**Manufacturer Product Description:** The Remington Model 870 is a U.S. made pump-action shotgun. It is widely used by law enforcement as a defensive weapon and by the public for target shooting, hunting and self-defense. The Model 870 features a bottom-loading, side ejecting receiver, tubular magazine under the barrel, dual action bars, internal hammer, and a bolt which locks into and extension

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in the barrel. A pump action is a repeating firearm action that is operated manually by moving a sliding handguard on the gun's fore stock. When shooting, the sliding forend is pulled reward to eject any expended cartridge and to cock the hammer/striker, and then pushed forward to load a new cartridge into the chamber. This action is required for each cartridge to be fired. The Remington Model 870P breaching shotgun is a pump action shotgun firing a specialized 12 gauge round designed to disable door hinges, latches and locks. It has an 11 inch fixed choke barrel and a 3 round magazine, with a pistol grip stock and parkerized finish.

**Purpose/Authorized Uses:** These devices are only used by the SWAT team during critical incidents or planned operations. They fire a specialized round designed to defeat the hinges, locks or latching mechanisms of doors to gain entry into locations under exigent circumstances.

**Fiscal Impacts:** This device was acquired from the San Carlos Police Departmental no cost. It requires minimal upkeep and maintenance.

**Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. Applicable Redwood City Policies related to Firearms.

**Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Designated members of the SWAT Team attend a POST certified breaching course and oversee the use of this tool when deployed.

**Other Notes:** None.

**Equipment Type: Tear Gas (Chemical Agent) - CA Gov't Code §7070(c)(12)**

**Equipment:** Defense Technology Flameless Tri-Chamber CS Model 1032

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| **Quantity Owned/Sought:** 10 owned | **Lifespan:** 5 years |

**Equipment Capabilities:** Disperses CS chemical agent in a flameless canister

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**Manufacturer Product Description:** The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately.70 oz. of agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections, but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure.

**Purpose/Authorized Uses:** These devices are only used by the SWAT team during critical incidents or planned operations. They are primarily used as a last resort for criminal barricaded subjects.

**Fiscal Impacts:** $35.96 each ($359.60 total)

**Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. Various Redwood City Policies related to Use of Force and Crowd Control.

**Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Instructors are POST certified. Designated members of the SWAT Team attend the POST certified chemical agents school and are the only designated team members authorized to deploy these munitions. The SWAT Team periodically trains with these munitions to maintain proficiency.

**Other Notes:** None.

**Equipment Type: Tear Gas (Chemical Agent) - CA Gov't Code §7070(c)(12)**

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*Military Equipment Use*

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| **Equipment:** Defense Technology Spede Heat CS Model 1072 | |
| **Quantity Owned/Sought:** 4 owned | **Lifespan:** 5 years |
| **Equipment Capabilities:** Disperses CS chemical agent | |
| **Manufacturer Product Description**: The Spede-Heat™ CS Grenade is a high volume, continuous burn it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent. | |
| **Purpose/Authorized Uses:** These devices are only used by the SWAT team during critical incidents or planned operations. They are primarily used as a last resort for criminal barricaded subjects. | |
| **Fiscal Impacts:** $29.15 each ($116.60 total). These munitions need to be periodically replaced as they expire or are used in training or operationally. | |
| **Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. Various Redwood City Policies related to Use of Force and Crowd Control. | |
| **Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Instructors are POST certified. Designated members of the SWAT Team attend the POST certified chemical agents school and are the only designated team members authorized to deploy these munitions. The SWAT Team periodically trains with these munitions to maintain proficiency. | |
| **Other Notes:** None. | |

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| **Equipment Type: Tear Gas (Chemical Agent) - CA Gov't Code §7070(c)(12)** |
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*Military Equipment Use*

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| **Equipment:** Defense Technology Triple-Chaser CS Model 1026 | |
| **Quantity Owned/Sought:** 5 owned | **Lifespan:** 5 years |
| **Equipment Capabilities:** Disperses CS chemical agent | |
| **Manufacturer Product Description:** The Triple-Chaser® CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area coverage in a short period of time. This grenade can be hand thrown or launched from a fired delivery system. The grenade is 6.5 in. by 2.7 in. and holds an approximately 3.2 oz. of active agent payload. It has an approximate burn time of 20-30 seconds. | |
| **Purpose/Authorized Uses**: These devices are only used by the SWAT team during critical incidents or planned operations. They are primarily used as a last resort for criminal barricaded subjects. | |
| **Fiscal Impacts:** $46.20 each ($231.00 total). These munitions need to be periodically replaced as they expire or are used in training or operationally. | |
| **Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. Various Redwood City Policies related to Use of Force and Crowd Control. | |
| **Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Instructors are POST certified. Designated members of the SWAT Team attend the POST certified chemical agents school and are the only designated team members authorized to deploy these munitions. The SWAT Team periodically trains with these munitions to maintain proficiency. | |
| **Other Notes:** None. | |

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| **Equipment Type: Tear Gas (Chemical Agent) - CA Gov't Code §7070(c)(12)** |

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*Military Equipment Use*

**Equipment:** Defense Technology Riot Control CS Model 1082

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| **Quantity Owned/Sought:** 10 owned | **Lifespan:** 5 years |

**Equipment Capabilities:** Disperses CS chemical agent

**Manufacturer Product Description:** The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable projectile is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of active agent.

**Purpose/Authorized Uses**: These devices are only used by the SWAT team during critical incidents or planned operations. They are primarily used as a last resort for criminal barricaded subjects.

**Fiscal Impacts:** $25.85 each ($258.50 total). These munitions need to be periodically replaced as they expire or are used in training or operationally.

**Legal/Procedural Rules Governing Use:** Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652).Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. Various Redwood City Policies related to Firearms, Use of Force, and Crowd Control.

**Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Instructors are POST certified. Designated members of the SWAT Team attend the POST certified chemical agents school and are the only designated team members authorized to deploy these munitions. The SWAT Team periodically trains with these munitions to maintain proficiency.

**Other Notes:** None.

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| **Equipment Type: Tear Gas (Chemical Agent) - CA Gov't Code §7070(c)(12)** | |
| **Equipment:** Defense Technology Ferret 40mm Liquid Barricade Penetrator Round CS Model 2262 | |
| **Quantity Owned/Sought:** 10 owned | **Lifespan:** 5 years |
| **Equipment Capabilities:** Disperses CS chemical agent | |
| **Manufacturer Product Description:** The Ferret® 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle.<br><br>In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects. | |
| **Purpose/Authorized Uses**: These devices are only used by the SWAT team during critical incidents or planned operations. They are primarily used as a last resort for criminal barricaded subjects. | |
| **Fiscal Impacts:** $22.16 each ($221.60 total). These munitions need to be periodically replaced as they expire or are used in training or operationally. | |
| **Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. Various Redwood City Policies related to Use of Force and SWAY operations. | |
| **Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Instructors are POST certified. Designated members of the SWAT Team attend the POST certified chemical agents school and are the only designated team members authorized to deploy these munitions. The SWAT Team periodically trains with these munitions to maintain proficiency. | |

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**Other Notes:** None.

**Equipment Type: Tear Gas (Chemical Agent) - CA Gov't Code §7070(c)(12)**

**Equipment:** Defense Technology Muzzle Blast 40mm Round CS Model 6042

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| **Quantity Owned/Sought:** 10 owned | **Lifespan:** 5 years |

**Equipment Capabilities:** Disperses CS chemical agent

**Manufacturer Product Description:** The 40 mm Muzzle Blast CS Round is widely used as a crowd management tool for the immediate and close deployment. It can also be employed in tactical operations such as barricaded subjects, room clearing, area denial, and for small space contamination, and a means of contaminating crawl spaces and attics. As a pain compliance round it is an excellent device for deploying chemical-laden CS powder at close ranges for indoor or outdoor operations. The cloud of agent is very effective in filling holes in dispersals lines or engaging crowds at close distances.

**Purpose/Authorized Uses**: These devices are only used by the SWAT team during critical incidents or planned operations. They are primarily used as a last resort for criminal barricaded subjects.

**Fiscal Impacts:** $22.35 each ($223.50 total). These munitions need to be periodically replaced as they expire or are used in training or operationally.

**Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. Various Redwood City Policies related to Use of Force and Crowd Control Policies. Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652).

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| **Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Instructors are POST certified. Designated members of the SWAT Team attend the POST certified chemical agents school and are the only designated team members authorized to deploy these munitions. The SWAT Team periodically trains with these munitions to maintain proficiency. |
| **Other Notes:** None. |

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| **Equipment Type: Tear Gas (Chemical Agent) - CA Gov't Code §7070(c)(12)** | |
| **Equipment:** Defense Technology Skat Shell 40mm Multiple Projectile Round CS Model 6172 | |
| **Quantity Owned/Sought:** 10 owned | **Lifespan:** 5 years |
| **Equipment Capabilities:** Disperses CS chemical agent | |
| **Manufacturer Product Description:** The Skat Shell® 40 mm CS multiple chemical projectile round is designed to deliver multiple CS canisters from a 40 mm launcher. It is designed for outdoor use and has fire-producing capability and has a maximum effective range of 80-100 yards. The Skat Shell 40 mm is designed for outdoor use and has fire-producing capability. It is widely used as a crowd management tool for the rapid and broad deployment of a chemical agent by a single grenadier. The Skat Shell contains four separate sub-munitions and provides a wide area of coverage. | |
| **Purpose/Authorized Uses**: These devices are only used by the SWAT team during critical incidents or planned operations. They are primarily used as a last resort for criminal barricaded subjects. | |
| **Fiscal Impacts:** $31.75 each ($317.50 total). These munitions need to be periodically replaced as they expire or are used in training or operationally. | |
| **Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. Various Redwood City Policies Related to Use of Force | |

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and Crowd Control. Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652).

**Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Instructors are POST certified. Designated members of the SWAT Team attend the POST certified chemical agents school and are the only designated team members authorized to deploy these munitions. The SWAT Team periodically trains with these munitions to maintain proficiency.

**Other Notes:** None.

**Equipment Type: Pepper Balls - CA Gov't Code §7070(c)(12)**

**Equipment:** Pepperball Launcher and Projectiles, VKS and FTC Models

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| **Quantity Owned/Sought:** 5 launchers | **Lifespan:** Unknown |

**Equipment Capabilities:** Disperses pepper powder chemical irritant

**Manufacturer Product Description:** The FTC and VKS models are high-capacity, semi-automatic pressurized CO2 operated pepperball launchers, either magazine or hopper fed. Both models fire a.68 caliber pepperball projectile. Both models provide officers a less-lethal force option and include picatinny rail mounts for optics and lights.

**Purpose/Authorized Uses:** These devices are only used by the SWAT team personnel during critical incidents or planned operations. They provide a less lethal option to incidents such as: self-destructive, dangerous and/or combative individuals; riot/crowd control and civil unrest; circumstances where a tactical advantage can be obtained; potentially vicious animals. These systems use a compressed air

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powered launcher designed to fire non-lethal PepperBall projectiles. The basic Pepperball projectile contains 2% PAVA pepper powder, and is designed for direct impact and area saturation, especially in confined interior spaces.

**Fiscal Impacts:** approximately $1300 per device. Projectiles are approximately $2-3 per projectile. These munitions need to be periodically replaced as they expire or are used in training or operationally.

**Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. Various Redwood City Policies Related to Use of Force and Crowd Control. Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652).

**Training Required:** Only trained members of the SWAT team are authorized to deploy these devices. Instructors are certified through courses offered by the manufacturer.

**Other Notes:** None.

**Equipment Type: Unmanned remotely powered ground vehicle – CA Gov't Code §7070(c)(1)**

**Equipment:** RoboteX Avatar Tactical Robot

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| **Quantity Owned/Sought:** 4 | **Lifespan:** 8-10 years |

**Equipment Capabilities:** Remotely piloted ground vehicle capable of providing live video images and live audio capabilities.

**Manufacturer Product Description:**

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*Military Equipment Use*

There is no longer a need to send SWAT or tactical response teams into to a dangerous situation before you've had a chance to assess the situation. The AVATAR® Tactical Robot from RoboteX® is an affordable tactical robot that is easy to use and allows for quick and safe inspection of dangerous situations.

**Purpose/Authorized Uses:** These devices are intended to be used to search dangerous areas before placing personnel in harm's way. They can be used to remotely gain visual/audio data, deliver a negotiation phone, open doors, disrupt packages and clear buildings

**Fiscal Impacts:** Initial cost **-**Unknown. These items were obtained through OES funds over 10 years ago. There are no ongoing maintenance costs.

**Legal/Procedural Rules Governing Use:** It is the practice of the Redwood City Police Department to utilize a robot only for official law enforcement purposes in a manner consistent with State and Federal law. Any applicable Redwood City Police Department Policies

**Training Required:** No specialized training required

**Other Notes:** None.

**Equipment Type: Mobile Command Vehicle - CA Gov't Code §7070(c)(5)**

**Equipment:** Workhorse/Mattman Custom Made Command Vehicle

| | |
|---|---|
| **Quantity Owned/Sought:** 1 owned / 1 replacement sought | **Lifespan:** Approximately 15 years |

**Equipment Capabilities:** The Mobile Command Vehicle (MCV) provides mobile, remote access to radio, internet, planning and other resources to assist with management of major incidents and planned operations.

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**Manufacturer Product Description:** Workhorse/Mattman. Mattman was a company that specialized in making custom police response/command vehicles post the 9/11 attacks. This company has since gone out of business.

**Purpose/Authorized Uses:** The MCV is used anytime a SWAT operation occurs.

**Fiscal Impacts:** This unit was purchased in approximately 2002/2003. The original cost is unknown. Ongoing costs to maintain the MCV and replace failing equipment is approximately $2,000/year. Being nearly 20 years old this vehicle is in need of significant updating or replacement. We are currently in the process of receiving bids to update this vehicle.

**Legal/Procedural Rules Governing Use:** In accordance with all State and Local laws related to the operation of vehicles.  Redwood City Policies related to vehicle operations.

**Training Required:** The vehicle requires a Class C Driver License

**Other Notes:** The MCV is not a tactical vehicle. It is not armored in any way and has no offensive capabilities. It is utilized to transport gear and equipment to the command post for critical incidents and planned SWAT operations.

**Equipment Type: Mobile Command Vehicle - CA Gov't Code §7070(c)(5)**

**Equipment:** 2015 Chevrolet Tahoe

| | |
|---|---|
| **Quantity Owned/Sought:** 1 owned | **Lifespan:** Approximately 15 years |

**Equipment Capabilities:** The Mobile Command Vehicle (MCV) provides mobile, remote access to radio, internet, planning and other resources to assist with management of major incidents and planned operations.

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**Manufacturer Product Description:** 2015 Chevrolet Tahoe

**Purpose/Authorized Uses:** The MCV is used by patrol Lieutenants. Its purpose is to help organize first responders during critical incidents, large events and natural disasters.

**Fiscal Impacts:** Vehicle is maintained by the Redwood City Corporation Yard.

**Legal/Procedural Rules Governing Use:** In accordance with all State and Local laws related to the operation of vehicles.  Redwood City Policies related to vehicle operations.

**Training Required:** The vehicle requires a Class C Driver License

**Other Notes:** The MCV is not a tactical vehicle. It is not armored in any way and has no offensive capabilities.

## 703.12 SECTION TWO EQUIPMENT

**Equipment Type: Unmanned, remotely piloted, powered aerial vehicles - CA Gov't Code §7070(c)(1)**

| | |
|---|---|
| **Quantity Owned/Sought:** N/A | **Lifespan:** unknown |

**Equipment Capabilities:** Vehicles are capable of being remotely navigated to provide scene information and intelligence in the form of video and still images transmitted to first responders.

Manufacturer Product Description:

County Emergency Services Bureau Owned

Matrice 300: The DJI Matrice 300 RTK is a powerful, industrial-grade fight platform with world class agility and speed, two barometers, and redundant IMUs for maximum reliability, and new smart flight features that make capturing complex shots easy. The M300 RTK's mechanical design, along with quick release landing gears and mounted folding arms, makes it easy to transport, store, and prepare for flight. 15km Max Transmission, 55 minutes of flight time, six directional sensing and positioning sensors,

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hot swappable battery, -20°C to 50°C operating temperature, with a Zenmuse H20 series camera (200x zoom, 640p thermal camera).

Mavic II Enterprise Dual/Advanced: The DJI Mavic II Enterprise series features omnidirectional Vision Systems and Infrared Sensing Systems and comes with a fully stabilized 3-axis gimbal camera with an equivalent 24-48 mm 2x optical enterprise lens capable of shooting 4k videos and 12 megapixel photos that support up to 6x FHD zoom. DJI signature technologies such as Obstacle Sensing and the Advanced Pilot Assistance System, help you capture complex shots effortlessly. Both the Dual and Advanced variants are equipped with thermal cameras, which enable first responders to see thermal gradient on the screen. The Advanced version is equipped with a high-resolution thermal camera (640p), and the Dual is equipped with a low resolution thermal camera (160p).

RCFD Owned

Matrice 300: Same description as above

Mavic II Enterprise Dual/Advanced: Same description as above

DJI Phantom 4: Featuring a 1-inch CMOS sensor that can shoot 4K/60fps videos and 20MP photos, the Phantom 4 Pro V2.0 grants filmmakers absolute creative freedom. The OcuSync 2.0 HD transmission system ensures stable connectivity and reliability, five directions of obstacle sensing ensures additional safety, and a dedicated remote controller with a built-in screen grants even greater precision and control. [1] A wide array of intelligent features makes flying that much easier. The Phantom 4 Pro V2.0 is a complete aerial imaging solution, designed for the professional creator.

DJI AIRS2: Featuring a compact body weighing less than 600 g, DJI Air 2S is the ultimate drone for aerial photographers on the move. Take this all-in-one aerial powerhouse anywhere to experience and record your world in stunning detail. Equipped with a 1-inch image sensor and large 2.4#m pixels, DJI Air 2S is capable of capturing every stunning detail.

**Purpose/Authorized Uses:** To enhance the safety of potentially dangerous situations by providing first responders with the ability to capture video and still images of hazardous areas prior to, or in lieu of, sending in personnel. This technology has also been used to look for missing persons in an outdoor environment.

**Fiscal Impacts:** None. Equipment owned, maintained, and operated by RCFD or SMCSO.

**Legal/Procedural Rules Governing Use:** The use of unmanned, remotely piloted, powered ground vehicles potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to all applicable privacy laws and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g.,

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residence, yard, or enclosure). In accordance with all State and Local laws and any applicable Redwood City Policies.

**Training Required:** The San Mateo County Sheriff's Office and Redwood City Fire Department provides internal training for staff members prior to allowing them to pilot these vehicles. Operators are licensed accordingly.

**Other Notes:** None.

**Equipment Type: Wheeled vehicles that have a breaching apparatus attached - CA Gov't Code §7070(c)(3)**

**Equipment:** Lenco Bearcat G3

| | |
|---|---|
| **Quantity Owned/Sought:** 1 (Not owned by RCPD) | **Lifespan:** 25 years |

**Equipment Capabilities:** Capable of breaching doors, gates, and other points of entry. Fully armored vehicle providing safety in dangerous environments.

**Manufacturer Product Description:** The BearCat G3 provides Lenco's proven armor system in a ruggedized off-road platform. The G3 utilizes the same body design, interior features and tactical options as the G2, but it comes standard with a heavier duty upgraded suspension and off-road tires, rims & run flats to provide enhanced off-road performance. The increased ground clearance and robust suspension allows for emergency response in rural regions and natural disaster scenarios where standard armored SWAT vehicles would experience challenges. If your mission takes you off-road, the Lenco BearCat G3 will get you where you need to go. Available with mission-specific design features for Police and Government, Medical and Fire Response.

**Purpose/Authorized Uses:** This vehicles primary purpose is to provide ballistic protection to occupants inside. It is commonly used to transport people from an area of danger to an area of safety. When

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officers are required to stay in an area of danger it provides protection. This vehicle is used upon a request for mutual aid for critical incidents, planned SWAT operations and training

**Fiscal Impacts:** None. Equipment owned, maintained, and operated by the San Mateo County Sheriff's Office.

**Legal/Procedural Rules Governing Use:** Breaching vehicles can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances. In accordance with all State and Local laws and any applicable Redwood City Policies.

**Training Required:** The San Mateo County Sheriff's Office provides trained personnel to operate this vehicle.

**Other Notes:** This vehicle has no offensive capabilities and is solely used to provide increased safety to personnel and the public.

**Equipment Type: Wheeled vehicles that have a breaching apparatus attached - CA Gov't Code §7070(c)(3)**

**Equipment:** Lenco Bear with MARS ladder system

| | |
|---|---|
| **Quantity Owned/Sought:** 1 (Not owned by RCPD) | **Lifespan:** 25 years |

**Equipment Capabilities:** Capable of breaching doors, gates, and other points of entry. Fully armored vehicle providing safety in dangerous environments. Also equipped with a ladder system for tactical entry and rescue missions

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**Manufacturer Product Description:** The BEAR MARS combines Lenco's largest armored transport vehicle with the Mobile Adjustable Ramp System (MARS) manufactured by Patriot3 Inc. The MARS is equipped with "dual, side-by-side hydraulic ramps which allow simultaneous elevated access at varying heights". The combined Lenco-Patriot3 package offers the among the highest elevated access in an armored platform in the world.

**Purpose/Authorized Uses:** This vehicles primary purpose is to provide ballistic protection to occupants inside. It is commonly used to transport people from an area of danger to an area of safety. When officers are required to stay in an area of danger it provides protection. This vehicle is used upon a request for mutual aid for critical incidents, planned SWAT operations and training.

**Fiscal Impacts:** None. Equipment is owned through the San Mateo County Sheriff's Bureau of Emergency Services and is operated and stored at the Daly City Police Department.

**Legal/Procedural Rules Governing Use:** Breaching vehicles can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances. In accordance with all State and Local laws and any applicable Redwood City Policies.

**Training Required:** The Daly City Police Department provides trained personnel to operate this vehicle.

**Other Notes:** This vehicle has no offensive capabilities and is solely used to provide increased safety to personnel and the public.

**Equipment Type: Not specifically identified in CA Gov't Code §7070**

**Equipment:** Lenco Bearcat Medevac

| | |
|---|---|
| **Quantity Owned/Sought:** 1 (Not owned by RCPD) | **Lifespan:** 25 years |

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**Equipment Capabilities:** Fully armored medical vehicle providing safety in dangerous environments. This vehicle is essentially an ambulance protected from ballistic threats.

**Manufacturer Product Description:** The Lenco BearCat Medevac, also known as the MedCat, was designed to meet the combined requirements of SWAT & Tactical EMS Teams. This BearCat model can be used as an armored Response & Rescue SWAT truck for dangerous call-outs, and is equipped to provide Tactical EMS with a safe & effective environment to deal with trauma cases.

**Purpose/Authorized Uses:** This vehicles primary purpose is to provide ballistic protection to medical personnel, first responders and victims in the event of a critical incident or planned operation.

**Fiscal Impacts:** None. Equipment is owned through the San Mateo County Bureau of Emergency Services and is operated and stored at the Burlingame Fire Station.

**Legal/Procedural Rules Governing Use:** Standard Emergency Vehicle operating procedures. In accordance with all State and Local laws and any applicable Redwood City Policies.

**Training Required:** This vehicle is operated by EMS personnel

**Other Notes:** This vehicle has no offensive capabilities and is solely used to provide increased safety to personnel and the public.

**Equipment Type: Wheeled vehicles that have a breaching apparatus attached - CA Gov't Code §7070(c)(3)**

**Equipment:** IAG Sentinel Armored Rescue Vehicle

| | |
|---|---|
| **Quantity Owned/Sought:** 1 (Not owned by RCPD) | **Lifespan:** 25 years |

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**Equipment Capabilities:** Capable of breaching doors, gates, and other points of entry. Fully armored vehicle providing safety in dangerous environments.

**Manufacturer Product Description:** The all new IAG Sentinel ARV is an armored rescue vehicle re-designed specifically for tactical response teams, with added interior space and overall functionality in the event of a rapid deployment.

**Purpose/Authorized Uses:** This vehicles primary purpose is to provide ballistic protection to occupants inside. It is commonly used to transport people from an area of danger to an area of safety. When officers are required to stay in an area of danger it provides protection. This vehicle is used upon a request for mutual aid for critical incidents, planned SWAT operations and training.

**Fiscal Impacts:** None. Equipment is owned through the San Mateo County Bureau of Emergency Services and is operated and stored at the San Mateo Police Department.

**Legal/Procedural Rules Governing Use:** Breaching vehicles can be deployed any time tactical operators determine that it is necessary to complete a lawful breaching. For a breaching to be lawful, it will generally need to be supported by a search or arrest warrant, or exigent circumstances. In accordance with all State and Local laws and any applicable Redwood City Policies.

**Training Required:** The San Mateo Police Department provides trained personnel to operate this vehicle.

**Other Notes:** This vehicle has no offensive capabilities and is solely used to provide increased safety to personnel and the public.

**Equipment Type: Mobile Command Vehicle - CA Gov't Code §7070(c)(5)**

| | |
|---|---|
| **Quantity Owned/Sought:** 1 (not owned by RCPD) | **Lifespan:** Approximately 15 years |

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| |
|---|
| **Equipment Capabilities:** The Mobile Command Vehicle (MCV) provides mobile, remote access to radio, internet, planning and other resources to assist with management of major incidents and planned operations. |
| **Manufacturer Product Description:** Unknown |
| **Purpose/Authorized Uses:** The MCV can be deployed anytime first responders determine that it would be beneficial to operations being conducted. |
| **Fiscal Impacts:** None. Equipment is owned and maintained through the San Mateo County Bureau of Emergency Services. |
| **Legal/Procedural Rules Governing Use:** In accordance with all State and Local laws and any applicable Redwood City Policies. |
| **Training Required:** Not applicable. |
| **Other Notes:** The MCV is not a tactical vehicle, meaning that it is not armored in any way and does not include any weapon elements. The MCV is simply a command vehicle configured with radios, computers, smart screens and other peripherals to facilitate field command. |

## 703.13 REVISIONS

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# Armored Rescue Vehicle (ARV)

## 704.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the deployment, training, and use of Redwood City Police Department Armored Rescue Vehicles.

The ARV is used to enhance and sustain local preparedness for Redwood City and other local first responders by allowing for the delivery of emergency services into ongoing or planned hazardous situations. This will allow law enforcement, fire and medical personnel the ability to have some level of protection when entering unsecured, dangerous, and unstable areas. These vehicles will enhance the ability of first responders to rescue persons in need and help protect first responders at the scene of an emergency. The ARV is also designated to meet tactical needs of law enforcement personnel tasked with responding to acts of violence and/or terrorism. The purpose is to enhance law enforcement's ability to serve and protect the community.

## 704.2 POLICY

It shall be the policy of the Redwood City Police Department to deploy and use armored vehicles in compliance with this policy and in accordance with the Military Equipment Use Policy and other existing policies and law.

## 704.3 USE OF THE ARMORED RESCUE VEHICLE

1. The use of the Armored Rescue Vehicle is to assist with the preservation of life and enhance the safety of community members and first responders. The ARV should be deployed in situations where its use would enhance the tactical advantage of officers, aid in the rescue of injured persons, protect life and property, or improve the likelihood that an incident would be resolved without the use of deadly force or other force options.
2. The Armored Rescue Vehicle is primarily used for RCPD Special Response Team (SRT) incidents, safe transport of SRT personnel to and from critical incidents, high-risk warrant service operations, training, delivery of emergency medical staff and/or Tactical Emergency Medicine Support (TEMS) personnel, delivery of equipment, and other rescue capabilities.
3. The Armored Rescue Vehicle will not be used in the public for community engagement events, unless specifically authorized by the Chief of Police.

## 704.4 DEPLOYMENT

An officer may request to deploy the Armored Rescue Vehicle in a planned operation by making the request through the chain of command. The request should include, but is not limited to the day, date and period of the operation, location(s) of the operation, and the reason why the Armored Rescue Vehicle is necessary for the success of the operation. Approval to deploy an Armored Rescue Vehicle for a planned operation will be the responsibility of the Special Response Team (SRT) Commander, although any Captain may authorize its deployment in the event the SRT Commander is unavailable.

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A Watch Commander or Sergeant may authorize the deployment of an ARV if there is an immediate need to prevent loss of life or great bodily injury. Upon deployment, the Watch Commander or Sergeant shall notify the SRT Commander as soon as practical. In most cases where the Watch Commander or Sergeant authorized the deployment of an ARV, the SRT Commander will call-out two (2) SRT Tactical Operators to relieve the patrol officers in charge of the ARV at the scene of an ARV deployment.

Unless otherwise indicated in this policy, an Armored Rescue Vehicle will only be used for incidents that involve actual, threatened, or suspected violence involving firearms, explosives, or other dangerous weapons.

The Armored Rescue Vehicle will not be utilized in crowd control situations or during times of civil unrest, protest, or demonstrations unless clear, specific, and articulable facts dictate the need to deploy the Armored Rescue Vehicle (shots fired, suspected violence involving firearms, actual or suspected presence of explosives, etc.). Use in such circumstances must be approved by the Chief of Police.

An Armored Rescue Vehicle may be deployed during natural disasters and rescue/emergency operations that necessitate the deployment of the Armored Rescue Vehicle's equipment and capabilities.

Nothing in this policy is meant to preclude the immediate deployment of an Armored Rescue Vehicle to perform an officer or citizen rescue, to save lives that could be placed in imminent danger of great bodily injury or death.

The Redwood City SRT Team may use the Armored Rescue Vehicle during training with the approval of the SRT Commander.

## 704.5 ALLIED AGENCY REQUEST

Non-Emergency requests for deployment of the Armored Rescue Vehicle by an allied agency will be made through the on-duty or on-call Lieutenant, who will then contact the SRT Commander.

Emergency requests for deployment of the Armored Rescue Vehicle by an allied agency to an emergency to assist in life-saving operations, may be authorized by any member of the rank of Sergeant or higher. Deployment under these circumstances will be pursuant to section 404.4 of this policy.

Upon approving an allied agency's request, two officers trained in Armored Rescue Vehicle deployment should be assigned to deliver the Armored Rescue Vehicle to the requesting agency. The officers will respond to the incident and deploy the Armored Rescue Vehicle per the orders of the Incident Commander of the allied agency. Redwood City police officers will not deploy an Armored Rescue Vehicle if the deployment conflicts with Redwood City Police Department policies, procedures, practices, or established law. Officers arriving on scene with the Armored

Rescue Vehicle will act as vehicle operators and security for the vehicle.

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Redwood City police officers deployed with an Armored Rescue Vehicle should not be directly involved in the allied agency's tactical operations unless specifically requested by the requesting agency. If Redwood City police officers are asked to participate in any part of the allied agency's operation other than the operation of the Armored Rescue Vehicle, the officer(s) shall notify the SRT Commander or if they are unavailable the on-duty or on-call lieutenant as soon as practical. This policy is not intended to restrict officers from taking action if necessary to prevent great bodily injury or death.

If the allied agency's request for an Armored Rescue Vehicle develops into an extended operation, the officers deploying the vehicle will contact the SRT Commander or on-duty or on-call lieutenant who will be responsible for ensuring relief officers are deployed as necessary.

## 704.6 ARMORED RESCUE VEHICLE TRAINING

Officers are to be trained in the operation of the Armored Rescue Vehicle prior to actual use. Training requirements will be set by the SRT Commander or designee. The training will include knowledge of the rules of the road and knowledge of electronic/mechanical mechanisms on the vehicle, as well as tactical considerations. Personnel who have been trained in the use of the Armored Rescue Vehicle and possess a valid California Driver's License are authorized to drive the vehicle. The vehicle shall only be driven in the performance of their duties.

The SRT Commander or his/her designee is responsible for ensuring officers are trained in the proper use and driving techniques and ensuring the vehicle is properly serviced and maintained.

The Training Sergeant shall maintain all records related to the training of personnel to drive and operate the Armored Rescue Vehicle.

## 704.7 OPERATING/STORAGE/MAINTENANCE GUIDELINES

a. Backing: When reversing an Armored Rescue Vehicle, a ground guide or spotter should be used while the armored vehicle is moving. This is to assist the driver of the armored vehicle to avoid colliding with any unseen objects. This recommendation does not apply if the use of a guide jeopardizes officer safety.
b. Inventory: The assigned operator of the Armored Rescue Vehicle shall ensure that all of the vehicle's equipment has been returned after use. Quarterly inventories/inspections should be done and a list of equipment should be stored inside of the Armored Rescue Vehicle.
c. Fueling: Prior to securing the Armored Rescue Vehicle after deployment, the operator shall ensure that the vehicle has a minimum of a ½ tank of fuel (Gasoline) and is ready for re-deployment.
d. Storage: The Armored Rescue Vehicle will be stored in a designated parking location at the Redwood City Police Department, unless authorization for an alternative storage location is granted by the SRT Commander or his/her designee. The Armored Rescue Vehicle may be temporarily stored at a maintenance facility and will be returned to the Redwood City Police Department as soon as maintenance is complete.

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e. Damage: If the Armored Rescue Vehicle is damaged, the operator shall report the damage to the SRT Commander as soon as possible.
f. Availability: If the Armored Rescue Vehicle is unavailable due to damage or required maintenance, this shall be reported up the chain of command to the SRT Commander as soon as possible.

## 704.8 DOCUMENTATION

Each deployment of an Armored Rescue Vehicle shall be documented in a police report and forwarded to the SRT Commander.

Each deployment of an Armored Rescue Vehicle will be documented in the Department's annual military equipment use report.

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# Long Range Acoustical Device (LRAD)

## 705.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the deployment, use, and management of the Long-Range Acoustical Device (LRAD) within the Redwood City Police Department to ensure the safety of all individuals involved in incidents where the LRAD is utilized.

## 705.2 POLICY

The LRAD shall be used as a communication tool to ensure clear, effective communication in situations where traditional methods may be insufficient. It is not designed or authorized for use as a weapon. The deployment and use of the LRAD will be conducted in a manner consistent with department training and in compliance with all applicable laws and regulations.

## 705.3 DEFINITIONS

a. Long Range Acoustical Device (LRAD): A high-intensity, directional acoustic array designed for long-range, crystal-clear hailing and notification.
b. LRAD "Hyperspike": A portable LRAD device that can be mounted on a vehicle, capable of transmitting live or prerecorded messages with clarity over long distances.

## 705.4 AUTHORIZED USE

The LRAD may be used in the following scenarios:

1. Natural Disasters: To issue warnings, evacuation orders, or provide other critical information.
2. Crowd Management: To issue dispersal orders, provide instructions, or deliver other communications during large gatherings such as protests, parades, or festivals.
3. Emergency Situations: Including but not limited to evacuations, missing persons, barricaded suspects, and high-risk search or arrest warrants.
4. Search and Rescue Operations: To communicate with individuals who may be lost, trapped, or otherwise in need of assistance.
5. Traffic Control: During large events or emergencies where standard traffic management methods are inadequate.

## 705.5 APPROVAL AND DEPLOYMENT

1. The LRAD may only be deployed with the approval of the Watch Commander or Incident Commander.
2. In rapidly evolving situations where there is an imminent threat to public safety, trained personnel may deploy the LRAD without prior approval but must notify the Incident Commander as soon as practical.

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## 705.6 PROHIBITED USES

1. The LRAD is not authorized for use as a weapon.
2. The LRAD's warning tone shall not be used under any circumstances except where there is an imminent threat of significant bodily injury or death and such use must be approved by a Lieutenant or higher authority

## 705.7 TRAINING

Only officers who have completed department-approved training on the LRAD's operation and deployment may use the device. The Training Sergeant will ensure that all relevant personnel are properly trained and that records of training are maintained.

## 705.8 MAINTENANCE

The LRAD system will be maintained by the designated unit (e.g., SRT and CNU), ensuring that it is in good working condition and ready for deployment when needed.

## 705.9 DOCUMENTATION

Any use of the LRAD, including both communication and warning tones, must be documented in the appropriate incident report, with details including the reason for use, duration, and any observed effects.

## 705.10 REVIEW AND REVISION

This policy shall be reviewed annually and updated as necessary to reflect changes in technology, laws, or departmental needs. In order to track the use of the LRAD, trained personnel will be required to document each use in a police report.

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# Chapter 8 - Support Services

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# Communications Center Operations

## 800.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of the Communications Center. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

## 800.2 POLICY

It is the policy of the Redwood City Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between the Communications Center and department members in the field.

## 800.3 COMMUNICATIONS OPERATIONS

This department provides 24-hour telephone service to the public for information or assistance that may be needed in both emergencies and non-emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This department provides access to the 911 system for a single emergency telephone number. This department has two-way radio capability providing continuous communication between the Communications Center and all field units.

### 800.3.1 COMMUNICATIONS LOG

It shall be the responsibility of the Communications Center to document all relevant information on calls for criminal and non-criminal service or self-initiated activity. Communications Dispatchers shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information should include, at a minimum, the following:

- Date and time of occurrence
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Nature and details of the incident
- Identification of officer(s) assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival

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- Time of officer's return to service
- Disposition or status of reported incident

## 800.4 RADIO COMMUNICATIONS

Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of officers, their locations and the nature of cases.

### 800.4.1 OFFICER IDENTIFICATION

Identification systems are based on factors such as beat assignment and officer identification numbers. Employees should use the entire call sign when initiating communication with other employees. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified. All self-initiated activity will include a nature of the activity on the initial request. This will allow for the communications dispatcher to prepare for the additional radio traffic and prioritize incoming requests.

a. An example of a radio conversation between an officer and a dispatcher is as follows:
    - Officer: "22Boy1 11-86"
    - Dispatch: "22Boy1 go ahead"
    - Officer: "Boy1 Northbound 101 at Redwood Shores Parkway license 123ABC on a green Chevy Impala"
b. All calls for service dispatched to officers will also include a nature at the time of the initial broadcast. An example of a radio conversation between a dispatcher and an officer being dispatched is as follows:
    - Dispatch: "22Boy1 415"
    - Officer: "22Boy1 go ahead"
    - Dispatch: "22Boy1 415 at 123 Main Street, cross of Broadway, report of a male customer refusing to leave"

### 800.4.2 IN PROGRESS CALLS

In progress calls will be immediately dispatched by Communications unless a channel restriction is in place. Prior to an officer being dispatched, a tone alert will be broadcasted using the Motorola tone marker "1" on the radio console. Communications will make the initial broadcast and make the specific unit assignment. Communications will broadcast the type of crime, the description of the suspect and/or vehicle and obtain a direction of travel. Communications will also advise if any weapons are involved in the incident. Code 33 Tones will be used at the discretion of the responding units.

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- Priority 1 - Emergency Calls - Must be dispatched without delay. Prior to an officer being dispatched "code 3", a tone alert will be broadcasted using the Motorola tone marker "1" on the radio console. Generally emergency calls are persons in danger of injury (shooting, stabbing) suicide in progress, officer needs help, major injury accident, plane crash, violent felony in progress, structure fires with persons inside, explosions, or other major fires, life threatening medical emergencies, missing children under 13, hold-up and panic alarms, persons down or prowler calls and any other call classified as a priority 1 within the computer aided dispatch system. Dispatch to the assigned beat unit, if the beat unit is unavailable assign the next most logical be at unit to arrive within the time allotted. If no units are available, advise the watch commander immediately.
- Priority 2 - Priority Call - Dispatch immediately, officer will respond Code 2 - Generally, priority calls are minor injury accidents and accidents "no details", non-injury accidents causing a traffic hazard and other than violent felony crimes in progress, disturbances in progress, thefts that have just occurred, alarms (with the exception of hold up or panic alarms), intoxicated subjects, suspicious persons or vehicles or circumstances, intoxicated or reckless drivers, and any other call classified as a priority 2 within the computer aided dispatch system. Dispatch to the assigned beat unit, if the beat unit is unavailable assign the next most logical adjacent beat. If no units are available, broadcast minimum information about the call blindly over the primary radio channel, the minimum information will include: type of call and the beat that is impacted, for example: "Redwood City units for information, pending a 415 in beat 3" and ensure the watch commander received the information.
- Priority 3 - Non-Priority Calls - Dispatch in enough time to allow an officer to arrive within 30 minutes. Dispatch to the assigned beat unit, if the beat unit is unavailable assign the next most logical beat unit to arrive within the time allotted. If there are unforeseen circumstances or occasions when the time will be extended every attempt will be made to notify the reporting party of the delay. The on-duty watch commander will also be advised of the delay in the call being dispatched.

### 800.4.3 UNDELAYED DISPATCH OF CALLS FOR SERVICE

All calls for service will be dispatched, without delay, to the closest available field unit, when units are available. In the event that the initially assigned unit has arrived on scene and has taken steps to resolve the call for service, that unit will maintain primary investigative responsibility to include the completion of reports, citations and arrests.

The requirement to dispatch calls for service without delay will not limit the on-duty field supervisors ability to ensure the strategic deployment of field resources. In extraordinary situations where the assignment of an available unit could create extended responses to incoming emergencies, the on-duty supervisor may choose to keep a field unit in service and/or in a geographical area to shorten responses to such emergencies. Additionally, on-duty field supervisors may assign certain units when key skills or expertise are required to ensure the best resolution to a call for service. Such exceptions will occur only when necessary to ensure prompt a response in the event a priority call is received, or to ensure the proper outcome of complex investigations.

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## 800.4.4 RIMS COMMUNICATIONS PROCEDURES

1. Call entry and processing measurements

Maintain an overall average answering time of 10 seconds for 9-1-1 calls. Maintain an average call processing time of 60 seconds for Priority-1 calls. Within first 30 seconds: Location Phone for reporting party. Within 60 seconds: Weapons Suspect descriptions (Head to toe) Vehicle descriptions (CYMBAL) Name of reporting party Location or address of reporting party if different and not obvious.

Additional details: Most calls should be processed within a 60-second time period. Calls

with inherent delays or special circumstances will be the exception. Some examples of those types of calls include but are not limited to: Prowlers Open Lines with little or no communication to get details, violent disturbances with a victim or witness landline and traffic accidents with multiple reporting parties and/or vehicles.

An attempt to get the basic information should be made on every call. All attempts to get information will be counted as received. Maintain an average call processing time of 120 seconds for Priority -2 calls. Maintain an average time of 6 minutes from dispatch call answering time to first officer arrival on scene for Priority 1 calls. Maintain an average time of 12 minutes from dispatch call answering time to first officer arrival on scene for Priority 2 calls. Training Conduct quarterly training to address quality of service concerns discovered during audits.

2. Code 3 Response Tracking Procedure

After an incident is created within RIMS you will be able to view the special circumstances section. Bring the entered call up on your screen in viewing mode and move to the tab labeled "Page 2." In the bottom left hand corner you will find a drop-down mask labeled special circumstances. Using the drop down menu, choose the Code-3 option to flag the call for statistical reporting. Time permitting attempt to document time of Officer's response from beginning to end of the Code 3 response.

Criteria for using the Special Circumstance Command: Anytime it is determined by call-type an officer is to respond code. Anytime a Code-3 cover request is made by an officer/field unit. Anytime a Code-3 cover request is made by an outside agency.

Call Review: Monthly data will be compiled using this information and each call will be reviewed to obtain details and overall average of Code 3 responses. This data will be forwarded to the Patrol Administrative Assistant who will generate a monthly report based on this data.

3. RIMS System-Wide Failure

For any of the following system-wide problems please contact the Communications Supervisor for direction on after-hours procedures and contacts: unexplainable CLETS outages, mobile outages, and

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RIMS outages. For individual position and/ or mobile outages, create a HITS ticket and the problem with be handled by the IT department on the next business day. During business hours contact the IT department and create a HITS ticket for documentation and notify the Communications Supervisor.

## 800.5 COMMUNICATIONS SUPERVISOR NOTIFICATION

The following events will be automatic supervisor notification via personal contact, cell phone or home phone depending upon time of day and/or day of week: Any RIMS/CAD outage impairing the normal operations. Any request for notification from the a field unit. Any last-minute scheduling changes, sick calls that are unable to be covered voluntarily.

### 800.5.1 COMPUTER CHECKS

Communications personnel will perform all priority computer checks for the field units while on duty and on patrol. This includes any and all inquiries within the Department of Justice Systems and the Department of Motor Vehicles. Communications personnel will provide expeditious and accurate information back to the officers while on patrol.

Whenever practical, and absent exigent circumstances, officers will conduct detailed records checks using the databases available to them in the field.

### 800.5.2 SECONDARY CHANNEL REQUESTS

Redwood City Police Department Channel 2 and Channel 3 can be used as an emergency secondary channel for operations. The channels will also be used for separate and serious cases involving a group of officers or for usually long transmissions.

### 800.5.3 CODE 33 CHANNEL RESTRICTIONS

During a "code 33" communications will activate the channel restriction tones. During this time period, units will transmit emergency traffic only. If the "code 33" is on channel 1, channel 2 or channel 3 will be made available for other radio transmissions. Units may also request that communications remove the tones from the channel being restricted.

### 800.5.4 ESTIMATED TIME OF ARRIVALS FOR TAXIS, TOWS AND ALLIED AGENCY 10-87 REQUESTS

Communications personnel will make every attempt to obtain an estimated time of arrival for all taxis, tows and allied agency meet-up requests.

### 800.5.5 CITIZEN CONTACT

It is mandatory that police officers contact all reporting parties that request police services unless the citizen is insistent that the police not contact them. The dispatcher is to notify the reporting party that an officer will be making personal contact with them. If an officer becomes unavailable to make contact in a timely manner, communications personnel may be asked to call the reporting party to advise them of the delay.

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# 800.6 RESPONSIBILITIES

## 800.6.1 COMMUNICATIONS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Communications Supervisor. The Communications Supervisor is directly responsible to the Administrative Lieutenant or the authorized designee.

The responsibilities of the Communications Supervisor include, but are not limited to:

1. Overseeing the efficient and effective operation of the Communications Center in coordination with other supervisors.
2. Scheduling and maintaining dispatcher time records.
3. Supervising, training and evaluating dispatchers.
4. Ensuring the radio and telephone recording system is operational.
    1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.
5. Processing requests for copies of the Communications Center information for release.
6. Maintaining the Communications Center database systems.
7. Maintaining and updating the Communications Center procedures manual.
    1. Procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence.
    2. Ensuring dispatcher compliance with established policies and procedures.
8. Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.
9. Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

## 800.6.2 DISPATCHERS

Dispatchers report to the Communications Supervisor. The responsibilities of the dispatcher include, but are not limited to:

1. Receiving and handling all incoming and transmitted communications, including:
    1. Emergency 9-1-1 lines.
    2. Business telephone lines.
    3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.
    4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).
    5. Other electronic sources of information (e.g., text messages, digital photographs, video).

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2. Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).
3. Inquiry and entry of information through the Communications Center, department and other law enforcement database systems (CLETS, DMV, NCIC).
4. Monitoring department video surveillance systems.
5. Maintaining the current status of members in the field, their locations and the nature of calls for service.
6. Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:
    1. Vehicle pursuits.
    2. Foot pursuits.
    3. Assignment of emergency response.

## 800.7 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in the Communications Center, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller’s language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

Dispatchers should be courteous, patient and respectful when dealing with the public.

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### 800.7.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

Emergency calls should be dispatched immediately. The patrol supervisor shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

### 800.7.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

## 800.8 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

a. Members acknowledging the dispatcher with their radio identification call signs and current location when dispatched for a call for service.
b. Dispatchers acknowledging and responding promptly to all radio transmissions.
c. Members keeping the dispatcher advised of their status and location.
d. Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant’s supervisor and processed through the chain of command.

### 800.8.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Redwood City Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

## 800.9 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

## 800.10 REVISIONS

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# *Communications Center Operations*

Revised July 2020

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# Property and Evidence Unit

## 801.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

## 801.2 DEFINITIONS

**Property** - Includes all items of evidence, items taken for safekeeping and found property.

**Evidence** - Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case. This includes photographs and latent fingerprints.

**Safekeeping** - Includes non-evidentiary items which are placed into the custody of the property room for temporary storage on behalf of the owner.

Examples include:

- Property obtained by the Department for safekeeping such as a firearm
- Personal property of an arrestee not taken as evidence
- Property taken for safekeeping under authority of a law (e.g., Welfare and Institutions Code § 5150 (mentally ill persons))

**Found property** - Includes property found by an employee or citizen that has no apparent evidentiary value, where the owner cannot be readily identified or contacted and is not known or suspected to be connected with any criminal offense.

## 801.3 PROPERTY HANDLING

Any member who first comes into possession of any property shall retain such property in their possession until it is properly tagged and placed in the designated property locker or storage room along with the property form. Care shall be taken to maintain the chain of custody for all evidence.

Whenever property is taken or received (e.g., relinquished firearms) from an individual, a property receipt form will be completed. The receipt shall describe the property and contain a notice on how to retrieve the property, as applicable, from the Department. A copy of the property receipt form shall be given to the individual from whom the property was taken or received.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. The property form must be completed to document the release of property not booked and the owner shall sign the form acknowledging receipt of the items.

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### 801.3.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

a. Complete the property tab in RIMS describing each item of property separately, listing all serial numbers, owner’s name, finder's name, and other identifying information or markings.
b. Identify each item of evidence or property with an appropriate barcode label or tag, in a manner so as not to deface or damage the value of the property.
c. The white copy of the property receipt shall be submitted in the property receipt box, if applicable.
d. When the property is too large to be placed in a locker, the item may be retained in the property closet. Any gasoline or electric powered vehicles shall be stored in the sally port or back lot.
e. Assure all serialized items retained by the police department are entered into the appropriate automated system (i.e. APS, AFS, SVS) in accordance with Penal Code §11108.

### 801.3.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property item number. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

Dangerous drugs such as Fentanyl shall be double kapak’d.

### 801.3.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials.

### 801.3.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

a. Ensure proper handling of biological evidence (i.e. bodily fluids such as blood or semen stains shall be air dried prior to booking, liquid blood and urine should be refrigerated).
b. License plates found not to be stolen or connected with a known crime, should be booked as found property and entered into SVS.
c. All bicycles and bicycle frames require a property entry in RIMS. Barcode tags will be securely attached to the handle bars. The property may be released directly to the Property Clerk, or placed in the bicycle storage area until a Property Clerk can log the property.
d. All currencyshall be counted in the presence of another officer and the envelope initialed by the booking officer and the witnessing officer. A supervisor shall be contacted for cash in excess of

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$1,000 for special handling procedures. All US currency shall be packaged in a currency envelope and denominations (cash and coin) shall be itemized.

e. Syringes (used/un-used) that are considered evidence shall be placed in a syringe keeper, then placed in a kapak. Syringes for destruction shall be placed in the sharps container located in the evidence processing room.
f. All backpacks, purses, bags, luggage shall be thoroughly searched by the officer to assure the items do not contain perishables, hazards, serialized property or currency.

City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

801.3.5 RELINQUISHED FIREARMS

Individuals who relinquish firearms pursuant to the provisions of Penal Code § 29850 shall be issued a receipt that describes the firearm, the serial number or other identification of the firearm at the time of relinquishment (Penal Code § 29810).

Relinquished firearms shall be retained for 30 days, after which time they may be destroyed, retained, sold or otherwise transferred, unless (Penal Code § 29810):

a. A certificate is issued by a judge of a court of record or the District Attorney stating the firearms shall be retained; or
b. The convicted person provides written notice of an intent to appeal the conviction that necessitated the relinquishment; or
c. The Automated Firearms System indicates that the firearm was reported lost or stolen.
    1. In such event, the firearm shall be restored to the lawful owner as soon as it is no longer needed as evidence, the lawful owner has identified the weapon and provided proof of ownership, and the Department has complied with the requirements of Penal Code § 33850 et seq

## 801.4 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately as follows:

a. Narcotics and dangerous drugs
b. Firearms (ensure they are unloaded and booked separately from ammunition)
c. Property with more than one known owner
d. Paraphernalia as described in Health and Safety Code § 11364
e. Fireworks
f. Contraband
g. Currency
h. Biological evidence
i. Serialized property

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### 801.4.1 PACKAGING OPTIONS

Employees shall package all property, except narcotics and dangerous drugs in a suitable envelop, bag or box available for its size.

Some examples include:

Knife boxes should be used to package knives

Syringe tubes shall be used to package syringes and needles

All items that require analysis shall be packaged in crime lab designated envelopes or crime lab labeled boxes and bags (i.e. latents, DNA swabs, casings)

A property tag shall be securely attached to the outside of all items or group of items packaged together.

All packaging should be sealed with a “sealed evidence” label from edge to edge with the employee’s initials and date. Staples are not to be used.

### 801.4.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in their possession until it is properly weighed, packaged, tagged, and placed an evidence locker.

Narcotics and dangerous drugs shall be packaged in a crime lab labeled kapak of appropriate size available in the evidence processing area. Once exception is marijuana and psilocybin (mushrooms) which shall be packaged in paper or burlap. The booking officer shall initial and date the heat-sealed kapak. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property crime lab label shall be attached to the outside of the kapak or paper bag. The chain of evidence shall be recorded on the crime lab label or on the crime lab envelope.

If the narcotics are stored in a glass container, the glass shall be placed in a box, then placed in a kapak envelope. If the narcotic is contained in a syringe, it shall be placed in a syringe keeper then placed in the kapak.

## 801.5 RECORDING OF PROPERTY

The Property Clerk receiving custody of evidence or property shall record in RIMS the date and time the property was received and where the property will be stored.

Any changes in the location of property held by the Redwood City Police Department shall be noted in RIMS.

## 801.6 PROPERTY CONTROL

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Each time the Property Clerk receives property or releases property to another person, theyshall enter this information in RIMS. Property clerks shall also document when copies are made of evidence and provided to another person within or outside the department. They shall enter this information in RIMS.

### 801.6.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry on the evidence package shall be completed to maintain the chain of evidence. If an officer releases booked property to an owner, they should notify property personnel so proper documentation could be provided.

Request for analysis for items other than narcotics or drugs shall be completed and authorized by a supervisor or detective.

### 801.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time in RIMS.

The transporting employee will be issued a chain of custody receipt from the crime laboratory. This receipt should be scanned into RIMS as an attachment to the case.

### 801.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of evidence. Temporary release of property to officers for investigative purposes, or for court, shall be noted in RIMS, stating the date, time and to whom released.

The Property Clerk shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving property shall be responsible for such property until it is properly returned to property or properly released to another authorized person or entity.

The return of the property should be recorded in RIMS, indicating date, and time returned.

### 801.6.4 AUTHORITY TO RELEASE PROPERTY

The Detective Bureau, District Attorney's Office and/or primary officer shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

### 801.6.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized property release form, listing the name and address of the person to whom the property is to be released.Release of all property shall be documented in RIMS.

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With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days (Civil Code § 2080.10). During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in RIMS.

A Property Clerk shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the“Property Invoice and Return” form. This form should be scanned into RIMS as an attachment to the case. Upon release, the proper entry shall be documented in RIMS. If currency is being released, the Property Clerk shall count out the money in front of the owner and request the owner write their initials adjacent to the amount returned.

Under no circumstances shall any firearm, magazine or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

Property personnel should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

### 801.6.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386 (b)).

### 801.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS

The Detective Bureau will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health and Safety Code § 11364.

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### 801.6.8 RELEASE OF FIREARMS IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property Officer shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal investigation, another successive order has been issued against the individual, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 29825.5; Penal Code § 33855).

### 801.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms, other deadly weapons, or ammunition confiscated or relinquished from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

a. If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.
b. If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.
c. Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

### 801.6.10 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order, verification that the person is not otherwise legally prohibited from possessing a firearm, and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18108; Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, they are entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Redwood City Police Department determines the person to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

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Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

### 801.6.11 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION

The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

## 801.7 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for 60 days or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal. The Property Clerk shall request a disposition or status on all property which has been held in excess of 60 days, and for which no disposition has been received from a supervisor, detective or the District Attorney.

### 801.7.1 EXCEPTIONAL DISPOSITIONS

The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 25700; Penal Code § 26110; Penal Code § 26395; Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

### 801.7.2 UNCLAIMED MONEY

If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to be published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the agency on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

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Any individual item with a value of less than $15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of this department to fund official law enforcement operations. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.

### 801.7.3 RETENTION OF BIOLOGICAL EVIDENCE

The Property and Evidence Unit Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

a. The defendant
b. The defendant’s attorney
c. The appropriate prosecutor and Attorney General
d. Any sexual assault victim
e. The Investigation Division supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the Property and Evidence Unit Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be scanned as an attachment to the respective case in RIMS. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the Investigation Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Policeor designee and the head of the applicable prosecutor’s office.

Biological evidence or other crime scene evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations and shall be retained as required in Penal Code § 680. Even after expiration of an applicable statute of limitations, the Investigation Division supervisor should be consulted and the sexual assault victim shall be notified at least 60 days prior to the disposal (Penal Code § 680). Reasons for not analyzing biological evidence shall be documented in writing (Penal Code § 680.3).

### 801.7.4 DESTRUCTION OF FIREARMS AND OTHER WEAPONS

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The Property and Evidence Unit supervisor or the authorized designee shall develop and maintain guidelines and procedures relating to the destruction of firearms and other weapons that includes but is not limited to the following (Penal Code § 18005):

a. Identification of firearms and other weapons that need to be destroyed
b. Maintenance of records of firearms and other weapons that need to be destroyed, including entry into the Automated Firearms System, as applicable, and records of the destruction and disposal of those firearms and other weapons
c. Identification of any law enforcement agency that the Department contracts with or has an agreement with related to the storage or destruction of firearms or other weapons that outlines the responsibilities of this department and the other agency
    1. If the Department contracts with a third-party for destruction of firearms or other weapons, the contract must explicitly prohibit the sale of any firearm or weapon or any part or attachment to the firearm or weapon.

The Property and Evidence Unit supervisor or the authorized designee should ensure guidelines and procedures relating to the destruction of firearms and other weapons are posted on the Redwood City Police Department website (Penal Code § 18005).

## 801.8 INSPECTIONS OF THE EVIDENCE ROOM

a. On a monthly basis, the Property and Evidence Unit Supervisor shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.
b. Unannounced inspections of evidence storage areas should be conducted annually as directed by the Chief of Police or designee.
c. An annual audit of evidence held by the Department shall be conducted by a Division Commander (as appointed by the Chief of Police) not routinely or directly connected with evidence control.
d. Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made to ensure that records are correct and all evidence property is accounted for.

## 801.9 REVISIONS

Revised December 2021

## 801.10 POLICY

It is the policy of the Redwood City Police Department to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

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# Records Bureau

## 802.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Redwood City Police Department Records Bureau. The policy addresses department file access and internal requests for case reports.

### 802.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically within the Records Bureau by Records Bureau personnel.

Reports are numbered commencing with the letter "R" and the last two digits of the current year followed by the numerical month designator and a sequential number beginning with 0001 starting at midnight on the first day of January of each year. Case number configuration will be as follows: RYY-MM-0001.

## 802.2 POLICY

It is the policy of the Redwood City Police Department to maintain department records securely, professionally, and efficiently.

### 802.2.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Bureau. Should an original report be needed for any reason the requesting employee shall first obtain authorization from the Records Supervisor.

## 802.3 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Redwood City Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Administrative Services Supervisor. The Administrative Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Administrative Services Supervisor should forward the petition to the Detective Bureau Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the Detective Bureau Supervisor and the Administrative Services Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Administrative Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

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The Administrative Services Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

## 802.4 RECORDS PROCEDURAL MANUAL

The Redwood City Police Department Records Bureau maintains procedural manuals for each of the major functions undertaken by Records personnel. All employee functions, unit employee policies, and work flow structures are outlined in the Records Bureau Procedural Manuals. All Records personnel are responsible for knowing all policies, procedures and requirements set forth in the Procedural Manual for their assignment.

The procedural manuals are maintained by the personnel responsible for the specific functions. During the clerk's assignment, they are responsible for updating their specific manual when applicable. The Records Supervisor will also make changes to the Procedural Manuals as needed to incorporate procedural changes required by statute.

The Records Supervisor or Lead Clerk will conduct a quarterly review of the various Records Manuals. The Records Supervisor will ensure that any updates to this Policy Manual associated with the Records Bureau function are amended in a timely manner.

The following functions/assignments are undertaken by Records personnel on a daily basis:

- Case Processing
- Warrants
- Subpoenas
- Citations
- 290 PC Process
- Media Bulletin
- Arrest Log
- CopLogic Online Reports

Those senior members holding these assignments and having primary responsibility for undertaking these duties will ensure that any/and all updates to the procedures associated with their areas are included in the Records Bureau Procedural Manual immediately upon receipt. The Records Bureau lead will ensure that all members contributing updates do so in a timely and accurate manner.

The Records Bureau Supervisor will determine training schedules, duty assignments, employee-development strategies and work hours/shifts of Records Bureau members.

The following procedures will be followed for Sick Leave or Late Calls:

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If sick, employee must call into Records Bureau a minimum of 1 hour prior to start of their shift. They must speak to the Records Supervisor or the clerk on duty. If there is no person available, they must contact the on duty Watch Commander. They may not leave a message on anyone's voice mail. The employee calling in sick, must leave a call-back number at time of call in.

Upon knowing they will be late reporting to work, an employee must call and speak with the Records Supervisor or clerk on duty to advise their estimated time of arrival. Upon arrival, employee must report immediately to Records Supervisor or Lead Clerk if supervisor is unavailable.

## 802.5 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Field Operations Division Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

a. The individual is issued a certificate describing the action as a detention.
b. All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.
c. The California DOJ is notified.

## 802.6 CONFIDENTIALITY

Records Bureau staff has access to information that may be confidential or sensitive in nature. Records Bureau staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Bureau procedure manual.

## 802.7 REVISIONS

Revised July 2020

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# Records Maintenance and Release

## 803.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

## 803.2 POLICY

The Redwood City Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

## 803.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

a. Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
b. Maintaining and updating the department records retention schedule including:
    1. Identifying the minimum length of time the Department must keep records.
    2. Identifying the department division responsible for the original record.
c. Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).
d. Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
e. Establishing rules regarding the processing of subpoenas for the production of records.
f. Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).
g. Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.
h. Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.
i. Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.
j. Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

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## 803.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

### 803.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

1. The Department is not required to create records that do not exist.
2. Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).
3. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.
    1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).
    2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.
4. Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).
5. When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
    1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is

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audio or video, a copy of the redacted audio/video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

6. If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

## 803.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

a. Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).
b. Social Security numbers (Government Code § 7922.200).
c. Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).
    1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.
    2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.
d. Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).
    1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident report face sheets, one copy of all incident reports, a copy of any accompanying or related photographs of the victim's injuries, property damage, or any other photographs that are noted in the incident report, and a copy of 9-1-1 recordings, if any, pursuant to the requirements and time frames of Family Code § 6228.

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2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

e. Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.

f. Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).
    1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.

g. Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.
    1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the City Attorney, or the courts pursuant to Penal Code § 1054.5.

h. Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

i. Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure § 130).

j. Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).

k. Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

l. Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).

m. Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

n. Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).

o. A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).

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p. Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).
q. Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

## 803.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

## 803.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

## 803.8 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

### 803.8.1 SEALING JUVENILE RECORDS

Upon receiving notice from a probation department to seal a citation, juvenile arrest records, or other related records pursuant to Welfare and Institutions Code § 786.5, the Records Supervisor should ensure

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that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

Upon receiving a list of juvenile arrest records that are eligible to be sealed from the California Department of Justice (DOJ), the Records Supervisor or the authorized designee shall review the records identified in the list and determine if the records are eligible to be sealed in accordance with Welfare and Institutions Code § 781.2. Within six months of receiving the list, the Records Supervisor or the authorized designee shall electronically report to the DOJ which records were sealed (Welfare and Institutions Code § 781.2).

## 803.9 SECURITY BREACHES

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

a. Social Security number
    1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
    2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
    3. Medical information
    4. Health insurance information
    5. Information or data collected by Automated License Plate Reader (ALPR) technology
    6. Unique biometric data
    7. Genetic data
b. A username or email address, in combination with a password or security question and answer that permits access to an online account

### 803.9.1 FORM OF NOTICE

1. The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:
    1. The date of the notice.
    2. Name and contact information for the Redwood City Police Department.

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3. A list of the types of personal information that were or are reasonably believed to have been acquired.
4. The estimated date or date range within which the security breach occurred.
5. Whether the notification was delayed as a result of a law enforcement investigation.
6. A general description of the security breach.
7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.

2. The notice may also include information about what the Redwood City Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).
3. When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):
    1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
    2. When the breach involves an email address that was furnished by the Redwood City Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

803.9.2 MANNER OF NOTICE

1. Notice may be provided by one of the following methods (Civil Code § 1798.29):
    1. Written notice.
    2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
    3. Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the Department does not have sufficient contact information. Substitute notice shall consist of all of the following:
        1. Email notice when the Department has an email address for the subject person.
        2. Conspicuous posting of the notice on the department’s webpage for a minimum of 30 days.
    4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.
2. If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

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# 803.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards Unit supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

## 803.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

1. Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.
2. Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.
3. Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

## 803.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

a. During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

2. When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

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Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

### 803.10.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

### 803.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

a. The person in the recording whose privacy is to be protected, or the person's authorized representative.
b. If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.
c. If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

## 803.11 REVISIONS

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# Protected Information

## 804.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Redwood City Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

### 804.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Redwood City Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

## 804.2 POLICY

Members of the Redwood City Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

## 804.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

a. Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicles (DMV) records, and California Law Enforcement Telecommunications System (CLETS).
b. Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy. See the Redwood City Police Department CJIS Access, Maintenance, and Security Policy for additional guidance.
c. Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.
d. Developing procedures to ensure training and certification requirements are met.
e. Resolving specific questions that arise regarding authorized recipients of protected information.

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f. Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

## 804.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Redwood City Police Department policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

### 804.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

## 804.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Bureau to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

### 804.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

### 804.5.2 TRANSMISSION GUIDELINES

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## *Protected Information*

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio. When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

To ensure compliance and ensure that Personally Identifiable Information (PII) and CJI are not inadvertently broadcast over the radio, the following procedures are being implemented:

1. When possible, uniform personnel should use an available MDC to perform records checks for situations when immediate information is not needed for public or officer safety purposes (e.g. static scene, investigative follow-up, etc.).

2. To ensure protection of PII with routine radio traffic, only enough information to complete the request should be given over the radio. Any further information should be sent to the MDC when possible. Subject's should be queried by DL/ID number if available. If no DL/ID is available then the query can be done by name and date of birth following the below procedures.

Querying a subject by DL/ID number:

Boy 1: 10-29 by DL/ID

Dispatch: Boy 1 go ahead

Boy 1: Boy 1 A1234567

Dispatch: Boy 1 10-4

Dispatch: Boy 1 returns

Boy 1: Go ahead

Dispatch: Last of Doe, 10-31A valid

The dispatcher shall provide either the last name or last name and associated DL/ID number and CLETs return for the subject.

Querying a subject by name and date of birth:

Boy 1: 10-29 request by name

Dispatch: Boy 1 go ahead

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Boy 1: Boy 1 Last of Doe, First of John Break

Dispatch: Boy 1 Go ahead

Boy 1: DOB 01-01-1956

Dispatch: Boy 1 10-4

Dispatch: Boy 1 returns

Boy 1: Go ahead

Dispatch: Last of Doe, 10-31A valid

The dispatcher shall provide either the last name or last name and associated DL/ID number and CLETs return for the subject.

3. Whenever possible, address information should be limited to the city and first three characters of the address in order to not provide full address information over the radio.

4. Procedures for dispatchers and field units for registration and wants checks on vehicles, guns, or property are not impacted. Information contained in these CLETS returns do not contain PII and is not CJI.

## 804.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

a. Developing and maintaining security practices, procedures, and training.
b. Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
c. Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.
d. Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

### 804.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected

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information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

## 804.7 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

## 804.8 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

## 804.9 REVISIONS

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# Computers and Digital Evidence

## 805.1 PURPOSE AND SCOPE

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

## 805.2 SEIZING COMPUTERS AND RELATED EVIDENCE

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

a. Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

b. Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

c. If the computer is off, do not turn it on.

d. If the computer is on, do not shut it down normally and do not click on anything or examine any files.

    1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.

    2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).

e. Label each item with case number, evidence sheet number, and item number.

f. Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

g. Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

h. At minimum, officers should document the following in related reports:

    1. Where the computer was located and whether or not it was in operation.

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2. Who was using it at the time.

3. Who claimed ownership.

4. If it can be determined, how it was being used.

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

805.2.1 BUSINESS OR NETWORKED COMPUTERS

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

805.2.2 FORENSIC EXAMINATION OF COMPUTERS

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

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

## 805.3 SEIZING DIGITAL STORAGE MEDIA

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

a. If the media has a write-protection tab or switch, it should be activated.
b. Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation, request the Property and Evidence Unit to copy the contents to an appropriate form of storage media.
c. Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.

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d. Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
e. Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.
f. If collecting surveillance video from a residence or business, document the make and model of the DVR in case the videos require proprietary software to view.

## 805.4 SEIZING PCDS

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

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

## 805.5 DIGITAL EVIDENCE RECORDED BY OFFICERS

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

### 805.5.1 COLLECTION OF DIGITAL EVIDENCE

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

### 805.5.2 SUBMISSION OF DIGITAL MEDIA

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

a. The recording media shall be brought to the station for booking or uploading to the department server.
b. Officers are not authorized to duplicate digital media evidence. The property clerks are the only employees authorized to duplicate and/or distribute digital media collected as evidence once they are booked.

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c. Officers requiring a copy of the digital evidence may request a copy on the Property and Evidence Unit.

805.5.3 DOWNLOADING OF DIGITAL FILES

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

a. Files should not be opened or reviewed prior to downloading and storage.
b. Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.
c. Photos should be uploaded to the server, using the Media Upload Program, prior to the end of shift.

805.5.4 PRESERVATION OF DIGITAL EVIDENCE

a. Only property clerks are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.
b. Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.
c. If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.

## 805.6 REVISIONS

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# CJIS Access, Maintenance, and Security

## 806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of department systems that access Criminal Justice Information.

### 806.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal Justice Information (CJI)** - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

**Security incident** - Any incident that compromises the security of CJI or systems that access CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within department systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

## 806.2 POLICY

It is the policy of the Redwood City Police Department to maintain the security, confidentiality, and integrity of its information systems that access CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

## 806.3 CJIS COORDINATOR

The Chief of Police shall appoint a CJIS coordinator, who shall be responsible for the Redwood City Police Department's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the department's use, maintenance, and security of systems that access CJI as described in this policy.

### 806.3.1 CJIS COORDINATOR RESPONSIBILITIES

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

a. Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain department compliance with FBI CJIS Security Policy requirements and the California Justice Information Services.
b. Managing member accounts with access to CJI, including:
    1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
    2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts).

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3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

c. Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or department requirements, including:
    1. Maintaining a list of organizations and personnel approved by the Chief of Police to perform maintenance on CJI systems.
    2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
    3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
    4. Maintaining records for all system maintenance and diagnostic activities.
d. Monitoring department systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.
e. Providing for the security of hardware that includes provisions for the following:
    1. How hardware is to be brought into and taken out of department facilities
    2. Physical security of hardware within department facilities
    3. Physical security of areas containing network connections and transmission lines, including monitored access
f. Implementing and carrying out the department Incident Response Plan, including:
    1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
    2. Directing annual testing of the department's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
    3. Making the appropriate notifications outside of the Department (see the Records Maintenance and Release Policy for additional guidance).
    4. Providing information on security incidents to any third-party software developers or vendors as appropriate.
g. Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.
h. Developing and updating department information security and privacy literacy training and incident response training as required by policy.
i. Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.
j. Managing the development, documentation, and dissemination of procedures for the following:
    1. Awareness and training
    2. Incident response
    3. Audit and accountability
    4. Access control
    5. Identification and authentication

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6. Configuration management
7. Media protection
8. Physical and environmental protection
9. System and communications protection
10. System and information integrity
11. Maintenance
12. Security and privacy planning
13. Contingency planning
14. Risk assessment

k. Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Chief of Police.

## 806.4 MEMBER RESPONSIBILITIES

All members of the Department shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

## 806.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

## 806.6 MEMBER ACCOUNTS

Department accounts used to access CJI shall only be created upon approval of the Chief of Police or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

a. The account has expired.
b. The account is no longer associated with a member.
c. The account is found to be in violation of this policy.
d. The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

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### 806.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

a. Members shall only be granted access authorizations that are necessary to accomplish assigned department tasks.
b. Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.
c. Non-privileged members shall not be allowed to execute privileged functions.

### 806.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the department mission and law enforcement needs.

## 806.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on department systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall be documented.

### 806.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from department control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

## 806.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of department CJI systems shall be protected through the implementation of appropriate controls such as:

a. Flaw remediation.
b. System monitoring.

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c. Security alerts, advisories, and directives.
d. Software, firmware, and information integrity controls.
e. Spam protection.

## 806.9 INCIDENT RESPONSE PLAN

IRP 2024.pdf

## 806.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The department's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

## 806.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

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# Chapter 9 - Custody

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# Temporary Custody of Adults

## 900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Redwood City Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

Additional guidance for transferring persons in custody to another facility or court is provided in the Transporting Persons in Custody Policy.

### 900.1.1 SUPERVISION OF PRISONERS

No prisoner will be held in the Temporary Holding Facility unless there is a designated employee who remains within the police building who can supervise the Temporary Holding Facility and respond to emergencies. This person will be designated by the Watch Commander and must not leave the police building while prisoners are in custody. This person will not have other duties that could conflict with the supervision of prisoners. Whenever one or more female inmates is in custody, there shall be at least one female employee, who shall be immediately available and accessible to such females (15 CCR § 1027).

Personnel who are responsible for supervising prisoners in the Redwood City Police Department Temporary Holding Facility shall complete eight hours of specialized training (15 CCR § 1024). Such training shall include, but not be limited to, the following:

a. Applicable minimum jail standards
b. Jail operations liability
c. Inmate segregation
d. Emergency procedures and planning
e. Suicide prevention

Such training shall be completed as soon as practicable.. Eight hours of refresher training shall be completed once every two years (15 CCR § 1024). A record of such training shall be maintained in the employee's training file.

### 900.1.2 DETENTION OF PRISONERS IN THE TEMPORARY HOLDING FACILITY

Persons placed under arrest and not released on citation will be booked into a county detention facility directly unless there is a need to collect evidence, interview, or process the prisoner at the police facility. It

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is the policy of the Redwood City Police Department that prisoners detained in the Temporary Holding Facility shall be released or transported to another facility, per the provisions of this manual, as soon as possible and practical.

### 900.1.3 DETAINABLE PRISONERS

Arrestees who fall within the following classifications may be detained in the Redwood City Police Department Temporary Holding Facility with the approval of the Watch Commander. This includes those arrested and detained pending:

a. Release on citation in accordance with the Cite and Release Policy in this manual
b. Transportation to the County Jail
c. Release per Penal Code § 849(b)
d. In-custody interview or other investigation

### 900.1.4 USE OF SOBERING CELL

The Redwood City Temporary Holding Facility will not be used as a holding facility for intoxicated prisoners. Our Cells do not meet the standards for sobering cells. If a prisoner is being held for Penal Code Sections 647(f) or (ff) the prisoner will be taken to First Chance or booked into the San Mateo County Jail.

### 900.1.5 TRANSPORTATION OF PRISONERS

Generally and when circumstances permit, prisoners of the opposite sex, or adult and juvenile prisoners, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating prisoners is not practicable, officers should be alert to inappropriate physical or verbal contact between them and take appropriate action as necessary.

Whenever a prisoner is to be transported from the Temporary Holding Facility to another facility by a member of this department the transporting officer shall be responsible for the following:

a. Verify that the identity of each prisoner to be transported matches the booking paperwork.

b. Ensure that all pertinent documentation accompanies the prisoner, such as copies of booking forms, medical records when appropriate, an itemized list of the prisoner's property, warrant copies, etc.

c. Ensure that any known threat or danger the prisoner may pose, such as escape risk, suicide potential, or medical condition, is recorded on the prisoner's booking documentation and is transported with the prisoner to the next facility. The transporting officer shall ensure such threat or danger is communicated to intake personnel at the facility.

## 900.2 DEPARTMENT ORGANIZATION AND RESPONSIBILITY

The following responsibilities for the Temporary Holding Facility operations have been established (15 CCR § 1029):

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a. **Facility Administrator:** The Chief of Police shall be the Facility Administrator officially charged, by law, with the administration of the Temporary Holding Facility.
b. **Facility Manager:** Will have the responsibility for planning, managing, administrative functions, establishing channels of communication, and conducting inspections and operations reviews, review of the facility manual and the operations of the Temporary Holding Facility. The Facility Manager will be responsible to the Facility Administrator.
c. **Maintenance Manager:** Will be responsible for the physical maintenance, cleanliness and supply of the Temporary Holding Facility. The maintenance manager will be responsible to the Facility Manager.
d. **Facility Supervisor:** The employee with 24 hour a day functional responsibility for the Temporary Holding Facility will be the Watch Commander. Any other supervisor may provide assistance as needed. The Facility Supervisor shall be responsible to the Facility Manager.
e. **Custodial personnel:** Custodial personnel shall be those on-duty sergeants, corporals, officers, detectives or other designated employees whose additional duties include the supervision of prisoners who are detained in the Temporary Holding Facility. Custodial personnel will be responsible to the Facility Supervisor.

### 900.2.1 STAFFING PLAN

The Facility Administrator or designee shall prepare and retain a staffing plan which will indicate assigned personnel and their duties. The plan shall be available for biennial review by the Corrections Standards Authority (CSA) staff. The review and recommendations of the CSA biennial review shall be forwarded to the Chief of Police, as required by 15 CCR § 1027.

## 900.3 PRISONER SUPERVISION AND CLASSIFICATION

### 900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Redwood City Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

1. Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.
2. Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while in temporary custody.
3. Any individual who is seriously injured.
4. Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).
    1. If the officer taking custody of an individual believes that the individual may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).
5. Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

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6. Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.
7. Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to themselves or others (15 CCR 1053; 15 CCR 1055).
8. Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).
9. Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to the individual's health or safety.
10. Any individual with an obvious developmental disability (15 CCR 1057).
11. Any individual who appears to be a danger to themselves or others due to a behavioral crisis, or who appears gravely disabled (15 CCR 1052).
12. Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).
13. Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

### 900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with the member's supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody has a hearing or speech impairment, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

### 900.3.3 TEMPORARY DETENTION OF JUVENILES

Juveniles who are detained by this department will be processed and handled in accordance with the Temporary Custody of Juveniles policy.

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### 900.3.4 TEMPORARY DETENTION OF FEMALES

Whenever one or more female prisoners are in custody, there shall be at least one female employee who shall be available and accessible to the female prisoner(s). Male employees are not to search or enter the cell of a female prisoner, unless another female employee is present. (Title 15, California Code of Regulations § 1027, Penal Code § 4021)

In the event there is not a female employee readily available to conduct searches and hourly safety inspections, the female prisoner shall be transported to the county jail, or released pursuant to another lawful process (e.g., citation, O.R. release, etc.).

### 900.3.5 HANDCUFFING OF PREGNANT ARRESTEES

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall persons known to be pregnant or in recovery following delivery be restrained by the use of leg irons, waist chains or handcuffs behind the body.

No arrestee who is in labor, delivery or recovery after delivery shall be otherwise 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 § 6030).

## 900.4 TEMPORARY HOLDING FACILITY SEARCHES

Immediately upon securing weapons, officers bringing prisoners into the Temporary Holding Facility shall thoroughly search their prisoners. All arrestees brought into the Temporary Holding Facility must be searched by an officer or other authorized employee of the same gender whenever possible before the officer relinquishes control. When a prisoner has been handcuffed, the prisoner should remain handcuffed until the search is substantially completed.

In the case of female prisoners, all searches will be conducted by a female officer or designated female employee whenever possible, and male employees shall remain outside the closed door, but available to assist immediately if needed. Should a female prisoner become combative, an officer may be assigned to restrain her until the appropriate search is completed.

### 900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall (15 CCR 1050):

1. Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).
2. Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:
    1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.

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2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):
    1. Continuous, direct sight and sound supervision.
    2. Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.
3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).
4. Ensure males and females are separated by sight and sound when in cells.
5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

3. Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.
4. Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

900.4.2 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection also should be conducted when he/she is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

1. The individual shall be searched, and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces and jackets, shall be removed.
2. The individual shall constantly be monitored by an audio/video system during the entire custody.
3. The individual shall have constant auditory access to department members.
4. The individual’s initial placement into and removal from a locked enclosure shall be logged.
5. Safety checks by department members shall occur no less than every 15 minutes (15 CCR 1027.5).
    1. Safety checks should be at varying times.
    2. All safety checks shall be logged.
    3. The safety check should involve questioning the individual as to his/her well-being.
    4. Individuals who are sleeping or apparently sleeping should be awakened.
    5. Requests or concerns of the individual should be logged.

## 900.5 FIRE SAFETY

The Facility Manager will regularlyinspect the Temporary Holding Facility to ensure:

a. No flammable materials are stored in the detention area
b. Fire extinguishers are serviceable
c. Cell keys are available in the Watch Commander's office for emergency use
d. First aid kits are readily available and completely stocked
e. Smoke detectors are operational

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The Facility Manager or designee shall inspect the facility on a monthly basis. The results of the monthly inspection shall be documented in writing. The inspection record shall be retained for two years (Title 15, California Code of Regulations § 1032).

### 900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Redwood City Police Department, the custody shall be promptly and properly documented in a custody log, including:

a. Identifying information about the individual, including the individual's name.
b. Date and time of arrival at the Department.
c. Any charges for which the individual is in temporary custody and any case number.
d. Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).
e. Any medical and other screening requested and completed.
f. Any emergency situations or unusual incidents.
g. Any other information that may be required by other authorities, such as compliance inspectors.
h. Date and time of release from the Redwood City Police Department.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

### 900.5.2 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the individual's health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

### 900.5.3 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations, and logistics should be balanced against the individual's desire for further telephone access.

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1. Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at the individual's own expense.
    1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).
    2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.
2. The individual should be given sufficient time to contact whomever the individual desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.
    1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use the member's judgment in determining the duration of the calls.
    2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that the individual may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).
3. Calls between an individual in temporary custody and the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).
4. Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to a telecommunication device which will facilitate communication (15 CCR 1067).

### 900.5.4 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual’s head and face may be temporarily removed during the taking of any photographs.

### 900.5.5 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody, or any other person shall be documented as stated in the Use of Force or Occupational Disease and Work-Related Injury Reporting policies, or other applicable reporting

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process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

900.5.6 ATTORNEYS AND BAIL BONDSMEN

a. An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).
b. Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.
c. The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.
d. Attorneys must produce a current California Bar card as well as other matching appropriate identification.
e. Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

900.5.7 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

## 900.6 EVACUATION OF TEMPORARY HOLDING FACILITY

If an evacuation of the Temporary Holding Facility becomes necessary, the following should be considered:

900.6.1 PRIMARY CONCERNS

a. Safety of public
b. Safety of department personnel
c. Safety of prisoners
d. Security of prisoners

900.6.2 NOTIFICATION

a. Watch Commander
b. All available sworn personnel
c. Fire Department
d. Medical aid
e. Facility Manager
f. Facility Administrator

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900.6.3 EMERGENCY EVACUATION

When time permits, all prisoners will be restrained, as deemed necessary by the officer conducting the evacuation. The evacuation will be conducted in an orderly fashion by one of the routes posted in the Temporary Holding Facility.

900.6.4 EVACUATION FORMATION AREA

All prisoners will form in the designated location where they will be held until the Temporary Holding Facility can again be safely occupied, or as in the case of an emergency of a long duration until they can be transported to another facility.

If possible, juveniles are to be kept separate from adult prisoners, and females from male prisoners.

Only after the safety and security of the prisoners is assured will personnel, not detailed to prisoner security, participate in fire suppression or other emergency activities.

900.6.5 CITYWIDE OR REGIONAL DISASTERS

In cases of Citywide or regional disasters, the Watch Commander may authorize the release of prisoners detained for misdemeanors or felonies involving property crimes only. Every available effort will be made to continue the custody of violent felons or felons accused of violent crimes to ensure the safety of the public.

900.6.6 FIRST-AID/PROFESSIONAL MEDICAL ATTENTION

As necessary, evacuating personnel will apply first-aid techniques to those prisoners injured as a result of the emergency or injured during the evacuation procedure until professional medical aid arrives to assist.

900.6.7 REPORTS

The Watch Commander will ensure that any emergency evacuation of the Temporary Holding Facility is documented and that copies of those reports be forwarded to the Temporary Holding Facility Manager and Temporary Holding Facility Administrator.

## 900.7 HANDLING OF PRISONER'S PROPERTY

Officers shall take care in the handling of a prisoner's property to avoid discrepancies or losses.

Any personal property belonging to the prisoner but retained by the officer for safekeeping, shall be kept in a secure location until the prisoner is released or transferred. Smaller items such as a driver's license, pocketknife, wallet, prescription medications and other similar property, shall be placed in a property bag. A list of the property, including detailed descriptions of prescription medications, shall be included on the booking form. Any property too large to be kept in the Temporary Holding Facility shall be booked into property for safekeeping. Prisoner property that is too large or will not otherwise be accepted by a receiving facility in the event of an inmate transfer should be booked for safekeeping.

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Property belonging to the prisoner, but retained by the officer as evidence, shall be booked according to procedures. The prisoner shall be advised that such property will be kept as evidence and where demanded, the officer will issue the prisoner a receipt. Such receipt may be a copy of the property booking form, written out in the officer's handwriting or typed for his/her personal signature. It should include the description of the property (but not its value), the case number, date, time, officer's badge number and signature. Where a receipt is issued, it should be mentioned in the arrest report.

### 900.7.1 USE OF SOBERING CELL

Individuals who are to be held in the temporary holding facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any individual in a sobering cell (15 CCR 1056):

a. Placement of an individual into the cell requires approval of the Watch Commander.
b. A cell log shall be initiated every time an individual is placed in the cell. The log shall be maintained for the entire time the individual is housed in the cell.
c. A safety check consisting of direct visual observation sufficient to assess the individual's well-being and behavior shall occur at least once every 30 minutes with no more than a 15-minute lapse between safety checks. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.
d. Under no circumstances shall an individual be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the individual does not have an urgent medical issue.
e. Individuals will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

## 900.8 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Field Operations Division Commander will ensure procedures are in place to address any suicide attempt, death, or serious injury of any individual in temporary custody at the Redwood City Police Department. The procedures should include the following:

a. Immediate request for emergency medical assistance if appropriate
b. Immediate notification of the Watch Commander, Chief of Police, and Investigation Division Commander
c. Notification of the spouse, next of kin, or other appropriate person
d. Notification of the appropriate prosecutor
e. Notification of the City Attorney
f. Notification of the Coroner
g. Evidence preservation
h. In-custody death review reports in compliance with 15 CCR 1046

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1. A copy of the initial review report of an in-custody death shall be provided to the BSCC within 60 days of the death.

i. Preparation of a written report to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)
    1. A copy of the report submitted to the Attorney General shall also be submitted to the BSCC within 10 days of the death (15 CCR 1046).
    2. Any change or new information that becomes available after the initial reporting to the Attorney General shall be updated in the report and provided to the Attorney General within 10 days of the date of the change or the date the new information becomes available.

900.8.1 SECURITY

a. Firearms, deadly weapons or any type of explosive device shall not be permitted within the secure area of the Temporary Holding Facility. Weapons should be properly secured in the gun lockers outside of the secure area of the Temporary Holding Facility. An exception may occur only during emergencies upon approval of the Facility Administrator, Facility Manager, or Watch Commander.
b. All perimeter doors to the Temporary Holding Facility shall be kept locked at all times except during routine cleaning when no prisoners are present, or in the event of an emergency, such as an evacuation.
c. Cell doors are to be locked at all times when prisoners are detained in the facility.
d. No personnel shall smoke at any time while in the detention area. No prisoner shall be allowed to smoke or possess smoking materials in the detention area.
e. Restraint devices such as handcuffs, disposable cuffs, belly-chains and leg restraints shall be used in accordance with department policy and only with the approval of the Watch Commander.

900.8.2 RECEIPT OF PRISONERS

The arresting and or booking officer should:

a. Make a thorough search of all prisoners booked into the Temporary Holding Facility. Female prisoners should be searched by female officers or other female staff whenever possible
b. Inventory and record all property removed from the prisoner's person
c. Secure property for safekeeping
d. Remove all hazardous items from the prisoner's person
e. Remove belts, shoes and jackets
f. Complete the pre-booking medical screening form.
g. Complete the County Booking Sheet.
h. Before the booking procedure is completed, the arresting or booking officer will log the prisoner into the Temporary Holding Facility Log. This procedure is to be completed regardless of the time the prisoner is to be held in the facility.

900.8.3 PRISONER BEDDING

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a. Blankets will be available for use by arrestees placed in a hold cell.

900.8.4 PRISONER FOOD SERVICE

a. Meals may be provided for prisoners detained in excess of six hours.

900.8.5 RELEASE OF PRISONERS

a. The Temporary Holding Facility should be inspected for damage prior to the release or transportation of any prisoner.
b. Any damages should be noted and, if necessary, an additional crime report completed. If additional charges are warranted they will be made. Photographic evidence should be obtained and documented to support additional charges.
c. Prisoners should be required to clean cells prior to release or transportation. If a prisoner refuses, he/he may not be compelled to clean up nor may his/her release be delayed to accomplish this.
d. Prisoners shall be released in accordance with state law. The releasing officer will be responsible for the following:
    1. All proper reports and forms shall be completed prior to release.
    2. All property, not to include evidence, contraband, or dangerous weapons shall be returned to the prisoner.
    3. The appropriate Temporary Holding Facility Log will be completed showing the date, time, and reason for release, as well as the releasing officer's name.
    4. Notifying the Communications Center of the prisoner's release.
    5. The prisoner being released will be escorted from the Temporary Holding Facility and police facility by a department employee. At no time will a released prisoner be allowed in any secure area of the station without personal supervision by an employee.

900.8.6 FACILITY SANITATION AND MAINTENANCE

The Facility Managershould inspect the Temporary Holding Facility regularlyto ensure that the detention area is clean and maintained to an acceptable level of cleanliness. The Temporary Holding Facility shall be cleaned, as necessary, in order to provide a proper custodial and working environment. Any maintenance problems will be reported to the Facility Manager.

900.8.7 DEATH OF A PRISONER

In the event of a fatal injury or death of a prisoner while in custody of the Temporary Holding Facility the San Mateo County In-Custody Death Procedure shall be followed.

900.8.8 PRISONER DISCIPLINE

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Prisoner discipline will not be administered in this facility. Any prisoner who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR § 1081).

### 900.8.9 IN-CUSTODY DEATH PUBLICATION

The Chief of Police or the authorized designee should ensure that all specified information relating to an in-custody death is posted on the department website as prescribed and within the time frames provided in Penal Code § 10008.

## 900.9 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

a. Applicable minimum jail standards
b. Jail operations liability
c. Separation of incarcerated persons
d. Emergency procedures and planning, fire safety, and life safety
e. Suicide prevention
f. De-escalation
g. Juvenile procedures
h. Racial bias
i. Mental illness

Eight hours of refresher training shall be completed every two years (15 CCR 1024).

The Training Sergeant shall maintain records of all such training in the member's training file.

## 900.10 REVISIONS

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# Custodial Searches

## 901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants, or weapons into the Redwood City Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors, and the public.

Guidance for custody searches when transporting a person in custody may be found in the Transporting Persons in Custody Policy.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

### 901.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

**Strip search** - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

## 901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

## 901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

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Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

## 901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, upon entry to the Redwood City Police Department facilities. Except in exigent circumstances, the search should be conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

### 901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shouldsign the completed inventory. If the individual's signature cannot be obtained, the inventory should be witnessed by another department member. The inventory should include the case number, date, time, member's Redwood City Police Department identification number and information regarding how and when the property may be released.

### 901.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place the member's initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

## 901.5 STRIP SEARCHES

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## *Custodial Searches*

No individual in temporary custody at any Redwood City Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

a. The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.
b. Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.
    1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.
c. Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).
d. The individual's actions or demeanor.
e. Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

### 901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Redwood City Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

a. Written authorization from the Watch Commander shall be obtained prior to the strip search.
b. All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.
c. All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.
d. Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.
e. Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.
f. The primary member conducting the search shall prepare a written report to include:
    1. The facts that led to the decision to perform a strip search.
    2. The reasons less intrusive methods of searching were not used or were insufficient.
    3. The written authorization for the search, obtained from the Watch Commander.
    4. The name of the individual who was searched.
    5. The name and sex of the members who conducted the search.
    6. The name, sex, and role of any person present during the search.
    7. The time and date of the search.

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8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.

g. No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.

h. If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.

i. A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

### 901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

a. There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

b. There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

## 901.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

a. No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

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b. Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.

c. Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

d. Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

e. All such searches shall be documented, including:

    1. The facts that led to the decision to perform a physical body cavity search of the individual.

    2. The reasons less intrusive methods of searching were not used or were insufficient.

    3. The Watch Commander’s approval.

    4. A copy of the search warrant.

    5. The time, date and location of the search.

    6. The medical personnel present.

    7. The names, sex and roles of any department members present.

    8. Any contraband or weapons discovered by the search.

f. Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual’s authorized representative.

## 901.7 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):

a. Conducting searches of cross-gender individuals.
b. Conducting searches of transgender and intersex individuals.
c. Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

## 901.8 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

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If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

## 901.9 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

a. Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.
    1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.
b. Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

## 901.10 REVISIONS

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# Prison Rape Elimination

## 902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against individuals in custody in the Redwood City Police Department Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

**Sexual abuse** - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the individual in custody:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire

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- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of the staff member's uncovered genitalia, buttocks, or breast in the presence of an individual in custody
- Voyeurism by a staff member, contractor, or volunteer

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an individual in custody that are directed toward another; repeated verbal comments or gestures of a sexual nature to an individual in custody by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

## 902.2 POLICY

The Redwood City Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Redwood City Police Department will take immediate action to protect those in its custody who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

## 902.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee department efforts to comply with PREA standards in the Redwood City Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

a. Developing and maintaining procedures to comply with the PREA Rule.
b. Ensuring that any contract for the confinement of individuals in custody includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).
c. Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect those in custody from sexual abuse (28 CFR 115.113; 15 CCR 1029).

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This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

d. Developing methods for staff to privately report sexual abuse and sexual harassment of individuals in custody (28 CFR 115.151).
e. Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and department leadership to an incident of sexual abuse (28 CFR 115.165).
f. Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):
    1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents" or a similarly comprehensive and authoritative protocol.
    2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
    3. A process to document all referrals to other law enforcement agencies.
    4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
    5. In accordance with security needs, provisions to give, to the extent available, individuals in custody access to victim advocacy services if the individual is transported for a forensic examination to an outside hospital that offers such services.
g. Ensuring that individuals with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).
    1. The agency shall not rely on other individuals in custody for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the individual's safety, the performance of first-response duties under this policy, or the investigation of an individual's allegations of sexual abuse, harassment, or retaliation.
h. Publishing on the department's website:
    1. Information on how to report sexual abuse and sexual harassment on behalf of an individual in custody (28 CFR 115.154).
    2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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i. Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).
    1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.
    2. The data shall be aggregated at least annually.
j. Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house individuals in custody overnight (28 CFR 115.193).
k. Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).
l. Ensuring that information for uninvolved incarcerated persons, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

## 902.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION

Individuals in custody may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other individuals in custody or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

Individuals in custody shall be notified of the department zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward a report of sexual abuse and sexual harassment to agency officials. This allows the individual to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

### 902.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from individuals in custody and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members shall report immediately to the Watch Commander any knowledge, suspicion, or information regarding:

a. An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
b. Retaliation against individuals in custody or the member who reports any such incident.

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c. Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

### 902.4.2 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect, or violations leading to sexual abuse, harassment, or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that an individual in custody was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged victim is transferred from the Temporary Holding Facility to a jail, prison, or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the individual's potential need for medical or social services, unless the individual requests otherwise (28 CFR 115.165).

## 902.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

### 902.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

a. Separate the parties.
b. Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
c. If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
d. If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

### 902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

a. Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
b. Interview alleged victims, suspects, and witnesses.
c. Review any prior complaints and reports of sexual abuse involving the suspect.
d. Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
e. Assess the credibility of the alleged victim, suspect, or witness on an individual basis and not by the person's status as a detainee or a member of the Redwood City Police Department.
f. Document in written reports a description of physical, testimonial, documentary, and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
g. Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe an individual in custody sexually abused another individual in custody in the Temporary Holding Facility (28 CFR 115.178).
h. Cooperate with outside investigators and remain informed about the progress of any outside investigation.

### 902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

### 902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No individual in custody who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

### 902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or the City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

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All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history, and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with individuals in custody and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with individuals in custody by a contractor or volunteer.

## 902.6 RETALIATION PROHIBITED

All individuals in custody and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for individuals in custody or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of individuals in custody or members who have reported sexual abuse and of those who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of individuals in custody, such monitoring shall also include periodic status checks.

## 902.7 REVIEWS AND AUDITS

### 902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

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a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
b. Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
c. Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
d. Assess the adequacy of staffing levels in that area during different shifts.
e. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

a. Identification of any potential problem areas.
b. Identification of any corrective actions taken.
c. Recommendations for any additional corrective actions.
d. A comparison of the current year’s data and corrective actions with those from prior years.
e. An assessment of the Department’s progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Redwood City Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

## 902.8 RECORDS

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The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

## 902.9 TRAINING

All department members and contractors who may have contact with individuals in custody shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Sergeant shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):

- The Department's zero-tolerance policy and the right of individuals in custody to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which individuals in custody are most vulnerable.
- The right of individuals in custody and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all individuals in custody.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.
- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The Training Sergeant shall maintain documentation that employees, volunteers, contractors, and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current department members who may have contact with individuals in custody shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher

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information to all such members to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

## 902.10 REVISIONS

Reviewed July 2020

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# Transporting Persons in Custody

## 903.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Redwood City Police Department.

See the Handcuffing and Restraints Policy for additional guidance.

## 903.2 POLICY

It is the policy of the Redwood City Police Department to provide safe, secure, and humane transportation for all persons in custody.

## 903.3 FIELD OPERATIONS DIVISION COMMANDER RESPONSIBILITIES

The Field Operations Division Commander should establish related procedures for:

- Safely transporting persons who have their legs restrained.
- Seating placement of persons being transported in vehicles with and without safety barriers.

## 903.4 OFFICER RESPONSIBILITIES

Persons in custody should be transported in a vehicle properly equipped to transport passengers. They should be appropriately restrained and positioned during transport.

Officers transporting a person in custody should:

a. Search all areas of the vehicle accessible to a person in custody before and after each transport.
b. Immediately search persons in custody after arrest, when receiving the person from the custody of another officer, and before transferring the person. Refer to the Custodial Searches Policy before conducting any search other than a field search.
    1. Whenever practicable, a search should be conducted by an officer of the same gender as the person being searched. If an officer of the same gender is not reasonably available, a witnessing officer should be present during the search.
c. Provide Dispatch with any required notifications (e.g., start time, mileage, end time).
d. Properly secure all property.
e. Use audio/video equipment (when properly equipped) to observe and record any person in custody during transport (see the Mobile Audio/Video and Body-Worn Camera policies for additional guidance).
f. Make a reasonable effort to prevent inappropriate conversations between persons being transported (e.g., demeaning or insulting language) or conversations between a person being transported and someone outside the vehicle.

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g. Plan travel times and routes to avoid situations that might impede transportation (e.g., heavy traffic, unfavorable road conditions, extreme weather) when reasonably practicable.
h. Make a verbal welfare check with a person in custody at least every 10 minutes. Provide sufficient visual observation and audio communication during the transport of:
    1. Individuals in auxiliary restraints.
    2. Individuals in leg restraints.
    3. Individuals wearing a spit hood.
    4. Individuals who are a suspected suicide risk.
i. Verify that the vehicle's security devices (e.g., window and rear-door child-safety locks) are activated.
j. Assess uncooperative persons who cannot or will not sit upright for a medical condition (see the Medical Aid and Response Policy for additional guidance):
    1. If no medical condition exists, alternative transportation should be arranged (e.g., a special transport van).

## 903.5 TRANSPORT RESTRICTIONS

When transporting multiple persons, officers:

a. Should not transport persons in custody together. Persons in custody should be transported individually when practicable, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances.
    1. Juveniles and adults shall not be transported together.
    2. Persons with known hostilities toward each other, such as mutual combatants or rival gang members, shall not be transported together.
    3. Persons of different genders should not be transported together.
b. If segregating individuals is not possible, transporting officers should be alert to inappropriate physical or verbal contact and take appropriate action.

## 903.6 TRANSPORTING PERSONS IN CUSTODY WHO HAVE A DISABILITY

When transporting a person in custody who has a disability, a transporting officer should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting officer should ensure that any special equipment (e.g., canes, wheelchairs, prosthetics) is transported to the person's destination in a way that does not threaten the safety or security of the person in custody or the officer.

Officers transporting a person who has a disability should consult with the person in custody and use good judgment in determining what, if any, restraining devices may be appropriate based on the person's disability to ensure the security, safety, and dignity of all persons.

## 903.7 TRANSPORTING ILL OR INJURED PERSONS IN CUSTODY

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

Officers shall notify a supervisor as soon as practicable when transporting a person in custody to a hospital.

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

Any person in custody suspected of having a communicable disease should be transported in compliance with the exposure control plan in the Communicable Diseases Policy.

See the Medical Aid and Response Policy for additional guidance on ill or injured persons in custody.

## 903.8 TRANSPORTING PREGNANT PERSONS IN CUSTODY

Persons in custody who are known to be pregnant should be restrained during transport in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themself or others, or damage property.

Absent exceptional circumstances, persons in labor or delivery should not be transported by officers. EMS personnel should be called to handle transportation.

## 903.9 MENTAL ILLNESS COMMITMENT TRANSPORTS

When transporting any individual for a mental illness commitment, the transporting officer should request that the Communications Center notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual, and whether any special medical care is needed.

Should the person require transport in a medical transport vehicle, and the safety of any person, including the person in custody, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

See the Mental Illness Commitments Policy for additional guidance.

## 903.10 INTERRUPTION OF TRANSPORT

Absent extraordinary circumstances, officers should not interrupt a transport to provide emergency assistance without supervisory approval. Officers encountering an emergency should notify Dispatch and request an appropriate response.

## 903.11 EXTENDED TRANSPORTS

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During transports for extended durations, transporting officers may be required to make necessary stops. With supervisory approval and due consideration for security risks and the in-custody person's health and well-being, these stops should be limited to fuel, meals, bathroom breaks, and other purposes reasonably necessary for the continuation of the transport.

## 903.12 PROHIBITIONS

When transporting a person in custody, officers should not:

a. Use transport as a form of punishment or retaliation (e.g., intentionally rough rides, excessive heat or cold, obnoxiously loud music).
b. Handcuff a person to any part of a vehicle.
c. Leave the vehicle unattended with the person in custody in the vehicle.
d. Allow any person who is not in custody (e.g., friend, family member) to have contact with or be in close proximity to the person in custody.
e. Allow any food, drink, or other consumables to be given to the person in custody by anyone other than department personnel or receiving agency personnel.
f. Stop to conduct any personal activities.
g. Engage in a pursuit.

## 903.13 ESCAPES

In the event that a person in custody escapes while being transported, the transporting officer should immediately advise the Communications Center and other units of the escape, provide a description of the escapee, notify the Watch Commander, and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The Watch Commander should notify the Chief of Police or the authorized designee upon learning of an escape.

If the escape occurs outside the jurisdiction of the Redwood City Police Department, the Watch Commander should notify the appropriate agency or agencies within the jurisdiction where the escape occurred.

## 903.14 DOCUMENTATION

If a person is injured during transportation, officers should document the injury in the appropriate report. Documentation should include the condition of the person prior to transportation and the known or suspected causes of the injury during transportation (e.g., hitting head, struggling with restraints, fighting with other persons in custody). Any visible or reported injuries should be photographed and included with the report.

## 903.15 NOTIFICATIONS

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Officers should notify a supervisor and any receiving facility of information regarding any circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., uncooperative or violent, prolonged struggle, extreme agitation, medical conditions) that may have occurred prior to, or during, transportation.

## 903.16 TRAINING

The Training Sergeant should provide periodic training on this policy and procedures related to transporting persons in custody, restraint systems, and restraint devices.

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# Chapter 10 - Personnel

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# Recruitment and Selection

## 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Redwood City Police Department and that are promulgated and maintained by the Department of Human Resources.

## 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Redwood City Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

## 1000.3 RECRUITMENT

The Administrative Services Division Commander shall employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy shall include:

a. Establishment of a written recruitment plan.
    1. The plan shall include an outline of steps for recruiting candidates who are representative of the community. This should include candidates who live in or are from the community, if appropriate and consistent with applicable laws and memorandums of understanding or collective bargaining agreements.
b. Identification of racially and culturally diverse target markets.
c. Use of marketing strategies to target diverse applicant pools.
d. Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.
e. Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.
f. Employee referral and recruitment incentive programs.
g. Consideration of shared or collaborative regional testing processes.

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The Administrative Services Division Commander shall avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of their status in the recruiting process.

## 1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

a. A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)
    1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
    2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).
b. Driving record
c. Personal and professional reference checks
d. Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.
e. Information obtained from public internet sites
    1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).
f. Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
g. Local, state, and federal criminal history record checks
h. Lie detector test (when legally permissible) (Labor Code § 432.2)
i. Medical and psychological examination (may only be given after a conditional offer of employment)
    1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).
    2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).
j. Review board or selection committee assessment
k. Relevant national and state decertification records, if available
l. Any relevant information in the National Law Enforcement Accountability Database

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### 1000.4.1 VETERAN'S PREFERENCE

Qualifying veterans of the United States Armed Forces who receive a passing score on an entrance examination shall be ranked in the top rank of any resulting eligibility list. The veteran's preference shall also apply to a widow or widower of a veteran or a spouse of a 100 percent disabled veteran (Government Code § 18973.1).

## 1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Redwood City Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

### 1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

### 1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

### 1000.5.3 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Administrative Services Division Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administrative Services Division Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

a. The legal rights of candidates are protected.
b. Material and information to be considered are verified, accurate, and validated.

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c. The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Administrative Services Division Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

### 1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Administrative Services Division Commander for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

### 1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

a. Reports and documentation for candidates hired by the Department shall be retained for the entire term of employment and a for a minimum of four years after separation from the Department.
b. Reports and documentation for candidates not hired by the Department for a minimum of four years.

### 1000.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Redwood City Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

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### 1000.5.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

### 1000.5.8 CONFIDENTIAL POST RECORDS

Records released to the Department from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

## 1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

## 1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position’s essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

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### 1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

1. Free of any felony convictions
2. Be legally authorized to work in the United States under federal law
3. At least 21 years of age except as provided by Government Code § 1031.4
4. Fingerprinted for local, state, and national fingerprint check
5. Good moral character as determined by a thorough background investigation (11 CCR 1953)
6. High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution
7. Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)
8. Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)
9. Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):
    1. Reading and writing ability assessment (11 CCR 1951)
    2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)
10. POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)
11. Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

### 1000.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

a. A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)
b. An oral communication assessment (11 CCR 1958)
c. A medical evaluation (11 CCR 1960)

## 1000.8 PROBATIONARY PERIODS

The Administrative Services Division Commander should coordinate with the Redwood City Department of Human Resources to identify positions subject to probationary periods and procedures for:

a. Appraising performance during probation.

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b. Assessing the level of performance required to complete probation.
c. Extending probation.
d. Documenting successful or unsuccessful completion of probation.

## 1000.9 REVISIONS

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# Evaluation of Employees

## 1001.1 PURPOSE AND SCOPE

The Department's employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

## 1001.2 POLICY

The Redwood City Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee’s position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

## 1001.3 EVALUATION PROCESS

Evaluation reports will cover a specific period of time and should be based on documented performance during that period. Evaluation reports will be completed by each employee’s immediate supervisor. Other supervisors directly familiar with the employee’s performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and civilian supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner.

Assessment of an employee’s job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

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Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

## 1001.4 FULL TIME PROBATIONARY PERSONNEL

Civilian personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed at the sixth month of employment for all full-time civilian personnel during the probationary period.

Entry level sworn personnel are on probation for 18 months before being eligible for certification as a permanent employee. Probationary officers are evaluated monthly during the probationary period.

Lateral sworn personnel are on probation for 12 months before being eligible for certification as a permanent employee. Probationary officers are evaluated monthly during the probation period.

## 1001.5 FULL-TIME PERMANENT STATUS PERSONNEL

An employee performance evaluation should be completed once each year by the employee's immediate supervisor. The annual rating period for all department employees will be from August to August each year.

## 1001.6 EVALUATION INTERVIEW

When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have. If the employee has valid and reasonable protests, the supervisor may make appropriate changes to the evaluation. Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities. The supervisor and employee will sign and date the evaluation. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

## 1001.7 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor. All evaluations will be forwarded to the appropriate Division Commander for review of evaluations for fairness, impartiality, uniformity, and consistency. After Division Commander review evaluations, they will be forwarded to the Deputy Chief and Chief of Police for review.

## 1001.8 EVALUATION DISTRIBUTION

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The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.

## 1001.9 REVISIONS

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# Special Assignments and Promotions

## 1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for specialty assignment selection within the ranks of the Redwood City Police Department.

### 1002.1.1 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for specialty assignment selection:

a. Present a professional, neat appearance.
b. Maintain a physical condition which aids in their performance.
c. Demonstrate the following traits:
    1. Emotional stability and maturity
    2. Stress tolerance
    3. Sound judgment and decision-making
    4. Personal integrity and ethical conduct
    5. Leadership
    6. Initiative
    7. Adaptability and flexibility
    8. Ability to conform to organizational goals and objectives in a positive manner.

## 1002.2 SPECIALTY ASSIGNMENTS

The following positions are considered specialty positions and are not considered promotions:

a. Officer:
    1. Detective
    2. Juvenile Detective
    3. Street Crime Suppression Team Detective
    4. Narcotic Task Force Special Agent
    5. Drug Enforcement Administration Task Force Special Agent
    6. Motorcycle Officer
    7. School Resource Officer (Sequoia High School)
    8. D.A.R.E. Officer (Full time. When filled)
    9. Field Training Officer
    10. CCAT Officer
    11. P.A.L. Officer (Full time. When filled)
    12. Canine Handler
    13. Vehicle Theft Task Force Special Agent
    14. Downtown Services Officer
b. Sergeant:

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1. Training
2. Investigation
3. Street Crime Suppression Team
4. Traffic
5. Narcotics Task Force Supervisor
6. Downtown Services

c. The following positions are considered Non-Specialty Collateral Positions and are not considered promotions.
    1. SWAT
    2. Hostage Negotiation Team members
    3. Field Evidence Technicians
    4. Marine Unit members
    5. Various instructors (i.e., defensive tactics, driving, firearms)
    6. Trauma Response Team
    7. Public Information Officer Team Member
    8. Honor Guard
    9. Mobile Field Force Team Member

1002.2.1 DESIRABLE QUALIFICATIONS

The following qualifications apply for consideration for specialty assignments and must be met at the date the specialty assignment begins. These qualifications do not supplant and are in addition to any negotiated specialty assignment qualifications outlined in the current Memorandums of Understanding between the Redwood City Police Officer's Association and the Redwood City Police Supervisor's Association:

a. Three years experience.
b. Off probation.
c. Has shown an expressed interest in the position applied for.
d. Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.
e. Complete any training required by POST or law.

## 1002.3 SELECTION PROCESS

The following criteria apply to specialty assignment selections:

a. Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.
b. The supervisor recommendations will be submitted to the supervisor conducting the selection process. The supervisor conducting the selection processwill schedule interviews with each candidate.

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c. Based on supervisor recommendations and those of the Division Commander after the interview, the supervisor conducting the selection process will submit his/her recommendation(s) to the Chief of Police.
d. Appointment by the Chief of Police

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

## 1002.4 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Redwood City Department of Human Resources.

## 1002.5 REVISIONS

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# Grievance Procedure

## 1003.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department' s philosophy is to promote a free verbal communication between employees and supervisors.

### 1003.1.1 GRIEVANCE PROCESS

The grievance process is outlined in the Memorandums of Understanding between the Police Officers' Association, the Police Supervisors' Association. Service Employees International Union Local 521, Redwood City Management Employees Association and the City of Redwood City.

## 1003.2 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be maintained by Human Resources.

## 1003.3 REVISIONS

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# Anti-Retaliation

## 1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

## 1004.2 POLICY

The Redwood City Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

## 1004.3 RETALIATION PROHIBITED

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

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

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

### 1004.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS

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An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

## 1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Director of Human Services.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

## 1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

a. Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

b. Receiving all complaints in a fair and impartial manner.

c. Documenting the complaint and any steps taken to resolve the problem.

d. Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

e. Taking appropriate and reasonable steps to mitigate any further violations of this policy.

f. Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

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g. Periodic follow-up with the complainant to ensure that retaliation is not continuing.

h. Not interfering with or denying the right of a member to make any complaint.

i. Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

## 1004.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

a. Communicating to all members the prohibition against retaliation.

b. The timely review of complaint investigations.

c. Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

d. The timely communication of the outcome to the complainant.

## 1004.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

a. Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.
b. Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.
c. Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.
d. File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety.
e. Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards Unit for investigation pursuant to the Personnel Complaints Policy.

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### 1004.7.1 DISPLAY OF WHISTLE-BLOWER LAWS

The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

## 1004.8 RECORDS RETENTION AND RELEASE

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

## 1004.9 TRAINING

The policy should be reviewed with each new member.

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

## 1004.10 REVISIONS

Revised December 2021

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# Reporting of Arrests, Convictions, and Court Orders

## 1005.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Redwood City Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

## 1005.2 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and California law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 1005.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

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

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

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

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

## 1005.4 REPORTING

All members and all retired officers with an identification card issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or

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foreign country, regardless of whether or not the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable POST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

### 1005.4.1 NOTIFICATION REQUIREMENTS

The Administrative Services Division Commander shall submit within 10 days of final disposition a notice to POST of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

## 1005.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee’s own resources and on the employee’s own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or

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imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

## 1005.6 REVISIONS

Revised December 2023

## 1005.7 POLICY

The Redwood City Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

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# Drug- and Alcohol-Free Workplace

## 1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

## 1006.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

## 1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public.

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that the member will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, the member shall be immediately removed and released from work (see the Work Restrictions section in this policy).

### 1006.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

Possession of medical marijuana or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

### 1006.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

## 1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from using alcohol and from purchasing, manufacturing, distributing, dispensing, possessing or using

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controlled substances on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

## 1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

## 1006.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

## 1006.7 REQUESTING SCREENING TESTS

The supervisor may request an employee to submit to a screening test under the following circumstances:

a. The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

b. The employee discharges a firearm, other than by accident, in the performance of his/her duties.

c. During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

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### 1006.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

a. The test will be given to detect either alcohol or drugs, or both.
b. The result of the test is not admissible in any criminal proceeding against the employee.
c. The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

### 1006.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:

a. Fails or refuses to submit to a screening test as requested.

b. After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

c. Violates any provisions of this policy.

## 1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

## 1006.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the member's confidential medical file in accordance with the Personnel Records Policy.

## 1006.10 REVISIONS

Revised December 2021

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# Sick Leave

## 1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Government Code § 12945.8; Labor Code § 1510).

## 1007.2 EMPLOYEE RESPONSIBILITIES

Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy /maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

### 1007.2.1 NOTIFICATION

Except in cases of extreme emergency or exceptional unforeseen circumstances, in order to receive compensation for absences charged to sick leave, the employee shall notify his/her immediate supervisor no less than one-half hour plus travel time prior to the scheduled time for beginning his/her work duties of the impending absence. At the same time, the employee shall provide the immediate supervisor with a telephone number where he/she can be reached during the term of the absence. The burden of proof of extreme emergency or exceptional unforeseen circumstances shall be upon the employee requesting sick time.

## 1007.3 EXTENDED ILLNESS

Employees on extended absences shall keep their unit supervisor updated on their absence and expected date of return. Employees absent from duty due to personal illness in excess of three consecutive days may be required to furnish a statement from their health care provider supporting the use of sick leave and /or the ability to return to work.

## 1007.4 SUPERVISOR RESPONSIBILITY

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Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.

## 1007.5 REQUIRED NOTICES

The Director of Human Services shall ensure:

a. Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.
b. A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

## 1007.6 REVISIONS

Revised December 2020

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# Communicable Diseases

## 1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 1008.1.1 POLICY

The Redwood City Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

### 1008.1.2 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member’s position at the Redwood City Police Department.

## 1008.2 PROCEDURES FOR EXPOSURE TO BLOOD, BODILY FLUIDS OR AEROSOL TRANSMISSIBLE DISEASES

All department personnel who are exposed to another person's blood, bodily fluids or an aerosol transmissible disease (e.g., during an altercation or while attending to any injured person) shall follow these procedures and guidelines.

Exposure to blood or other potentially infectious materials includes, but is not limited to, the contact of such substances with the eye, mouth, other mucous membranes, non-intact skin, needle sticks, human bites, cuts or abrasions or any exposure that otherwise qualifies under Health and Safety Code § 121060.1 or 8 CCR § 5193.

Exposure to an aerosol transmissible disease is any event in which all of the following have occurred (8 CCR 5199):

a. An employee has been exposed to an individual who is a case or a suspected case of a reportable aerosol transmissible disease, or to a work area or to equipment that is reasonably expected to contain aerosol transmissible pathogens associated with a reportable aerosol transmissible disease.

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b. The exposure occurred without the benefit of applicable exposure controls.
c. It reasonably appears from the circumstances of the exposure that transmission of disease is sufficiently likely to require medical evaluation.

### 1008.2.1 EXPOSURE CONTROL OFFICER

The Training Sergeant is designated as the Department's Exposure Control Officer (ECO). The ECO shall be responsible for the following:

a. The overall management of the bloodborne pathogen Exposure Control Plan (ECP).
b. Establishing written procedures and a training program related to aerosol transmissible diseases, as required by 8 CCR § 5199.
c. Working with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan.
d. Remaining current on all legal requirements concerning bloodborne pathogens and other communicable diseases, as required by 8 CCR § 5193.
e. Acting as a liaison during OSHA inspections, conducting program audits to maintain an up-to-date ECP and ensuring exposure report forms are available and adequate for employees to properly report incidents of exposure.
f. Maintaining an up-to-date list of police personnel requiring training. Developing and implementing a training program, maintaining class rosters and periodically reviewing and updating the training program.
g. Reviewing and updating the ECP annually.

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and any affected employees to ensure that the proper exposure control procedures are followed.

### 1008.2.2 UNIVERSAL PRECAUTIONS

All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

### 1008.2.3 PERSONAL PROTECTIVE EQUIPMENT

Personal protective equipment is a line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended.)
- Safety glasses or goggles
- Rescue mask with a one-way valve

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- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes in the car recommend)

The protective equipment should be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

1008.2.4 IMMUNIZATIONS

All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

1008.2.5 WORK PRACTICES

When practical and circumstances permit, all personnel should use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

When practical and circumstances permit, disposable gloves should be worn before making physical contact with any patient known or suspected to have any communicable disease and/or when handling items soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

## 1008.3 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS

In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

1008.3.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE

To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and a written exposure report will be completed as soon as possible following the exposure or suspected exposure. Additionally, in the exposure report the source of the exposure should be identified and the employee would like the person who was the source of the exposure to be tested for communicable diseases.

1008.3.2 SUPERVISOR REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

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a. Name and social security number of the employee(s) exposed.
b. Date and time of incident.
c. Location of incident.
d. What potentially infectious materials were involved.
e. Source of material or person.
f. Current location of material or person.
g. Work being done during exposure.
h. How the incident occurred or was caused.
i. PPE in use at the time of the incident.
j. Actions taken post-event (e.g., clean-up, notifications).

The supervisor will contact the Human Resources Workers Compensation Analyst to seek testing of the source of the exposure.

### 1008.3.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Any employee who was exposed or who suspects he/she was exposed to blood or bodily fluids should be seen by a physician or qualified health care provider as soon as possible. The blood of the exposed employee will be tested.

The health care professional will provide the Human Resources Workers Compensation with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

### 1008.3.4 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the Human Resources Workers Compensation Analyst..

Source testing may be achieved by:

1. Obtaining consent from the individual.
2. Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

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3. Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
4. Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).
5. Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the Human Resources Workers Compensation Analyst is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

1008.3.5 COUNSELING

The Department shall provide the exposed employee the opportunity for counseling and consultation.

1008.3.6 CONFIDENTIALITY OF REPORTS

Most of the information involved in this process must remain confidential.

The Human Resources Workers Compensation Analyst will be responsible for maintaining records containing the employee's treatment status and the results of examinations, medical testing and follow-up procedures.

## 1008.4 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

a. Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at bi-annually after the initial training.
b. Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.
c. Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

## 1008.5 REVISIONS

Revised July 2020

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# Smoking and Tobacco Use

## 1009.1 PURPOSE AND SCOPE

This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Redwood City Police Department facilities or vehicles.

## 1009.2 POLICY

The Redwood City Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

## 1009.3 EMPLOYEE USE

Tobacco use by employees is prohibited anytime employees are in public view representing the Department.

Smoking and the use of other tobacco products is not permitted inside any City facility, office or vehicle (California Labor Code § 6404.5).

It shall be the responsibility of each employee to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

## 1009.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

### 1009.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

## 1009.5 REVISIONS

Reviewed July 2020

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# Personnel Complaints

## 1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Redwood City Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

## 1010.2 POLICY

The Redwood City Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

## 1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

### 1010.3.1 COMPLAINT CLASSIFICATIONS

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

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

**Formal** - A matter in which a supervisor determines that further action is warranted. Such complaints will be forwarded to the Internal Affairs Commander for review and assignment if appropriate.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the Internal Affairs Commander, such matters

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may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

### 1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

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

## 1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

### 1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

### 1010.4.2 ACCEPTANCE

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

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

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

### 1010.4.3 AVAILABILITY OF WRITTEN PROCEDURES

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

### 1010.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public shall be accepted and investigated in accordance with this policy where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate (Penal Code § 13682).

## 1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and provide the information to the Chief of Police.

## 1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

### 1010.6.1 SUPERVISOR RESPONSIBILITIES

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

1. Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
    a. The original complaint form will be directed to the Internal Affairs Commander, who will take appropriate action and/or determine who will have responsibility for the investigation.
    b. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the Internal Affairs Commander or the Chief of Police, who will initiate appropriate action.
2. Responding to all complainants in a courteous and professional manner.
3. Resolving those personnel complaints that can be resolved immediately.
4. Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Internal Affairs Commander is notified via the chain of command as soon as practicable.

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5. Promptly contacting the Internal Affairs Commander, who will consult with Human Resources regarding addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.
6. Forwarding unresolved personnel complaints to the Internal Affairs Commander, who will determine whether to contact the complainant or assign the complaint for investigation.
7. Informing the complainant of the investigator's name and the complaint number.
8. Investigating a complaint as follows:
    1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
    2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.
9. Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).
10. Ensuring interviews of the complainant are generally conducted during reasonable hours.

### 1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

The following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

1. Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.
2. Unless waived by the member, interviews of an accused member shall be at the Redwood City Police Department or other reasonable and appropriate place.
3. No more than two interviewers should ask questions of an accused member.
4. Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.
5. All interviews shall be for a reasonable period and the member's personal needs should be accommodated.
6. No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.
7. Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
    1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
    2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

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8. The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.
9. All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
10. All members shall provide complete and truthful responses to questions posed during interviews.
11. No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor's *Brady* list or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland*. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

### 1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

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

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

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

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

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

### 1010.6.4 DISPOSITIONS

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

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

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

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

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

**No Finding -** Used in all cases where Unfounded, Exonerated, Not Sustained, or Sustained is not appropriate.

**Complaint Withdrawn -** Complainant withdraws complaint

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

### 1010.6.5 COMPLETION OF INVESTIGATIONS

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

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

### 1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

## 1010.7 ADMINISTRATIVE SEARCHES

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

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

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

### 1010.7.1 DISCLOSURE OF FINANCIAL INFORMATION

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

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

## 1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

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

### 1010.8.1 CONFIDENTIALITY OF PERSONNEL FILES

All investigations of personnel complaints, whether originating from a citizen or internally, shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations (Penal Code § 832.5).

All sustained citizen's complaints shall be maintained for a period of at least five years (Penal Code § 832.5). All internally initiated complaints shall be maintained at least two years (Government Code § 34090 et seq.).

## 1010.9 CRIMINAL INVESTIGATION

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

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

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

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

## 1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his /her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

### 1010.10.1 INTERNAL AFFAIRS RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Internal Affairs Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Internal Affairs Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Internal Affairs Commander may return the entire investigation to the assigned supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Internal Affairs Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

### 1010.10.2 CHIEF OF POLICE RESPONSIBILITIES

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

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary

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action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

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

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

### 1010.10.3 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

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

### 1010.10.4 NOTICE REQUIREMENTS

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

## 1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

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

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

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

## 1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

## 1010.13 POST-DISCIPLINE APPEAL RIGHTS

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

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

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

## 1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

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

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

## 1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule.

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## 1010.16 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

a. Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, or retirement.
    1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.
b. Events that could affect an officer's POST certification, such as:
    1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
    2. Findings of civilian review boards.
    3. Final dispositions of any investigations.
    4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Redwood City Police Department based on allegations of conduct by an officer.

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

### 1010.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

a. Name of the Department
b. Administrative case number
c. Name, current address, and phone number of the complainant, if available
d. Name, POST ID, current address, and phone number of the involved officer
e. A summary of the alleged misconduct including:
    1. A narrative of the allegations
    2. Date and time of incidents
    3. Location of occurrence
    4. Any witness information, if available
    5. Summary of arrest or indictment of involved officer
f. A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)
g. Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

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Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

### 1010.16.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

a. If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:
    1. The Department shall provide the name of the body conducting the proceeding.
    2. The status of the proceeding, if known.
b. If criminal charges are pending:
    1. The name of the court having jurisdiction over the criminal charges against the officer.
    2. The status of the criminal case, if known.

## 1010.17 REVISIONS

Revised December 2023

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# Seat Belts

## 1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

Guidance for transporting persons in custody may be found in the Transporting Persons in Custody and Handcuffing and Restraints policies.

### 1011.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

## 1011.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

### 1011.2.1 TRANSPORTING CHILDREN

Children under the age of 8 should be transported in compliance with California's restraint system requirements (Vehicle Code § 27360).

A child may be transported by sworn personnel without the use of a child passenger restraint system in an authorized emergency vehicle if a child passenger restraint system is unavailable and the child is secured by a seat belt (Vehicle Code § 27363(b) and Vehicle Code § 165).

Members should deactivate, if available, the passenger side airbag when appropriate, such as when transporting a rear-facing infant or child in the front seat.

## 1011.3 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any department vehicle with a restraint system or, when a restraint system is not available, by seat belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

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An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

## 1011.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

## 1011.5 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer’s operator requirements for safe use.

## 1011.6 REVISIONS

Reviewed July 2020

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# Body Armor

## 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

## 1012.2 POLICY

It is the policy of the Redwood City Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

## 1012.3 ISSUANCE OF BODY ARMOR

The Administrative Services supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Redwood City Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Services supervisor shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the manufacturer's life cycle schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

### 1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

a. Officers shall only wear agency-approved body armor.

b. Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

c. Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

d. Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

e. An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

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1012.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.

1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature /humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

## 1012.4 RANGEMASTER RESPONSIBILITIES

The Rangemaster should:

a. Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

b. Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

c. Provide training that educates officers about the safety benefits of wearing body armor.

## 1012.5 REVISIONS

Reviewed July 2020

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# Personnel Records

## 1013.1 PURPOSE AND SCOPE

The purpose of this section is to set forth Department procedures for the designation, maintenance, retention, access, and release of peace officer personnel files in accordance with established law.

The scope of this policy incorporates the Department's responsibility to maintain the confidentiality of peace officer personnel files while remaining compliant with applicable laws.

## 1013.2 PERSONNEL FILES DEFINED

Pursuant to Penal Code § 832.8, peace officer personnel files shall include any file maintained under an individual officer's name relating to:

a. Personal data, including marital status, family members, educational and employment history, home addresses, or similar information.
b. Medical history including medical leave of absence forms, fitness for duty examinations, worker's compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
c. Election of employee benefits.
d. Employee advancement, appraisal, or discipline.
e. Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.
f. Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

## 1013.3 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to the Constitution and Penal Code § 832.7, all of the above-defined personnel files shall be deemed confidential and shall not be subject to disclosure except as required by law pursuant the discovery procedures set forth in Evidence Code § 1043, et seq., or in accordance with applicable federal discovery laws.

Additionally, case law and Penal Code § 832.7 (b)(1), as amended by Senate Bill 1421 of 2018, and Senate Bill 16 of 2021 identify specific personnel files that are not confidential and are to be treated as public records when requests are made pursuant to the California Public Records Act ("CPRA"). (See section 1013.8(1)-(8), below, for affected records).

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Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the City when necessary in the performance of their official duties. Additionally, nothing in this section or policy is intended to limit the Department's ability to disseminate data regarding the number, type, or disposition of complaints (sustained, not sustained, exonerated, or unfounded) made against its officers if that information is in a form which does not identify the individuals involved. (See Penal Code § 832.7(d).)

## 1013.4 REQUESTS FOR DISCLOSURE

The format of a request for disclosure of information contained in peace officer personnel files may be strictly governed by law with specific responses required, therefore all such requests shall be promptly brought to the attention of the Custodian of Records or other person charged with the maintenance or oversight of such records.

1. Request pursuant to Evidence Code § 1043 ("*Pitchess* motion")

Upon receipt of a request for disclosure made pursuant to a *Pitchess* motion, the responsible person shall immediately notify the affected employee(s) that such a request has been made (Evidence Code § 1043 (c)).

The Administrative Lieutenant is responsible for accepting and processing a request for records brought through a *Pitchess* motion. The Administrative Lieutenant will ensure that the City Attorney responsible for representing the Department receives a copy of the motion in time to prepare an appropriate response to the request in a timely manner, consistent with applicable law.

All requests for disclosure made pursuant to *Pitchess* motion, which result in access to an employee's personnel file(s), shall be logged and stored for a retention period of two years in the corresponding *Pitchess* master file.

2. Request pursuant to *Giglio v. United States (Brady-Giglio* discovery)

Upon receipt of a request for disclosure made pursuant to a *Brady-Giglio* discovery request, the responsible person shall immediately notify the affected employee(s) that such a request has been made by a motion.

The Administrative Lieutenant is responsible for accepting the request and preparing the records needed for review by the City Attorney. The Administrative Lieutenant will ensure that the City Attorney responsible for representing the Department receives a copy of the request as soon as possible for a timely review of the records. The City Attorney will prepare an appropriate response to the Assistant U.S. Attorney making the lawfulrequest, consistent with applicable law.

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All requests for disclosure made pursuant *Brady-Giglio* discovery request, which result in access to an employee's personnel file(s), shall be logged and stored for a retention period of two years in the corresponding *Brady-Giglio* master file.

3. Request pursuant to the CPRA

A request for disclosure made pursuant to the California Public Records Act (CPRA) that seeks peace officer personnel files under Penal Code 832.7, will be logged with the Custodian of Records for processing and tracking. The Custodian of Records will in turn notify the Deputy Chief (see 1013.11 for officer notification procedure).

When the CPRA request has been processed, a CPRA letter identifying the records provided and/or reasons for withholding the record(s) will be sent to the requester within the established timeframes set forth in Government Code § 6253(c).

A copy of the CPRA response letter, including a copy of the released records, will be forwarded to the City Clerk and stored in accordance with the City's retention schedule, which currently provides for a two-year CPRA retention period. Original files of the response will be maintained at the Department by the Custodian of Records for the same retention period.

1013.4.1 RELEASE OF CONFIDENTIAL PERSONNEL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the express consent of the involved officer.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(f) (1), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in an established medium of communication and which the officer (or representative) knew to be false concerning the investigation or the imposition of disciplinary action. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7 (e)).

## 1013.5 EMPLOYEE ACCESS TO OWN FILE

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Any employee (or his/her representative on presentation of written authorization from the employee) may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s).

a. Every employer shall, at reasonable times and at reasonable intervals, upon the request of a public safety officer, during usual business hours, with no loss of compensation to the officer, permit that officer to inspect personnel files that are used or have been used to determine that officer's qualifications for employment, promotion, additional compensation, or termination or other disciplinary action.
b. Each employer shall keep each public safety officer's personnel file or a true and correct copy thereof, and shall make the file or copy thereof available within a reasonable period of time after a request therefor by the officer.
c. If, after examination of the officer's personnel file, the officer believes that any portion of the material is mistakenly or unlawfully placed in the file, the officer may request, in writing, that the mistaken or unlawful portion be corrected or deleted. Any request made pursuant to this subdivision shall include a statement by the officer describing the corrections or deletions from the personnel file requested and the reasons supporting those corrections or deletions. A statement submitted pursuant to this subdivision shall become part of the personnel file of the officer.
d. Within 30 calendar days of receipt of a request made pursuant to subdivision (c), the employer shall either grant the officer's request or notify the officer of the decision to refuse to grant the request. If the employer refuses to grant the request, in whole or in part, the employer shall state in writing the reasons for refusing the request, and that written statement shall become part of the personnel file of the officer. (Government Code § 3306.5)

Employees may be restricted from accessing files containing any information pertaining to ongoing Internal Affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

## 1013.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards Unit supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

a. Not sustained
b. Unfounded
c. Exonerated

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Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

### 1013.6.1 DEPARTMENT FILE

The Department file is maintained in the office of the Chief of Police and serves as a record of a sworn officer's employment with this Department. The Department file should contain, but is not limited to, the following:

(a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee.

(b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education.

1. It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.
2. The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's Department file.

(c) Complaints generated by a member of the public by an officer:

1. All complaints generated by a member of the public with a *sustained finding* will be maintained in the officer's Internal Affairs file for 15-years from the date of final disposition and any formal disciplinary action resulting from the investigation will reside in the officer's Department file (Penal Code § 832.5(b), Amended by Senate Bill 16, effective January 1, 2022).
2. Complaints generated by a member of the public against an officer which results in a finding of not-sustained, unfounded or exonerated, or any portion of a complaint that is determined to be frivolous, unfounded, or exonerated, shall not be maintained in the employee's Department file, but will be separately maintained in the Internal Affairs file for 5-years from the date of final disposition ( Penal Code § 832.5(b)&(c), Amended by Senate Bill 16, effective January 1, 2022)
3.
4.

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(d) Adverse comments after the employee has had the opportunity to read and initial the comment ( Government Code §3305).

1. Adverse comments entered into a Department file will be maintained for a period for at least two years.
2. Once an employee has had an opportunity to read and initial any adverse comment prior to entry into the Department file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).
3. Any such employee response shall be attached to and retained with the original adverse comment.
4. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee's file.

(e) Commendations, with a copy provided to the involved employee.

(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee's employment status.

(g) A photograph of the employee.

1013.6.2 DIVISION FILE

The Division file is maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations. All rules of confidentiality and disclosure shall apply equally to the Division file. The Division file should contain, but is not limited to, the following:

a. Supervisor Guardian® log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations.
b. All materials containing an adverse comment intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code §§ 3305 and 3306.
c. Duplicate copies of items that will also be included in the employee's Department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.
d. The Division file should not contain the supervisor’s interim personal notes used for the sole purpose of assisting the supervisor completing timely performance evaluations so long as such notes are not available or shown to anyone other than the supervisor. Such notes are not considered part of the personnel file or a file used for personnel purposes. (*Poole v. Orange County Fire Authority* (2015) 61 Cal.4$^{th}$ 1378.) Interim personal notes must be destroyed upon completing the employee’s performance evaluation.

Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies will be purged from the Divisional file.

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During the preparation of each employee's performance evaluation, all complaints and/or discipline arising from the employee's conduct during the rating period should be reviewed to determine the relevancy, if any, to the employee's evaluation, recommended training and career development.

### 1013.6.3 INTERNAL AFFAIRS FILE

Completed Internal Affairs investigations and associated files shall be maintained in locked file cabinets under the exclusive control of the Office of the Chief. Access to these files may only be approved by the Chief of Police or his/her designee. A detailed log for access and review will be maintained with each file. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition.

1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002). Complaints and any reports or findings relating to a complaint made by a member of the public shall be retained for a period of *5-years* from the date of final disposition of the investigations where there *was not a sustained finding of misconduct* and not less than *15-years* where there *was a sustained finding of misconduct*, (Penal Code § 832.5(b), Amended by Senate Bill 16, effective January 1, 2022).
2. All internally generated complaints of misconduct investigated by the Department with a *sustained finding* of misconduct will be maintained in the officer's Internal Affairs file for 5-years from the date of final disposition and the documentation on any formal disciplinary action will reside in the officer's Department file (Penal Code § 832.5(b), Amended by Senate Bill 16, effective January 1, 2022)
3. All internally generated complaints of misconduct investigated by the Department which results in a finding of not-sustained, unfounded or exonerated, or any portion of a complaint that is determined to be frivolous, unfounded, or exonerated, shall not be maintained in the employee's Department file, but will be separately maintained in the Internal Affairs file for 5-years from the date of final disposition (Penal Code § 832.5(b)&(c), Amended by Senate Bill 16, effective January 1, 2022)
4.

(b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period (final disposition plus five years) but may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5 (c)(2)).

### 1013.6.4 TRAINING FILES

An individual Training file shall be maintained by the Training Sergeant for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

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a. It shall be the responsibility of the involved employee to provide the Training Sergeant or immediate supervisor with evidence of completed training/education in a timely manner.

b. The Training Sergeant or supervisor shall ensure that copies of such training records are placed in the employee's Training file.

### 1013.6.5 MEDICAL FILES

A Medical file shall be maintained at Human Resources separately from all other files and shall contain all documents relating to the employee's medical condition and history, including but not limited to the following:

a. Materials relating to medical leaves of absence.
b. Documents relating to worker's compensation claims or receipt of short or long term disability benefits.
c. Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.
d. Medical release forms, doctor's slips and attendance records which reveal an employee's medical condition.
e. Any other documents or material which reveals the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

## 1013.7 RETENTION AND PURGING OF FILES

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the retention schedules established by law or the City’s retention policy, whichever is greater.

Any employee seeking the removal of any item from the employee’s personnel file shall submit a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code § 3306.5). If the contested item is not removed from the file, the employee's request and the Department's written response shall be retained with the contested item in the employee's personnel file.

## 1013.8 RELEASE OF PERSONNEL RECORDS AND OTHER RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

As of September 30, 2021, Penal Code § 832.7 Amended by Senate Bill 16, effective January 1, 2022) identifies eight (8) specific categories of police officer personnel records subject to disclosure pursuant to a CPRA request.

### 1013.8.1 RECORDS THAT MAY BE SUBJECT TO DISCLOSURE

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## *Personnel Records*

All records retained by the Department connected to any one of the eight (8) categories of incidents listed below are no longer considered confidential records and will be made available for public inspection pursuant to the CPRA, including any record related to the specific incident contained in the officer's Personnel file (Penal Code § 832.7(b), amended by Senate BIll 16, effective January 1, 2022). The following records are no longer considered confidential:

1. Any record relating to the report, investigation, or findings of an incident involving the discharge of a firearm at another person by an officer.
2. Any record relating to the report, investigation, or findings of an incident involving the use of force against a person resulting in death or in great bodily injury (GBI) (GBI as defined later in this section) by an officer.
3. Any record relating to an incident where a "sustained finding" (as defined by Penal Code § 832.8) resulted, involving a complaint that alleges unreasonable or excessive force.
4. Any record relating to an incident where a "sustained finding" (as defined by Penal Code § 832.8) resulted, involving a complaint that alleges that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.
5. Any record relating to an incident where a "sustained finding" (as defined by Penal Code § 832.8) was made by any law enforcement agency or oversight agency that a peace officer engaged in sexual assault involving a member of the public.
6. Any record relating to an incident in which a "sustained" finding (as defined by Penal Code § 832.8) was made by any law enforcement agency or oversight agency involving dishonesty by an officer directly relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another peace officer or custodial officer, including, but not limited to, any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
7. Any record relating to an incident in which a "sustained finding" (as defined by Penal Code § 832.8) was made by any law enforcement agency or oversight agency that a peace officer engaged in conduct including, but not limited to, verbal statements, writings, online posts, recordings, and gestures, involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
8. Any record relating to an incident in which a "sustained finding" (as defined by Penal Code § 832.8) was made by any law enforcement agency or oversight agency that a peace officer made an unlawful arrest or conducted an unlawful search.

NOTE: Records that shall be released pursuant to SB 16, Section 3, Amended Penal Code § 832.7 (E)(3) also include records relating to an incident specified in paragraph 1 of Penal Code § 832.7(b), Amended by Senate Bill 16, effective January 1, 2022), in which the peace officer resigned before the law enforcement agency or oversight agency concluded its investigation into the alleged incident.

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A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(3)).

When an investigation involes multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(4) against the officer. However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the actions/statements are relevant to a sustained finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(4)).

### 1013.8.2 "GREAT BODILY INJURY" DEFINED

For purposes of this section, an injury sustained from a peace officer's use of force shall be categorized as "great bodily injury" (GBI) when any of the following occur: the suspect requires admission to the hospital for treatment of the injury sustained from a use of force; the use of force results in a loss of consciousness, a broken bone, or a medically diagnosed concussion; the use of force results in a wound requiring extensive suturing; the use of force results in the loss or protracted impairment of an organ or bodily member; the injury caused by the use of force requires later surgery to repair; or the use of force results in significant and long lasting bruising or abrasion.

In applying this definition, the Department recognizes that officers routinely contact members of the public experiencing the effects of pre-existing injuries or medical conditions necessitating medical treatment, including hospital admission, that are caused by something other than an officer's use of force. Clarifying distinction on pre-existing injuries or medical conditions that necessitated medical treatment over and above any injuries caused by the officer's use of force should be well documented in the incident report. Pre-existing medical injuries or medical conditions do not qualify as reportable incidents of GBI injury under SB 1421 and Penal Code 832.7 if they are standalone medical conditions necessitating medical treatment and the officer's use of force did not cause an injury qualifying as GBI.

This definition of GBI is not exclusive, and other types of injury or combination of injuries caused by the use of force could qualify under this definition. Supervisors should use their best judgment when determining the preliminary qualification of GBI; final classification of the injury will be made at the command level.

### 1013.8.3 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection though a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

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## 1013.9 REDACTION OF RECORDS RELEASABLE UNDER PENAL CODE § 832.7

The Administrative Captain, in consultation with the Deputy Chief of Police, shall determine what member of the organization or third-party contract resource will be assigned to conduct the redaction of records releasable under Penal Code § 832.7(b). Exception: The Department has no control over redactions related to criminal investigations conducted under the protocols of Assembly Bill 1506 and released to the public by the California Department of Justice (DOJ), Division of Law Enforcement (DLE), California Police Shooting Investigation Teams (CaPSIT). Any internal or external resource considered for any phase of the redaction process will have had no direct involvement participating in, or investigating the original incident.

Those responsible for redaction and preparation of releasable records will receive training in the form of Department Policy and Training Bulletins and review of applicable laws and regulations pertaining to the confidentiality of peace officer personnel files (Penal Code § 832.7(a)), and changes made to the conditions of public inspection of non-confidential records in the officer's personnel file (Penal Code § 832.7(b)) brought forth by Senate Bill 1421 of 2018 and amended by Senate Bill 16 of September 30, 2021, effective January 1, 2022 and of video andaudio recordings of critical incidents (Government Code § 6254(f)(4)) brought forth by AssemblyBill 748 of 2018. The training outline and related materials will be maintained by the Administrative Captain.

Redaction of releasable crime reports, including supplemental reports, prepared by members of the Redwood City Police Department may be assigned to any one of the following: Any sworn member of the department holding the rank of sergeant and above, or a contract resource.

Redaction of releasable records contained in an officer's Personnel file (Department file, Internal Affairs file, or Training file) may be assigned to any one of the following: Administrative Captain, Administrative Lieutenant, or a third-party contract resource.

Redaction of releasable investigative reports prepared by the San Mateo County District Attorney under the San Mateo County OICI (Officer Involved Critical Incident) Protocol, or other investigative reports prepared by the Department may be assigned to any one of the following: Administrative Lieutenant, any sworn member holding the rank of sergeant and above, or a third party contract resource.

Redaction of any releasable record wherein a member of law enforcement dies as a result of their involvement in the incident will only be redacted by the following: Administrative Captain, Administrative Lieutenant, or a third-party contract resource.

Records releasable under Penal Code § 832.7(b) and subjected to the redaction process will be reviewed by the Administrative Captain and Deputy Chief before being submitted to the City Attorney for final review and comment. The completed record production containing the agreed upon redactions will then be ready for release to the requestor and archived at the Department for a specified period of time as determined by applicable law and/or City retention schedule. Records prepared for archive for future release will follow the same review, archive, and retention schedule.

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Redactions made to any portion of a releasable record will conform to applicable law, including Penal Code § 832.7(b) (6 & 7) which require the redaction of:

1. Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers.
2. Information that would preserve the anonymity of whistleblowers, complainants, victims, and witnesses.
3. Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about misconduct and serious use of force.
4. Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person.
5. Where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it.

## 1013.10 DELAY OF DISCLOSURE

Unless otherwise directed by the Chief of Police, the Administrative Captain will consult with the Deputy Chief to determine whether to delay disclosure of records. Any agency may withhold a record of an incident described in paragraph 1 of Penal Code § 832.7(b), Amended by Senate Bill 16, effective January 1, 2022), that is the subject of an active criminal or administrative investigation, in accordance with any of the following:

a. During an active criminal investigation
    1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
    2. After 60 days from the misconduct or use of force, the Department may continue to delay the disclosure of records or information if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or someone other than an officer who engaged in misconduct or used the force. If the Department delays disclosure pursuant to this clause, the Department, at 180-day intervals as necessary, provide, in writing, the specific basis for the Department's determination that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding. Information withheld by the Department shall be disclosed when the specific basis for withholding is resolved, when the investigation or proceeding is no longer active, or by no later than 18-months after the date of the Incident, whichever is sooner.
b. Filed criminal charges
    1. If criminal charges are filed related to the incident in which misconduct occurred or force was used, the Department may delay the disclosure of records or information until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea pursuant to Evidence Code Section 1018, Penal Code § 723.7(b)(8)(B).

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c. Administrative investigations described in paragraph 1 of Penal Code § 832.7(b), Amended by Senate Bill 16, effective January 1, 2022).
    1. Disclosure of records or information may be delayed based on the following:
        a. During an administrative investigation into an incident described in paragraph 1 of Penal Code § 832.7(b), Amended by Senate Bill 16, effective January 1, 2022), the Department may delay the disclosure of records or information until the investigating agency determines whether the misconduct or use of force violated a law or Department policy, but no longer than 180-days after the date the Department discovered the misconduct or use of force, or allegation of misconduct or use of force, by a person authorized to initiate an investigation.
        b. Thirty days after the close of any criminal investigation related to the officer's use of force.

## 1013.10.1 NOTICE OF DELAY OF DISCLOSURE OF RECORDS

When there is justification for delay of disclosure of records or information relating to an incident described in paragraph 1 of Penal Code § 832.7(b), Amended by Senate Bill 16, effective January 1, 2022,, the Administrative Captain shall provide written notice of the reason for the delay to the requester as follows ( Penal Code § 832.7):

a. When disclosure is delayed for up to 60 days from the date the or misconduct or use of force occurred or until the district attorney determines whether to file criminal charges related to the use of force, whichever occurs sooner, the Department shall provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.
b. When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals, the Department shall provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

a. When the criminal proceeding is against someone other than the officer who used force and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about the misconduct or use of force by the officer(s).

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In cases where an action to compel disclosure is brought pursuant to Government Code §6258, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)(A)(iv)).

## 1013.11 NOTICE TO OFFICERS OF A PUBLIC RECORDS ACT REQUEST UNDER PENAL CODE § 832.7

Any officer whose name or actions are documented in records sought pursuant to a CPRA request under Penal Code § 832.7 will receive a notification from the Administrative Captain that a CPRA request has been made for such records. Notifications to the officer will be accomplished through Department email and telephonic communication (including text messaging), or the U.S. Mail if the officer does not have a Department email and current telephone number on file with the Department. The notification will be made within five (5) working days after receipt of the request.

Prior to the release of any records from the officer's personnel file, Internal Affairs file, or from an investigation into an officer's conduct under the San Mateo County OICI Protocol, the officer will be notified of the pending release. Notification to the officer will be made no later than eight

(8) days prior to the intended release date and will be accomplished through Department email and telephonic communication (including text messaging), or the U.S. Mail if the officer does not have a Department email and current telephone number on file with the Department. Officers affected by the release of information will be provided an exact copy of the releasable records to be provided to the CPRA requester. Exception: The Department has no control over the release of criminal investigations conducted under the protocols of Assembly Bill 1506, and includes no advance notification requirement to the Department when investigations are released to the public through a public release of information determined appropriate by the California Department of Justice (DOJ), Division of Law Enforcement (DLE), California Police Shooting Investigation Teams (CaPSIT).

The above notification process will apply each time a CPRA request under Penal Code § 832.7 is made during the time that the member is employed by the City, plus five years past the date of separation from employment.

## 1013.12 REVISIONS

Revised December 2023

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# Employee Commendations

## 1014.1 PURPOSE AND SCOPE

The Redwood City Police Department is a service-oriented organization. Yet, the nature of the service which we provide to the community often involve intense danger, emotions, stress, and complexity. Therefore, when personnel succeed in providing our services under such circumstances it is the policy of this department to recognize them for their efforts. The following guidelines are established to assist supervisors and managers in commending personnel.

## 1014.2 WHO MAY MAKE COMMENDATIONS

A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank. Additionally, investigating officers may recommend commendation for uniformed officers for exceptional assistance in investigative functions, with approval from the investigator's supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation. Nominations for any departmental awards may be made by any Department member via Memorandum routed through the chain of command to the Office of the Chief of Police.

## 1014.3 EMPLOYEE AWARD NOMINATION PROCEDURE

Nominations for any departmental award may be made by any Department member via Memorandum routed through the chain of command to the Office of the Chief of Police. Supervisors and managers will use the following classifications and guidelines for issuing commendations to officers:

**Medal of Valor:**

The Medal of Valor is awarded to an officer who performs an act of true valor or heroism beyond the call of duty and the officer used sound judgment in accordance with the high standards of the Redwood City Police Department.

**Purple Heart Medal:**

The Purple Heart Medal is awarded to an officer who receives a serious wound or injury while in the line of duty where the officer used sound judgment in accordance with the high standards of the Redwood City Police Department. The medal may be awarded posthumously.

**Life Saving Medal:**

The Life Saving Medal is awarded to an officer who performs an exemplary act under emergency conditions wherein a service is rendered that result directly in sustaining a human life.

**Police Officer of the Year:**

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*Employee Commendations*

The Police Officer of the Year Award is presented annually to an officer who embodies a high moral character and demonstrates exemplary performance in all areas of police work, and strives to help the community. The award will be given to an officer for performing meritorious police work for a specific event or day-to-day excellence.

**Professional of the Year:**

The Professional of the Year Award is presented annually to an employee who embodies a high moral character and demonstrates exemplary performance in all areas of their work, and strives to help the community. The award will be given to an employee for performing meritorious work for a specific event or day-to-day excellence in support of the Department.

**Outstanding Police Duty Award:**

- The Outstanding Police Duty Award will be presented to members of the Department for outstanding police service accomplishments in the following categories:
- Any officer for an outstanding arrest on or off duty.
- Any Department member for an outstanding arrest or solution of crime through follow-up investigation.
- Outstanding Community Service.

**Stephen Wagstaffe Prosecutor of the Year Award:**

The Stephen Wagstaffe Prosecutor of the Year Award is presented annually to a prosecutor who has performed his or her duties with outstanding job performance, enthusiasm, teamwork and integrity. Additionally, this award acknowledges exemplary work by the nominee in the pursuit of justice and promoting and maintaining a positive working relationship with members of the Redwood City Police Department.

Distinguished Citizen Award:

The Distinguished Citizen Award is presented annually to a member of the community who distinguish themselves by assisting the Redwood City Police Department in protecting and serving the citizens of Redwood City. This award acknowledges exemplary work by the citizen in the pursuit of justice by providing assistance to members of the Redwood City Police Department or for outstanding community service to the citizens of Redwood City.

## 1014.4 REVISIONS

Reviewed July 2020

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# Fitness for Duty

## 1015.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

## 1015.2 EMPLOYEE RESPONSIBILITIES

a. It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

b. Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

c. During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.

d. Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

## 1015.3 SUPERVISOR RESPONSIBILITIES

a. A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
b. Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
c. In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
d. In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his /her duties.
e. The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

## 1015.4 NON-WORK RELATED CONDITIONS

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Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

## 1015.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

a. A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.
b. The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

## 1015.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

a. Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.

b. The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).

c. In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

d. All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.

e. Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview,

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tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

f. Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

## 1015.7 LIMITATION ON HOURS WORKED

Absent exceptional circumstances or emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

## 1015.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal.

## 1015.9 REVISIONS

Reviewed July 2020

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# Meal Periods and Breaks

## 1016.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

### 1016.1.1 MEAL PERIODS

Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall advisethe Communications Center when taking taking a meal period. Uniformed officers will advised the Dispatch Center of the location of their meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed of 30 minutes.

### 1016.1.2 BREAKS

Each employee is entitled to a 20 minute break, near the mid point, for each four-hour work period. Only one 30 minute break shall be taken during a shift. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Employees normally assigned to the police facility shall remain in the police facility for their breaks. This would not prohibit them from taking a break outside the facility if on official business.

Field officers will take their breaks within the city limits, subject to call and shall monitor their radios. Field officers will notify the Dispatcher Center of the location they are taking their break.

## 1016.2 REVISIONS

Revised July 2020

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# Lactation Breaks

## 1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding reasonable accommodations for lactating members (Labor Code § 1034).

## 1017.2 POLICY

It is the policy of the Redwood City Police Department to provide, in compliance with federal and state law, reasonable accommodations for lactating members. This includes break time and appropriate facilities to accommodate any member desiring to express breast milk for the member's nursing child (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1030).

## 1017.3 LACTATION BREAK TIME

A rest period should be permitted each time the member requires a lactation break (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify the dispatcher or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

## 1017.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the member's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view, free from intrusion from coworkers and the public, and otherwise satisfy the requirements of federal and state law (29 USC § 218d; 42 USC § 2000gg-1; 29 CFR 1636.3; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

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Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

## 1017.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member's shift ends.

### 1017.5.1 STATE REQUIREMENTS

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

## 1017.6 REVISIONS

Revised May 2024

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# Time Card Procedures

## 1018.1 PURPOSE AND SCOPE

Payroll records are submitted to Administrative Services on a bi-weekly basis for the payment of wages.

### 1018.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

### 1018.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis usually on Friday with certain exceptions such as holidays. Payroll records shall be completed, entered and submitted to Administrative Services no later than 8:00 a. m. on the Monday morning of the following pay period, unless specified otherwise.

## 1018.2 RECORDS

The Administrative Services Division Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

## 1018.3 REVISIONS

Revised July 2020

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# Overtime Compensation Requests

## 1019.1 PURPOSE AND SCOPE

It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must account for any requested overtime on their bi-weekly timesheet. Overtime work will be approved by the employee's immediate supervisor prior to that employee engaging in such work, unless such work is required to complete tasks associated to the employee's regular work shift.

### 1019.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked. Overtime work will be approved by the employee's immediate supervisor prior to that employee engaging in such work, unless such work is required to complete tasks associated to the employee's regular work shift.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee's total accumulation of compensatory time may not exceed 80 hours. Any exceptions permitted under the MOU will be observed.

## 1019.2 ACCOUNTING FOR OVERTIME WORKED

Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime).

### 1019.2.1 ACCOUNTING FOR PORTIONS OF AN HOUR

When accounting for less than a full hour, time worked shall be rounded up to the nearest tenth of an hour as indicated by the following chart:

| TIME WORKED | INDICATE ON TIME SHEET AND TIME CARD |
|---|---|
| 1 to 6 minutes | .1 |
| 7 to 12 minutes | .2 |
| 13 to 18 minutes | .3 |

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| | |
|---|---|
| 19 to 24 minutes | .4 |
| 25 to 30 minutes | .5 |
| 31 to 36 minutes | .6 |
| 37 to 42 minutes | .7 |
| 43 to 48 minutes | .8 |
| 49 to 54 minutes | .9 |
| 55 to 60 minutes | 1 hour |

1019.2.2 VARIATION IN TIME REPORTED

Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

## 1019.3 REVISIONS

Reviewed July 2020

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# Outside Employment

## 1020.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for department employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

### 1020.1.1 DEFINITIONS

**Outside Employment** - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

**Outside Overtime** - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

## 1020.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

### 1020.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

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If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1020.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS

Any outside employment permit may be revoked or suspended under the following circumstances:

a. Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit

b. Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline

c. If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked

d. When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

## 1020.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

a. Involves the employee's use of department time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage.

b. Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department.

c. Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department.

d. Involves time demands that would render performance of the employee's duties for this department less efficient.

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## *Outside Employment*

### 1020.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

a. The applicant will be required to enter into an indemnification agreement prior to approval.

b. The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

c. Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

    1. The officer(s) shall wear the department uniform/identification.

    2. The officer(s) shall be subject to the rules and regulations of this department.

    3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.

    4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.

    5. Outside security services shall not be subject to the collective bargaining process.

    6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

### 1020.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

### 1020.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

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## 1020.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

### 1020.4.1 REVIEW OF FINANCIAL RECORDS

Employees approved for outside employment expressly agree that their personal financial records may be requested and reviewed/audited for potential conflict of interest (Government Code § 3308; Government Code § 1126). Prior to providing written approval for an outside employment position, the Department may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists. Failure of the employee to provide the requested personal financial records could result in denial of the off-duty work permit. If, after approving a request for an outside employment position, the Department becomes concerned that a conflict of interest exists based on a financial reason, the Department may request that the employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her off-duty work permit may be revoked pursuant to the Revocation/Suspension of Outside Employment Permits section of this policy.

## 1020.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

## 1020.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

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Criteria for revoking the outside employment permit include, but are not limited to, the following:

a. The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.

b. The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

c. The employee’s failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Redwood City Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

## 1020.7 REVISIONS

Reviewed July 2020

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# On Duty Injuries

## 1021.1 PURPOSE AND SCOPE

The purpose of this policy is to provide for the reporting of on-duty injuries, occupational illnesses, or deaths to Human Resources, to ensure proper medical attention is received, and document the circumstances of the incident.

### 1021.1.1 DEFINITIONS

Definitions related to this policy include:

**Occupational disease or work-related injury** - An injury, disease, or mental health issue arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

## 1021.2 POLICY

The Redwood City Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

### 1021.2.1 INJURIES REQUIRING MEDICAL CARE

All work related injuries and work related illnesses requiring medical care must be reported to Human Resources and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered.

### 1021.2.2 ACCIDENT DEFINED

**Accident -** is defined as any occurrence from which bodily injury or property damage may result, regardless of whether any injury or damage actually does occur (e.g., exposure where no immediate injury is apparent).

### 1021.2.3 EMPLOYEE'S RESPONSIBILITY

Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to be examined/treated by a doctor.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with departmental policies and directives relating to the duty to periodically call in during

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absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Modified duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

### 1021.2.4 SUPERVISOR'S RESPONSIBILITY

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms. Updated copies of forms with instructions for completion provided by Human Resources are kept in the Sergeant's office.

For work-related accidents, injuries or illness not requiring professional medical care, a Human Resources Incident Report form will be completed. A copy of the Incident Report should be provided to the employee.

When an accident, injury, or illness is reported initially on the Human Resources Incident Report form and the employee subsequently requires professional medical care, the State of California Employer's Report of Occupational Injury or Illness form and Human Resources 5020 form shall then be completed.

An Injured employee must be provided with an Employee's Claim for Workers' Compensation Benefits Form (DWC-1) within 24 hours. The employee is required to fill out and sign this form.

Copies of any reports documenting the accident or injury should be forwarded to the Division Commander as soon as they are completed.

Supervisors receiving doctor’s notes or initial medical reports relating to any on-duty injury will forward a scanned copy to the analysts assigned to manage the Worker’s Compensation program in the Human Resources Department the same work day as they are received. Originals will be sent to Human Resources Department via interoffice mail on the same work day they are received. Documentation emanating from a treating medical source associated to any Worker’s Compensation case will not be stored at the Police Department. To forward scanned documentation to the Human Resources Department, supervisors will adhere to the following procedure:

- Scan all doctor's notes, worker's compensation forms and other worker's compensation documents using any of the copy machines in Records, Investigations or Administration
- Send the scanned doctor's note or worker's compensation form to the email group "PD WCADMIN" (This group includes the Human Resources employees who are tasked as analysts assigned to manage the Worker's Compensation Program)

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### 1021.2.5 DIVISION COMMANDER RESPONSIBILITY

The Division Commander receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken.

### 1021.2.6 CHIEF OF POLICE RESPONSIBILITY

The Chief of Policewill be made aware of work related injuries or illnesses. The Chief of Police or designee will provide Human resources with necessary forms and reports.

## 1021.3 SETTLEMENT OF INJURY CLAIMS

Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City, and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed:

### 1021.3.1 EMPLOYEE TO REPORT INITIAL CONTACTS

When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to bring this to the attention of the Administrative Captain as soon as possible.

### 1021.3.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Administrative Captain with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing such written notice to the Administrative Captain. The purpose of such notice to permit the City to determine whether or not the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.

## 1021.4 REVISIONS

Revised August 2020

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# Presence at Work While on Temporary Disability Leave

## 1022.1 PRESENCE AT REDWOOD CITY POLICE FACILITIES

When a department member is placed off work due to a temporary disability status due to a work-related or off-duty injury, and modified/light duty is not offered to the member, he/she will not be present at any Redwood City Police facilities without the prior approval of a representative of the Human Resources Department, or a Department member holding the rank of lieutenant or above.Any member granted such authorization will remain at the police facility for only that time that is necessary to complete any required business.

## 1022.2 EXTRAORDINARY OR ANCILLARY ACTIVITIES

Department members who seek to, or must attend extraordinary or ancillary Department-sponsored activities such as promotional examinations or special trainingwill immediately advise the Human Resources Department and obtain authorization to attend such events.Authorization may hinge on medical evaluation and clearance, as directed by the Human Resources Department.

## 1022.3 COURT APPEARANCES

Department members who, while on temporary disability leave, are subpoenaed to attend court for matters arising from their official duties shall notify the Administrative Services Captain. Being on temporary disability leave does not relieve a department member from complying with a legally valid subpoena. The Administrative Services Captain will coordinate with the Human Resources Department and the entity issuing the subpoena to make arrangements for an appearance or a continuation of the case, depending on the circumstances and urgency, or lack thereof, of the case to move forward.

## 1022.4 REVISIONS

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# Personal Appearance Standards

## 1023.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

## 1023.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

### 1023.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

### 1023.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

### 1023.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

### 1023.2.4 FACIAL HAIR

Facial hair in the form of a groomed and maintained goatee, or beard may be worn by all department personnel, including volunteers. The beard shall be no longer than one-half (1/2) inch in length. The beard must be evenly and neatly trimmed, of natural color of the department member and must not extend beyond the normal contours of the face. Distinct cheek and neck lines are mandatory. All beards will be worn in a manner that reflects a professional image on the department while in civilian attire and uniform. This appearance standard shall not apply to sworn personnel whose current assignment would not deem them appropriate or where the Chief of Police or their designee has granted an exception.

The Chief of Police or their designee shall make the final determination as to whether the department members facial hair conforms with this policy. This policy may be rescinded or modified at any time by the Chief of Police.

### 1023.2.5 FINGERNAILS

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Fingernails shall be appropriately groomed.

1023.2.6 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

a. Necklaces shall not be visible above the shirt collar.
b. Earrings shall be small and worn only in or on the earlobe.
c. One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.
d. One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.
e. Wristwatches shall be conservative and present a professional image.
f. Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

## 1023.3 TATTOOS

Employees may display markings including tattoos, body art, and branding while on duty or representing the department in an official capacity on arms and/or legs. Employees shall not visibly display markings on the following body parts/areas:

a. Head
b. Neck
c. Ears
d. Mouth
e. Scalp
f. Face
g. Hands (exception: wedding band tattoo on ring finger)

Markings detrimental to good order are prohibited from visibility. Markings considered inappropriate by the Chief of Police are not permitted to be visible. Inappropriate markings include, but not limited to, sexual, discriminatory, gang-related, violent, obscene, racist, or sexist language or imagery.

Any markings that imply a bias against any individual based on a protected category under federal or state antidiscrimination laws, including race or ethnicity, gender, nationality, religion, disability, or sexual orientation, will cause the employee to be subject to disciplinary action, up to and including termination. No group, shift, assignment, team or other collection of employees, may display the same markings if the theme message, content or mere existence as a group marking is viewed by the Chief of Police or their designee to be in conflict with our mission, professional image or otherwise in violation with any other part of this policy.

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Employees are encouraged to consider the impact that such group tattoos may have upon their image, testimony in official proceedings, and upon our role as an unbiased law enforcement organization.

Markings displayed while in an official capacity during high profile public events shall be up to the discretion of the employee's Division Commander.

Current employees wanting to display markings on their arms and/or legs will take photos of their current markings and submit a memo to the Chief of Police. The employee will also meet with the Chief or their designee to review the markings prior to authorization to display such markings while on duty.

Employees are encouraged to submit designs for new markings to the Chief of Police via the Chain of Command when they are planning on additional markings or there is doubt about compliance with this policy. Prospective employees shall include information on all markings in their application packet to ensure none are prohibited by this policy.

The Chief of Police or their designee shall make the final determination as to whether markings conform with this policy. This policy may be rescinded or modified at any time by the Chief of Police.

## 1023.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

a. Tongue splitting or piercing.
b. The complete or transdermal implantation of any material other than hair replacement.
c. Abnormal shaping of the ears, eyes, nose or teeth.
d. Branding or scarification.

## 1023.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

## 1023.6 REVISIONS

Revised September 2023

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# Uniform Regulations

## 1024.1 PURPOSE AND SCOPE

The Redwood City Police Department strives to maintain an excellent public image as well as consistency in the wearing of the police uniform and related equipment. Each uniformed employee serves as a direct representative of this department and their neat and professional appearance is essential to our goal. Employees shall wear clean and pressed uniforms in good repair. All uniforms and equipment worn by the employee will consist only of those items listed within this policy and no exceptions or additional items are permitted without written approval of the Chief of Police or his/her designee.

The uniform policy of the Redwood City Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Department Owned and Personal Property

Body Armor

Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Redwood City Police Department will provide uniforms for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

## 1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

a. Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.
b. All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.
c. Personnel shall wear only the uniform specified for their rank and assignment (Penal Code § 13655).
d. The uniform is to be worn in compliance with the specifications set forth in the department’s uniform specifications that are maintained separately from this policy.

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e. All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.
f. Civilian attire shall not be worn in combination with any distinguishable part of the uniform.
g. Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.
h. If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.
i. Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.
j. Mirrored sunglasses will not be worn with any Department uniform.
k. Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.
    1. Wrist watch
    2. Wedding ring, class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
    3. Medical alert bracelet

### 1024.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

a. Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

b. Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.

## 1024.3 UNIFORM CLASSES

### 1024.3.1 CLASS A UNIFORM

a. The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:
    1. Long sleeve shirt with tie.
    2. Uniform Pants
    3. Polished shoes or boots.
b. Alternative Class A uniform.
c. Class A uniform with:

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1. Ike Jacket
2. Dress Cap (Optional)
3. Utility belt to minimally include: firearm, extra ammunition, handcuffs

Boots with pointed toes are not permitted.

1024.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

a. The long or short sleeve shirt may be worn with the collar open. No tie is required
b. A black crew neck t-shirt must be worn with the uniform
c. All shirt buttons must remain buttoned except for the last button at the neck
d. Shoes for the Class B uniform may be as described in the Class A uniform
e. Approved all black unpolished shoes may be worn
f. Boots with pointed toes are not permitted

1024.3.3 CLASS C UNIFORM

The Class C uniform may be established to allow field personnel cooler clothing during the summer months or special duty. The Chief of Police will establish the regulations and conditions for wearing the Class C Uniform and the specifications for the Class C Uniform.

1024.3.4 SPECIALIZED UNIT UNIFORMS

The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

1024.3.5 FOUL WEATHER GEAR

The Uniform and Equipment Manual lists the authorized uniform jacket, rain gear and foul weather uniform.

## 1024.4 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

a. All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.
b. All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style.

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c. All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.
d. The following items shall not be worn on duty:
    1. T-shirt alone
    2. Open toed sandals or thongs
    3. Swimsuit, tube tops, or halter-tops
    4. Spandex type pants or see-through clothing
    5. Distasteful printed slogans, buttons or pins
e. Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.
f. No item of civilian attire may be worn on duty that would adversely affect the reputation of the Redwood City Police Department or the morale of the employees.

## 1024.5 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

a. Any of the items listed in the Uniform and Equipment Manual as optional shall be purchased totally at the expense of the employee.
b. Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.
c. Replacement of items listed in this order as optional shall be done as follows:
    1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
    2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

### 1024.5.1 RETIREE BADGES

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Redwood City Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words “Honorably Retired” clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Redwood City Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

## 1024.6 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Redwood City Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Manual or by the Chief of Police or designee.

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Redwood City Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Manual or by the Chief of Police or designee.

## 1024.7 REVISIONS

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# Police Cadets

## 1025.1 PURPOSE AND SCOPE

Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

## 1025.2 EDUCATION REQUIREMENTS

Cadets are required to be enrolled in high school as a Freshman or higher and must maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Cadets that have a high school diploma or G. E.D. will have met the education requirement for the Cadet Program. Cadets must pass a thorough background check prior to joining the Cadet Program. Criminal history and/or perpetual truancy can be immediate disqualifies.

## 1025.3 PROGRAM COORDINATOR

The Program Coordinator will be selected by the Chief of Police or designee. This coordinator will be responsible for tracking the educational and job performance of cadets as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all cadets and review all decisions affecting job assignments, status for compensation, school attendance and performance evaluations.

### 1025.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual officers to serve as advisors for the Cadet Program. These officers will serve as mentors for each cadet. Cadets will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the cadets. Multiple cadets may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

## 1025.4 ORIENTATION AND TRAINING

Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

## 1025.5 CADET UNIFORMS

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Each cadet will be provided two uniforms meeting the specifications described in the Uniform Manual for civilian employees.

## 1025.6 ROTATION OF ASSIGNMENTS

Rotating job assignments may occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Patrol Lieutenant.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

## 1025.7 RIDE-ALONG PROCEDURES

All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Watch Commander. Applicable waivers must be signed in advance of the ride-along. Cadets shall wear their uniform while participating on a ride-along.

## 1025.8 PERFORMANCE EVALUATIONS

Cadet Advisors are encouraged to complete periodic performance evaluations for all cadets. These evaluations shall assess their current job performance, school performance, and their potential for a career in law enforcement.

## 1025.9 SPECIAL OPERATIONS

Cadets may be asked to participate in special operations such as decoy operations. Cadets shall be accompanied by a Redwood City Police Department employee at all times. cadets must be 16 years or older to participate.

## 1025.10 REVISIONS

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# Nepotism and Conflicting Relationships

## 1026.1 PURPOSE AND SCOPE

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

### 1026.1.1 DEFINITIONS

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

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

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

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

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

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

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

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

## 1026.2 RESTRICTED DUTIES AND ASSIGNMENTS

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

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

    1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

    2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

b. Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

c. Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

d. To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

e. Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

### 1026.2.1 EMPLOYEE RESPONSIBILITY

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

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

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### 1026.2.2 SUPERVISOR'S RESPONSIBILITY

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

## 1026.3 REVISIONS

Reviewed July 2020

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# Department Badges

## 1027.1 PURPOSE AND SCOPE

The Redwood City Police Department badge and uniform patch as well as the likeness of these items and the name of the Redwood City Police Department are property of the Department and their use shall be restricted as set forth in this policy.

## 1027.2 POLICY

The uniform badge shall be issued to department members as a symbol of authority and the use and display of department badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

### 1027.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of department policy as the uniform badge.

a. An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Redwood City Police Department with the written approval of the Chief of Police.

b. Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he /she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.

c. An honorably retired officer may keep his/her flat badge upon retirement.

d. The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

### 1027.2.2 NON-SWORN PERSONNEL

Badges and department identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Control, Dispatcher).

a. Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

b. Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

### 1027.2.3 RETIREE UNIFORM BADGE

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Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

## 1027.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

## 1027.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

a. The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Redwood City Police Department. The following modifications shall be included:

    1. The text on the upper and lower ribbons is replaced with the name of the employee association.

    2. The badge number portion displays the acronym of the employee association.

b. The likeness of the department badge for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

## 1027.5 REVISIONS

Reviewed July 2020

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# Temporary Modified-Duty Assignments

## 1028.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding, or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

## 1028.2 POLICY

Subject to operational considerations, the Redwood City Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Department with a productive employee during the temporary period.

## 1028.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Redwood City Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle, engaging in outside employment, or being otherwise limited in employing their peace officer powers.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties. If the injury or illness is non-duty related the employee shall be given the option to either accept the position, if available or continue to draw on applicable sick leave or other leave accounts as applicable.

a. If an employee cannot adequately perform in a modified-duty assignment, such assignment may be modified or terminated.

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b. The lack of Department need or a change in priorities may result in the employee's removal from or modification of a modified-duty assignment.
c. The Department may place conditions as deemed appropriate upon any modified-duty assignment.

## 1028.4 PROCEDURE

Employees may request a temporary modified-duty assignment or could be assigned a modified duty assignment for a work related injury or illness if approved by their treating physician for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should contact the Administrative Captain.. The request should, as applicable, include a certification from the treating medical professional containing:

a. An assessment of the nature and probable duration of the illness or injury.
b. The prognosis for recovery.
c. The nature and scope of limitations and/or work restrictions.
d. A statement regarding any required workplace accommodations, mobility aids or medical devices.
e. A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Administrative Captain will confer with the Department of Human Resources to make sure modified duty is appropriate for the employee.

## 1028.5 ACCOUNTABILITY

Employees who are assigned to modified duty will be reassigned to the Administrative Division under the direction of the Administrative Division Commander. The Administrative Division Commander will assign the employee on modified duty to any unit within the Department where a need has been identified and the assigned work can be accomplished by the employee in accordance with their modified duty limitations established by their physician. The unit supervisor where the modified duty employee is assigned will be the employee's immediate supervisor during the assignment and will be responsible for day-to-day supervision of the employee while that employee is assigned to them. The employee's supervisor shall ensure proper time accountability. The following additional framework will apply to all modified duty assignments:

a. Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work-related shall be arranged during off-duty time or otherwise charged to the employee's sick leave.
b. Employees shall promptly submit a status report for each visit to their treating health care provider and shall immediately notify their supervisor and the Administrative Division Commander of any change in restrictions or limitations as determined by their health care provider. An employee

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assigned to a modified duty assignment shall provide a duty status report to the Administrative Division Commander and supervisor no less than once every 30 days while the employee is on modified duty.

c. When it is determined that an employee on modified duty will return to regular duty, the Administrative Division Commander shall notify the employee's Division Commander. All training and certification necessary for return to duty shall be reviewed and updated as necessary by the employee's regular division commander.

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate department operations and the employee's medical appointments, as mutually agreed upon with the Division Commander.

## 1028.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

## 1028.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Government Code § 12945).

### 1028.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City’s personnel rules and regulations regarding family and medical care leave.

## 1028.8 MAINTENANCE OF CERTIFICATION AND TRAINING

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Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

## 1028.9 REVISIONS

Revised August 2020

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# Fallen Officer Remembrance

## 1029.1 FALLEN OFFICERS

In the history of the Redwood City Police Department, there have been two officers killed in the line of duty, **Officer Herman Graham Fleishman** and **Sergeant George Leon Garrett, Jr** and the line of duty death of Officer **Gerardo A. Silva**.

To honor these officers for having paid the ultimate sacrifice while serving the community, flags will be flown at half staff and *all* on-duty sworn members of the Police Department will wear Class A uniforms on the anniversary dates of the line of duty deaths.

Additionally, the following is to be read by the highest ranking command officer present at all briefings on the appropriate anniversary dates:

**Officer Herman Graham Fleishman  Tour of Duty: 1927 - January 22, 1939**

On Sunday, January 22, 1939, at about 2:15 AM, Officer Fleishman was working patrol when he observed a car speeding about 60 miles per hour along El Camino Real. Fleishman and his partner, Special Officer Mark Ryan gave chase and pursued the car north on El Camino Real from Five Points into the City of San Carlos, where it was stopped near Brittan Avenue.  The driver, George Devin, stopped the car in the number two lane and Fleishman pulled the patrol car off the right side of the road behind Devin's car. The two were standing behind Devin's car as Fleishman was issuing a citation. A call on the police radio summoned Officer Ryan to the patrol car. Seconds later, a crash to the rear of the violator's car pinned Fleishman and Devin between the two cars. Fleishman's left leg and both of Devin's legs were sheared off. It was reported that after the accident, Fleishman attempted to get up from the pavement and crawled to Devin's side to give him first aid. He then reportedly directed Officer Ryan to issue a citation to the driver of the car that hit them.

The impact sent Devin's car more than 200 feet across the highway (El Camino Real), over a curb, and into a vacant lot. Fleishman and Devin were rushed to Mills Memorial Hospital where they died of their injuries just before noon. The driver of the other vehicle, Robert Lee, was charged with negligent homicide.

Officer Fleishman is the only officer killed in an on-duty collision in the department's history. Forty two years old, Fleishman was survived by his wife and two daughters. In July 1939, city officials dedicated Fleishman Park in his honor. On this date, January 22nd, the anniversary of his death, we remember and honor our Brother Officer, Herman Fleishman.

**Sergeant George Leon Garrett, Jr.  Tour of Duty:1973 - May 8, 1981**

On Friday, May 8, 1981, at 12:04 PM, Redwood City Dispatch received a phone call advising of a possible bomb threat inside Bank of America located at 110 California Street. The call was followed by a silent alarm activation two minutes later. Four plain clothes officers from the Vice/Intelligence/Narcotics unit

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responded to the bank from the police department which was then located at 1020 Middlefield Road. Sergeant George Garrett arrived first and entered the bank through the Winklebleck Street doors. Business appeared to be normal. Detective Dale Switzer arrived in another car with Detective Ron Brooks and the driver, Detective Robert Peele. Detective Switzer went in the El Camino doors followed seconds later by Detective Brooks. Detective Peele parked the car and notified dispatch of their arrival. The bank was crowded with customers. Sergeant Garrett walked to the desk of the branch manager, Sylvia Harris, where another man was sitting. Garrett put his hand on the man's shoulder, asked him how he was doing, and the man immediately pulled a gun from his waistband. As he did so, Garrett reached across the desk and pushed Miss Harris out of the line of fire as he was reaching for his own gun. The man jumped up and shot Garrett once between the eyes and once in the chest. The suspect started to walk away as Switzer ran toward him. Switzer and Brooks opened fire on the suspect with Switzer killing him. As the shots rang out, Peele entered the bank from El Camino side and was told by Brooks to summon an ambulance. As Peele ran out the Winklebleck side doors (detectives did not have portable radios at that time), he was mistaken for a suspect and shot twice in the arm by patrol officers who had responded to the bank.

The funeral for Sergeant Garrett was attended by 1,400 guests, most of which were police officers in full dress uniform. He was buried at Skyline Memorial Park. He was portrayed as a hero who took the time to shove a bank employee out of the line of fire before turning to face the robber. He was praised for his extensive work with the community's youth, having given narcotics presentations to various school and public groups on his own time.

The suspect was identified as Raleigh Porche, age 36. Porche was an ex-convict released in a Mexican prisoner exchange program. He was later connected to two other bank robberies.

Sergeant Garrett is the only officer murdered in the line of duty in the department's history. Thirty nine years old, Garrett was survived by his wife, who was eight months pregnant with their first child. Nineteen days after his murder, his daughter Nicole was born. In July 1981, city officials dedicated George L. Garrett Junior Memorial Park in his honor. On this date, May 8th, the anniversary of his death, we remember and honor our Brother Officer, George Garrett.

**Officer Gerardo A. Silva  Tour of Duty: March 15, 1999 - January 20, 2017**

Officer Silva began his patrol shift on Friday, January 20, 2017, at 0600 hours.  At 0857 hours, Officer Silva was dispatched to the front lobby of the police station to meet the victim of a property theft and conduct an investigation.  When Officer Silva did not return to service after an extended period of time, a search for his whereabouts began.  Dispatchers and Supervisors called him on the radio and checked the GPS location of his assigned patrol vehicle.  When the search revealed Officer Silva's  patrol vehicle was parked at the police department a physical search of the police facility for Officer Silva was initiated.  At 1240 hours, searchers discovered  the door to the second floor single-use bathroom locked and no response was received from inside. The door was forced open and Officer Silva was found unresponsive on the floor.  Officers initiated immediate life-saving efforts, to include CPR and the use of an automatic external defibrillator.  Redwood City Fire Department and emergency medical personnel arrived and began advanced life support measures.  Officer Silva was transported via ambulance to Kaiser Hospital in

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Redwood City where he continued to receive advanced medical treatment in the Emergency Room. Despite the extensive efforts of all personnel involved, Officer Silva died at 1330 hours.

Officer Silva began his career with the Redwood City Police Department as a Reserve Police Officer in 1993. He served briefly as a Parking Enforcement Officer before being hired as a full-time sworn Police Officer in 1999. Officer Gerardo Silva will always be remembered for his perpetual kindness, his easy-going and good natured demeanor, and especially for his tremendous devotion to the community in which he lived and served. Officer Silva is survived by his wife, daughters, and additional family members. On this date, January 20, the anniversary of his death, we remember and honor our Brother Officer, Gerardo Silva.

## 1029.2 REVISIONS

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# Use of Police Facilities as Living Quarters

## 1030.1 USE OF POLICE FACILITIES AS LIVING QUARTERS

There are areas within the police facility that are capable of being used for overnight lodging.They are intended to be used by department members to rest immediately before, between, or after work shifts or assignments to ensure personnel are properly rested before coming on-duty or driving home after having worked..

Department members are not permitted to utilize any area of the police building or outbuilding to sleep without prior permission from the Office of the Chief of Police.

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# Department Use of Social Media

## 1031.1 PURPOSE AND SCOPE

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

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

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

### 1031.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

## 1031.2 POLICY

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

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

## 1031.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise.

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

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

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## 1031.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and that conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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

Authorized members shall review all content prior to posting to ensure that the posting does not contain prohibited content.

1031.4.1 INCIDENT-SPECIFIC USE

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

## 1031.5 PROHIBITED CONTENT

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

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

Any member who becomes aware of content on this department’s social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor who will contact a member of the social media team to have the item removed.

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1031.5.1 PUBLIC POSTING PROHIBITED

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

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

## 1031.6 RETENTION OF RECORDS

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

## 1031.7 TRAINING

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

## 1031.8 REVISIONS

Revised August 2020

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# Speech, Expression, and Social Networking

## 1032.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of member speech and expression with the needs of the Redwood City Police Department.

This policy applies to all forms of communication including but not limited to digital media, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit a member from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, about matters of public concern, such as misconduct or corruption.

Members are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

### 1032.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

## 1032.2 POLICY

Members of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the Redwood City Police Department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that members of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Department will carefully balance the individual member's rights against the needs and interests of the Department when exercising a reasonable degree of control over its members' speech and expression.

## 1032.3 SAFETY

Members should carefully consider the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of Redwood City Police Department members, such as posting personal information in a public forum or posting a photograph

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taken with a Global Positioning System (GPS)-enabled camera, can result in compromising a member's home address or family ties. Members should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any member, a member's family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

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

## 1032.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the safety, performance, and public-trust needs of the Redwood City Police Department, the following are prohibited unless the speech is otherwise protected (e.g., a member speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or an employee group, on a matter of public concern):

a. Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members.
b. Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Department or its members. Examples may include:
    1. Statements that indicate disregard for the law or the state or U.S. Constitutions.
    2. Expression that demonstrates support for criminal activity.
    3. Participation in sexually explicit photographs or videos for compensation or distribution.
c. Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the member as a witness. For example, posting to a website statements or expressions that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.
d. Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the members of the Department (e.g., a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing members by informing criminals of details that could facilitate an escape or attempted escape).
e. Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Department.
f. Use or disclosure, through whatever means, of any information, photograph, digital media, or other recording obtained or accessible as a result of employment or appointment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.
g. Posting, transmitting, or disseminating any photographs, digital media, or audio recordings, likenesses, or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the Redwood City Police Department on any

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personal or social networking or other website or web page, without the express authorization of the Chief of Police.

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

### 1032.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While members are not restricted from engaging in the following activities as private citizens or as authorized members of recognized bargaining units or employee groups, members may not represent the Redwood City Police Department or identify themselves in any way that could be reasonably perceived as representing the Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

a. Endorse, support, oppose, or contradict any political campaign or initiative.
b. Endorse, support, oppose, or contradict any social issue, cause, or religion.
c. Endorse, support, or oppose any product, service, company, or other commercial entity.
d. Appear in any commercial, social, or nonprofit publication; or any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that a member, acting in their individual capacity or through an outside group or organization, including as an authorized member of a recognized bargaining unit or an employee group, is affiliated with this department, the member shall give a specific disclaiming statement that any such speech or expression is not representative of the Redwood City Police Department.

Members retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of recognized bargaining units or employee groups, on political subjects and candidates at all times while off-duty. However, members may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Members are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another member to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

## 1032.5 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site, including social media, that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department should not require a member to disclose a personal user name or password for accessing personal social media or to open a personal social website.

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## 1032.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or the authorized designee should consider include:

a. Whether the speech or conduct would negatively affect the efficiency of delivering public services.
b. Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.
c. Whether the speech or conduct would reflect unfavorably upon the Department.
d. Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of their duties.
e. Whether similar speech or conduct has been previously authorized.
f. Whether the speech or conduct may be protected and outweighs any interest of the Department.

## 1032.7 SOCIAL MEDIA ACTIVITIES - RETENTION OF RECORDS

During the course of social media activities, employees who record or in any way obtain digital images, audio or video recordings at the scene of any arrest, or detention that may later result in a criminal filing, must treat such recordings as evidence. Accordingly, all such items must be logged into evidence following the same procedures as an officer would when seizing evidence in any other case. All such recordings will be thoroughly documented in a corresponding police report to include all pertinent information such as date/time seized, exact location and a description of recordings. All text logs associated to the social media event, such as posts, should be printed and logged into evidence.

## 1032.8 TRAINING

Subject to available resources, the Department should provide training regarding the limitations on speech, expression, and use of social networking to all members of the Department.

## 1032.9 REVISIONS

Revised May 2024

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# Wellness Program

## 1033.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on establishing and maintaining a proactive wellness program for department members.

The wellness program is intended to be a holistic approach to a member's well-being and encompasses aspects such as physical fitness, mental health, and overall wellness.

Additional information on member wellness is provided in the:

- Chaplains Policy.
- Line-of-Duty Deaths Policy.
- Drug- and Alcohol-Free Workplace Policy.

### 1033.1.1 DEFINITIONS

Definitions related to this policy include:

**Critical incident** – An event or situation that may cause a strong emotional, cognitive, or physical reaction that has the potential to interfere with daily life.

**Critical Incident Stress Debriefing (CISD)** – A standardized approach using a discussion format to provide education, support, and emotional release opportunities for members involved in work-related critical incidents.

**Peer support** – Mental and emotional wellness support provided by peers trained to help members cope with critical incidents and certain personal or professional problems.

## 1033.2 POLICY

It is the policy of the Redwood City Police Department to prioritize member wellness to foster fitness for duty and support a healthy quality of life for department members. The Department will maintain a wellness program that supports its members with proactive wellness resources, critical incident response, and follow-up support.

## 1033.3 WELLNESS COORDINATOR

The Chief of Police should appoint a trained wellness coordinator. The coordinator should report directly to the Chief of Police or the authorized designee and should collaborate with advisers (e.g., Department of Human Resources, legal counsel, licensed psychotherapist, qualified health professionals), as appropriate, to fulfill the responsibilities of the position, including but not limited to:

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a. Identifying wellness support providers (e.g., licensed psychotherapists, external peer support providers, physical therapists, dietitians, physical fitness trainers holding accredited certifications).
    1. As appropriate, selected providers should be trained and experienced in providing mental wellness support and counseling to public safety personnel.
    2. When practicable, the Department should not use the same licensed psychotherapist for both member wellness support and fitness for duty evaluations.
b. Developing management and operational procedures for department peer support members, such as:
    1. Peer support member selection and retention.
    2. Training and applicable certification requirements.
    3. Deployment.
    4. Managing potential conflicts between peer support members and those seeking service.
    5. Monitoring and mitigating peer support member emotional fatigue (i.e., compassion fatigue) associated with providing peer support.
    6. Using qualified peer support personnel from other public safety agencies or outside organizations for department peer support, as appropriate.
c. Verifying members have reasonable access to peer support or licensed psychotherapist support.
d. Establishing procedures for CISDs, including:
    1. Defining the types of incidents that may initiate debriefings.
    2. Steps for organizing debriefings.
e. Facilitating the delivery of wellness information, training, and support through various methods appropriate for the situation (e.g., phone hotlines, electronic applications).
f. Verifying a confidential, appropriate, and timely Employee Assistance Program (EAP) is available for members. This also includes:
    1. Obtaining a written description of the program services.
    2. Providing for the methods to obtain program services.
    3. Providing referrals to the EAP for appropriate diagnosis, treatment, and follow-up resources.
    4. Obtaining written procedures and guidelines for referrals to, or mandatory participation in, the program.
    5. Obtaining training for supervisors in their role and responsibilities, and identification of member behaviors that would indicate the existence of member concerns, problems, or issues that could impact member job performance.
g. Assisting members who have become disabled with application for federal government benefits such as those offered through the Public Safety Officers' Benefits Program (34 USC § 10281 et seq.).
    1. The coordinator should work with appropriate department liaisons to assist qualified members and survivors with benefits, wellness support, and counseling services, as applicable, when there has been a member death (see the Line-of-Duty Deaths Policy for additional guidance).

## 1033.4 DEPARTMENT PEER SUPPORT

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### 1033.4.1 PEER SUPPORT MEMBER SELECTION CRITERIA

The selection of a department peer support member will be at the discretion of the coordinator. Selection should be based on the member's:

- Desire to be a peer support member.
- Experience or tenure.
- Demonstrated ability as a positive role model.
- Ability to communicate and interact effectively.
- Evaluation by supervisors and any current peer support members.

### 1033.4.2 PEER SUPPORT MEMBER RESPONSIBILITIES

The responsibilities of department peer support members include:

a. Providing pre- and post-critical incident support.
b. Presenting department members with periodic training on wellness topics, including but not limited to:
    1. Stress management.
    2. Suicide prevention.
    3. How to access support resources.
c. Providing referrals to licensed psychotherapists and other resources, where appropriate.
    1. Referrals should be made to department-designated resources in situations that are beyond the scope of the peer support member's training.

### 1033.4.3 PEER SUPPORT MEMBER TRAINING

A department peer support member should complete department-approved training prior to being assigned.

## 1033.5 CRITICAL INCIDENT STRESS DEBRIEFINGS

A Critical Incident Stress Debriefing should occur as soon as practicable following a critical incident. The coordinator is responsible for organizing the debriefing. Notes and recorded statements shall not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a critical incident.

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 should only include peer support members and those directly involved in the incident.

## 1033.6 PEER SUPPORT COMMUNICATIONS

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Although the Department will honor the sensitivity of communications with peer support members, there is no legal privilege to such communications, unless authorized by law (e.g., peer support communications pursuant to a Law Enforcement Peer Support and Crisis Referral Service Program).

## 1033.7 PHYSICAL WELLNESS PROGRAM

The coordinator is responsible for establishing guidelines for an on-duty physical wellness program, including the following:

a. Voluntary participation by members
b. Allowable physical fitness activities
c. Permitted times and locations for physical fitness activities
d. Acceptable use of department-provided physical fitness facilities and equipment
e. Individual health screening and fitness assessment
f. Individual education (e.g., nutrition, sleep habits, proper exercise, injury prevention) and goal-setting
g. Standards for fitness incentive programs. The coordinator should collaborate with the appropriate entities (e.g., human resources, legal counsel) to verify that any standards are nondiscriminatory
h. Maintenance of physical wellness logs (e.g., attendance, goals, standards, progress)
i. Ongoing support and evaluation

## 1033.8 WELLNESS PROGRAM AUDIT

At least annually, the coordinator or the authorized designee should audit the effectiveness of the department's wellness program and prepare a report summarizing the findings. The report shall not contain the names of members participating in the wellness program, and should include the following information:

- Data on the types of support services provided
- Wait times for support services
- Participant feedback, if available
- Program improvement recommendations
- Policy revision recommendations

The coordinator should present the completed audit to the Chief of Police for review and consideration of updates to improve program effectiveness.

## 1033.9 TRAINING

The coordinator or the authorized designee should collaborate with the Training Sergeant to provide all members with regular training on topics related to member wellness, including but not limited to:

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- The availability and range of department wellness support systems.
- Suicide prevention.
- Recognizing and managing mental distress, emotional fatigue, post-traumatic stress, and other possible reactions to trauma.
- Alcohol and substance disorder awareness.
- Countering sleep deprivation and physical fatigue.
- Anger management.
- Marriage and family wellness.
- Benefits of exercise and proper nutrition.
- Effective time and personal financial management skills.

Training materials, curriculum, and attendance records should be forwarded to the Training Sergeant as appropriate for inclusion in training records.

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# Facial Coverings

## 1034.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for all sworn personnel regarding the restriction of facial coverings when performing their duties except in limited specific circumstances (Government Code § 7289).

This policy also serves as a declaration that the Redwood City Police Department is committed to transparency, accountability, and public trust. Facial coverings are restricted as set forth in this policy.

### 1034.1.1 DEFINITIONS

Definitions related to this policy include:

**Facial covering** - Any opaque mask, garment, helmet, headgear, or other item that conceals or obscures the facial identity of an individual, including but not limited to a balaclava, tactical mask, gaiter, ski mask, and any similar type of facial covering or face-shielding item.

Facial covering does not include:

- A translucent face shield or clear mask that does not conceal the wearer's facial identity and is used in compliance with this policy.
- A N95 medical mask or surgical mask to protect against transmission of disease or infection or any other mask, helmet, or device, including but not limited to air-purifying respirators, full or half masks, or self-contained breathing apparatus necessary to protect against exposure to any toxin, gas, smoke, inclement weather, or any other hazardous or harmful environmental condition.
- A mask, helmet, or device, including but not limited to a self-contained breathing apparatus, necessary for underwater use.
- A motorcycle helmet when worn by an officer utilizing a motorcycle or other vehicle that requires a helmet for safe operations while in the performance of their duties.
- Eyewear necessary to protect from the use of retinal weapons, including but not limited to lasers.

## 1034.2 POLICY

It is the policy of the Redwood City Police Department that facial coverings shall not be worn by officers in the performance of their duties except as set forth in this policy.

Generalized and undifferentiated fear and apprehension about officer safety shall not be sufficient to justify the use of facial coverings.

## 1034.3 FACIAL COVERINGS

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Facial coverings shall not be worn by officers when performing their duties except under the following conditions:

a. Active undercover operations or assignments authorized by a supervisor or court order
b. Tactical operations where protective gear is required for physical safety
c. Applicable law governing occupational health and safety authorizes such use (e.g., N95 masks against transmission of disease or infection, self-contained breathing apparatus against exposure to hazardous conditions)
d. Protection of identity during a prosecution proceeding
e. Applicable law governing reasonable accommodations authorizes such use

Facial coverings shall only be used when no other reasonable alternative exists, and with the approval of a supervisor. The supervisor shall document the necessity of facial coverings in the appropriate report.

A supervisor shall not knowingly allow an officer to violate state law or department policy limiting the use of a facial covering.

## 1034.4 POSTING OF POLICY

The Chief of Police or the authorized designee shall make this policy publicly available on the department website.

A written challenge regarding this policy shall be forwarded to the Chief of Police or the authorized designee, who shall then have 90 days to address or correct any alleged deficiencies. Court proceedings may not be initiated by the challenging party until this 90-day period has been completed.

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# Visible Display of Identification

## 1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for all officers to be readily identifiable to the public by the visible display of the department name and individual identifying information when performing enforcement duties, except in described limited specific circumstances (Government Code § 7288).

This policy also serves as a declaration that the Redwood City Police Department is committed to transparency, accountability, and public trust.

### 1035.1.1 DEFINITIONS

Definitions related to this policy include:

**Enforcement duties** - Active and planned operations involving the arrest or detention of an individual, or deployment for crowd control purposes.

**Visibly display identification** - To wear externally on the uniform in a size and location such as to be reasonably visible to a member of the public with whom the officer interacts.

## 1035.2 POLICY

It is the policy of the Redwood City Police Department that all officers visibly display identification when performing enforcement duties except in circumstances set forth in this policy.

## 1035.3 VISIBLE DISPLAY OF IDENTIFICATION

Whenever performing enforcement duties, every officer shall visibly display identification, including the name of this department and either the officer's name or badge number, or both name and badge number.

This requirement shall not apply under the following conditions:

a. When officers are engaged in active undercover operations or investigative activities
b. When officers are wearing personal protective equipment that prevents display
c. When exigent circumstances exist involving an imminent danger to persons or property, the escape of a perpetrator, or the destruction of evidence, including if the officer is responding to those circumstances while off-duty
d. When there is a specific, articulable, and particularized reason to believe that identification would pose a significant danger to the physical safety of the officer

## 1035.4 POSTING OF POLICY

The Chief of Police or the authorized designee shall make this policy publicly available on the department website.

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## *Visible Display of Identification*

A written challenge regarding this policy shall be forwarded to the Chief of Police or the authorized designee, who shall then have 90 days to address or correct any alleged deficiencies. Court proceedings may not be initiated by the challenging party until this 90-day period has been completed.

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# Chapter 11 - Chapter Title

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# Chapter 12 - Chapter Title

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# Attachments

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# IRP 2024.pdf

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# Redwood City Police Department

## Information – Security Incident Response Plan

This security incident response plan and reporting template describes the actions that staff are to follow after an incident that could represent, but is not limited to, unauthorized computer/application/data access and/or use of such systems in violation of City of Redwood City policy.

A security incident may originate from, be directed towards, or transit city controlled computer or network resources. Examples of reportable security incidents include known or suspected breach of personal information; notification or alerts received from any IT monitoring tool, including but not limited to alerts from the intrusion detection/prevention appliances, and/or file integrity alarms; suspected virus or worm infections; local account compromise; application or computer performance degradation; reported spam origination from a computer, presence of unexpected programs or files; and/or unexpected application response.

The security incident response report template discussed in this document shall be used for initial reporting of a security incident.

### Definitions

A **security breach** is defined as unauthorized acquisition of data or access to systems that compromises the security, confidentiality, or integrity of personal information maintained by us. Good faith acquisition of personal information by an employee or agent of our company for business purposes is not a breach, provided that the personal information is not used or subject to further unauthorized disclosure.

**Personal information** is information that is, or can be, about or related to an identifiable individual. It includes any information that can be linked to an individual or used to directly or indirectly identify an individual. Most information the organization collects about an individual is likely to be considered personal information if it can be attributed to an individual. For our purposes, personal information is defined as an individual's first name or first initial and last name, in combination with any of the following data:

- Social Security number/Social Insurance Number
- Driver's license number or Identification Card number

- Financial account number, credit or debit card number* with personal identification number such as an access code, security codes or password that would permit access to an individual's financial account. (without name information)
- Home address or e-mail address
- Medical or health information.

**What is a security incident?**

A security incident may involve any or all of the following:

- City of Redwood City computer security policies violation;
- unauthorized computer access;
- known or suspected loss of information confidentiality;
- loss of information availability;
- compromise of information integrity;
- a denial of service condition against data, network or computer;
- misuse of service, systems or information; or
- theft or loss of storage media or mobile device; or
- physical or logical damage to systems.

Security incident examples include but are not limited to the presence of a malicious application, such as a virus; establishment of an unauthorized account for a computer or application; unusual network connections to a computer; unusually slow computer performance; presence of unexpected/unusual programs; data breach; or computer theft.

**Security incident classification**

All computer security incidents will be subject to classification. Security incident classification assists in determining the severity and criticality of the security incident and ensures that the event receives resource level attention relative to the incident priority. The classification also ensures that the security incident is reported to the appropriate manager(s).

The security incident classification table, figure 1, provides several incident characteristics to assist in proper incident classification. Depending on the nature of the security incident, some of the incident criteria represented in the table may not be present in a particular security breach. Moreover, if an incident contains characteristics in several different priority columns, the priority of an incident must reflect the most severe column category. For example, if a security incident affects a service that may involve personal

identity information (medium priority) with a likely broad public impact (high priority), the incident should be classified as a high priority breach.

**Security Incident Reporting**

**All suspected or confirmed computer security incidents** will be subject to a reporting requirement. Staff that identify a security incident must initially classify the incident priority based on the Security Incident Classification Table (figure 1). The initial priority level may be escalated or de-escalated as more information is known. This initial incident priority helps to determine support staff and management engagement in a reported security incident. All incident reports are to be made, reported to management and a Helpdesk work order created within one business day after the incident was identified and with minimum delay for medium to high priority incidents.

**Law Enforcement Systems– Additional Reporting Requirement.** Additional reporting is required for all incidents affecting Law Enforcement Systems, Criminal Justice Information Systems (CJIS), and/or related Data. Redwood City's assigned Law Enforcement Information Security Officer (ISO) must be notified as soon as a security incident impacting any Law Enforcement System has been identified. See **Appendices One and Two** for details.

**Incidents involving known or suspected breach of personal information** may be subject to additional reporting and notification requirements in accordance with California Civil Code Section 1798.29 (A.B. 1149), the Health Insurance Portability and Accountability Act (HIPAA), the Payment Card Industry Data Security Standard and other regulations. IT staff are required to notify IT Management as soon as possible upon discovery of unauthorized access to personal information on an individual that could result in harm or inconvenience to the individual such as fraud or identity theft. In addition to the internal notification and reporting procedures outlined below, State law requires notification of any security breach involving loss or compromise of personal information as described in **Appendix Three**. In addition, credit card companies require us to immediately report a security breach involving suspected or confirmed loss or theft of any material or records that contain cardholder data. Specific notification steps for breach of cardholder data are outlined in **Appendix Four**.

IT management will promptly inform the City Manager of any breach involving known or suspected unauthorized access to personal information.

**Actions & Technical Mitigation & Preservation of Evidence**

IT Staff are responsible for taking appropriate actions to contain, control and correct systems affected by a security incident. The first IT Staff person to become aware of a potential incident shall begin corrective actions. In addition, IT Staff will notify IT Management as soon as reasonably practical; however corrective actions may begin whether or not management has been contacted. All actions taken must be documented, and data preserved in accordance with the City's records retention policies, and/or law enforcement directives, if applicable. Documentation should include:

- Log files examined and saved
- Forensic images or saved medias
- Backup of affected systems (at a minimum retain last known good backup prior to the incident plus any incident-affected backups)
- System rebuild and hardening steps taken
- Photos
- Notifications
- Additional backup of the affected systems after recovery and remediation steps have been completed.

Detailed procedures for system backup and recovery, maintenance contracts/contacts, and business recovery procedures are included in relevant IT Guides.

**Security Incident Report Instructions:**

1) Make a copy of the report template in Appendix One, Information Security Incident Response Report.
2) Rename report to "SIRmmddyyyy"
3) Complete form during incident.
4) Where applicable, complete additional incident documentation and/or notification steps described in Appendices Two through Four.
5) When completed, print and sign off all documentation; forward to IT Manager for review.
6) IT Manager reviews, sign and forwards to CIO with copy to City ISO

and/or Law Enforcement ISO.

7) CIO reviews, approves and returns completed documentation packet to IT Manager; in addition CIO provides a summary of the incident to the Technology Advisory Committee at their next schedule meeting.
8) Final IT Action – documentation packet will be scanned and saved to : G:\IT Documentation\Internal IT Secure\Investigations
9) Additional remediation/mitigation actions required, if any, should be entered in the Change Management Tracking Log.

Figure 1
**Security Incident Classification Table**

| Incident Factors | Security Incident Report Priority | | |
|---|---|---|---|
| | Low | Medium | High |
| Criticality – Application(s) Affected | Internal Systems and Applications | Internal or External Systems and Applications | Internal or External Systems and Applications |
| Criticality – Infrastructure | No | Limited Scope | City-wide |
| Impact to User and/or System(s) | Affects few people or few systems | Affects major systems | City-wide |
| Impact – Public | None | Potential Impact | Definite Impact |
| Countermeasures | Solutions are readily available | Weak countermeasures | No countermeasures |
| Resolution and/or Procedures | Available and well defined | Resolution procedure not well defined, bypass Available (additional reporting and notification required) | No resolution procedures or bypass available (additional reporting and notification required) |
| Personally | None | Possible | Definite |

| Identifiable Information | | | |
|---|---|---|---|
| Criminal Justice Information System (CJIS) | None | Possible (additional reporting required) | Definite (additional reporting required) |

# Information Security Incident Response Plan

## Appendix One – Security Incident Report Form (Use for all incidents)

| Reporting Information | |
|---|---|
| **Name:** | **Title:** |
| **Email:** | **Phone:** |
| **Date of Report:** | **Helpdesk #:** |

**Security Incident Classification:** *see figure 1*

| | | |
|---|---|---|
| Low ☐ | Medium ☐ | High ☐ |

**Incident Information**

**Description of Incident in Detail**: *include location of affected hardware data and/or systems, what occurred and impact.*

| | | | |
|---|---|---|---|
| Intrusion ☐ | DOS ☐ | Unauthorized Access of Breach of Data ☐ | Web Defacement ☐ |
| Other ☐ | Malware ☐ | Policy Violation ☐ | Theft or Damage ☐ |

**How was incident detected?:** *explain – who, how*

| | | |
|---|---|---|
| System Logs ☐ | Performance Issue ☐ | Third Party ☐ |
| User ☐ | Monitoring Tool ☐ | Other ☐ |

# Information Security Incident Response Plan

**Suspected Method of Intrusion:** *explain details*

| | | |
|---|---|---|
| Worm/Virus (name) ☐ | Backdoor ☐ | Trojan Horse ☐ |
| Password ☐ | Unknown ☐ | Other ☐ |

**Suspected Perpetrator/Source:** *e.g., disgruntled staff/contractor, former staff/contractor, IP address of source, etc - include possible motivation(s):*

| | | |
|---|---|---|
| Internal ☐ | External ☐ | Other ☐ |

**Additional Notification/Reporting Recommended:** *e.g., legal,SB 1386, law enforcement, human resources, insurance company/JPA (Via Risk Management)*

**Date / Time Incident Started:** *if known*

**Date / Time Incident Reported:**

**Name and # of Person Reporting Incident to IT:**

**Duration of Incident:** *days and hours*

**Current Status of Incident:** *e.g., ongoing attack, contained*

**Impact of Incident:** *include physical and data loss, system downtime, user impact, etc.*

**Other Information & Notes:**

# Information Security Incident Response Plan

| Incident Resolution and Closure |
| --- |
| *To be completed after incident resolution* |
| **Summary of Incident Results and Actions:** *root cause analysis* |
| **List of Evidence Collected:** |

# Information Security Incident Response Plan

**Contact List of Everyone Involved in Resolving or Investigating Incident:**

**Lessons Learned & Changes for Future Prevention:**

**Cost of Incident in total dollars:** *explain how cost was derived*

☐ ☐

**Personal Information and/or Data Affected:** Yes No *If Yes, **must** complete below:*

**Name of City ISO notified:**

**Date City ISO was notified:**

☐ ☐

**Data Breach Notification Required?** Yes No *If Yes, **must** complete Incident notification procedure and documentation in Appendix One*

Note: Redwood City's assigned City Information Security Officer is ☐ ☐

**Law Enforcement Systems and/or Data Affected:** Yes No *If Yes, **must** complete below:*

**Name of Law Enforcement ISO notified:**

**Date Law Enforcement ISO was notified:**

**Date Law Enforcement Reporting Form sent to ISO:**
*(ISO will submit form(s) to proper authorities)*

# Information Security Incident Response Plan

| | |
|---|---|
| **Date Law Enforcement Reporting Form (Appendix Two) sent to Law Enforcement ISO:** *(ISO will submit form(s) to proper authorities)* | |
| **Closed by:** *Signature, Name & Title* | |
| **Approved by IT:** *Signature, Name & Title* | |
| **Approved by City ISO:** *Signature, Name & Title* | |
| **Date Closed:** | |

# Information Security Incident Response Plan

## Appendix Two - LAW ENFORCEMENT REPORTING FORM

(To be completed only on incidents affecting Law Enforcement Systems and/or Data – forward completed forms to Law Enforcement:

---

**FBI CJIS DIVISION**

**INFORMATION SECURITY OFFICER (ISO)**

**COMPUTER SECURITY INCIDENT RESPONSE CAPABILITY (CSIRC)**

**REPORTING FORM**

---

**DATE OF REPORT:** _____

**DATE OF INCIDENT:** _____

**POINT(S) OF CONTACT:** _____, _____,

_____, _____

**PHONE/EXT/E-MAIL: LOCATION(S) OF INCIDENT:**

---

**SYSTEM(S) AFFECTED:** _____

**METHOD OF DETECTION:**

**NATURE OF INCIDENT:**

**INCIDENT DESCRIPTION:**

**ACTIONS**

**TAKEN/RESOLUTION:**

**Copies To:**
**George White**

**(FBI CJIS Division ISO)**

1000 Custer Hollow Road

Clarksberg, WV 26306-0102

(304) 625-5849

george.white@leo.gov

# Information Security Incident Response Plan

## Appendix Three – Notification and Security Requirements for Personal Information

1. **Notification Requirements**
   - **A. When Notification Is Required**

     Notification may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. IT staff are encouraged to consult Redwood City Police to determine if notifications should be delayed. If notification is delayed, IT staff will document the reason(s) in the Incident report.

     The following incidents **may** require notification to individuals under contractual commitments or applicable laws and regulations:

     - A user (employee, contractor, or third-party provider) has obtained unauthorized access to personal information maintained in either paper or electronic form.
     - An intruder has broken into database(s) that contain personal information on an individual.
     - Computer equipment such as a workstation, laptop, CD-ROM, or other electronic media containing personal information on an individual has been lost or stolen.
     - A department or unit has not properly disposed of records containing personal information on an individual.
     - A third party service provider has experienced any of the incidents above, affecting the organization's data containing personal information.

     The following incidents **may not** require individual notification under contractual commitments or applicable laws and regulations providing the City can reasonably conclude after investigation that misuse of the information is unlikely to occur, and appropriate steps are taken to safeguard the interests of affected individuals:

     - The City is able to retrieve personal information on an individual

that was stolen, and based on our investigation, reasonably



- concludes that retrieval took place before the information was copied, misused, or transferred to another person who could misuse it.
- The City determines that personal information on an individual was improperly disposed of, but can establish that the information was not retrieved or used before it was properly destroyed.
- An intruder accessed files that contain only individuals' names and addresses.
- A laptop computer is lost or stolen, but the data is encrypted and may only be accessed with a secure token or similar access device.

**2. Format and Information to be included in the Notification**

**A.** Notice of a security breach shall be written in plain language, with minimal technical "jargon", and include, at minimum, the following information:

- The name and contact information of the reporting agency;
- The date of notification
- A list of the types of personal information that were or are reasonably believed to have been the subject of a breach;
- If possible to determine at the time of notice, the date of breach, estimated date of breach, or date range within which the breach occurred;
- Whether notification was delayed due to law enforcement investigation;
- A general description of the breach incident;
- The toll free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a social security number, driver's license of California identification card number.

**B.** At the City's discretion, the breach notification may also include any or all of the following:

- Information about actions the City has taken to protect

- individuals whose information has been breached;
- Advice on steps the person whose information has been breached may take to protect him or herself.

**C.** If the City is required to notify more than 500 California residents as the result of a single breach of security, the City is also required to submit a single sample copy of the security breach notification, excluding any personally identifiable information, to the Attorney General.

## Personal Information Data Security Requirements

### Documentation.

Data owners must identify and document all systems and processes that store or utilize personal information on individuals. Documentation must contain system name, device name, file name, location, database administrator and system administrator. The business area and the IT group must maintain the contact list of database and system administrators. Likewise, all authorized users who access or utilize personal information on individuals shall be identified and documented. Documentation must contain user name, department, device name (i.e., workstation or server), file name, location, and system administrator.

## Data Owner Responsibilities

Data owners responsible for personal information play an active role in the discovery and reporting of any breach or suspected breach of information on an individual. All data owners must report any suspected or confirmed breach of personal information on individuals to the IT Division **immediately** upon discovery. This includes forwarding notification received from any third party service providers or other business partners with whom the City shares personal information on individuals. The IT Division Manager will notify the Administrative Services Director and affected Department Head and system Subject Matter Expert(s) whenever a breach or suspected breach of personal information on individuals affects their business area.

# Information Security Incident Response Plan

The system Subject Matter Expert and IT staff will assist in acquiring information, preserving evidence, and providing additional resources as deemed necessary by the IT Division or Information Security Officer, or other officials throughout the investigation.

## Management Responsibilities

Department Heads and Supervisors are responsible for ensuring all employees in their units are aware of policies and procedures for protecting personal information and attend IT Security Training courses at least annually.

If a breach or suspected breach of personal information occurs in their location, staff must notify the Information Technology Division immediately and open a Help Desk work order. IT will use the information in the Help Desk work order to begin documenting a Security Incident Report.

Note: Education and awareness communication will be directed to all employees informing them of the proper procedures for reporting a suspected breach of personal information on an individual.

# Hate Crime Checklist.pdf

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# HATE CRIME CHECKLIST



## VICTIM

**Victim Type:**

☐ **Individual**
Legal name (Last, First): _____
Other Names used (AKA): _____

☐ **School, business or organization**
Name: _____
Type: _____
*(e.g., non-profit, private, public school)*
Address: _____

☐ **Faith-based organization**
Name: _____
Faith: _____
Address: _____

**Target of Crime (Check all that apply):**

☐ Person ☐ Private property ☐ Public property

☐ Other _____

**Nature of Crime (Check all that apply):**

☐ Bodily injury ☐ Threat of violence

☐ Property damage

☐ Other crime: _____

Property damage - estimated value _____

## BIAS

**Type of Bias**
**(Check all characteristics that apply):**

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
*(e.g., 9/11, holy days)*
☐ Other: _____

Specify disability (be specific):

_____

_____

**Actual or Perceived Bias – Victim's Statement:**

☐ Actual bias [Victim actually has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

*If perceived, explain the circumstances in narrative portion of Report.*

**Reason for Bias:**

**Do you feel you were targeted based on one of these characteristics?**
☐ Yes ☐ No *Explain in narrative portion of Report.*

**Do you know what motivated the suspect to commit this crime?**
☐ Yes ☐ No *Explain in narrative portion of Report.*

**Do you feel you were targeted because you associated yourself with an individual or a group?**
☐ Yes ☐ No *Explain in narrative portion of Report.*

**Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?**
☐ Yes ☐ No *Describe in narrative portion of Report.*

**Are there Indicators the suspect is affiliated with a criminal street gang?**
☐ Yes ☐ No *Describe in narrative portion of Report.*

**Bias Indicators (Check all that apply):**

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

*Describe with exact detail in narrative portion of Report.*

## HISTORY

**Relationship Between Suspect & Victim:**

Suspect known to victim? ☐ Yes ☐ No
Nature of relationship: _____
Length of relationship: _____
*If Yes, describe in narrative portion of Report*

☐ Prior reported incidents with suspect? Total # _____
☐ Prior unreported incidents with suspect? Total # _____
Restraining orders? ☐ Yes ☐ No
*If Yes, describe in narrative portion of Report*
Type of order: _____ Order/Case# _____

## WEAPONS

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____
Weapon(s) booked as evidence? ☐ Yes ☐ No
Automated Firearms System (AFS) Inquiry attached to Report? ☐ Yes ☐ No

# HATE CRIME CHECKLIST



## EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No  Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Total # of photos: _____ D#: _____

Taken by: _____ Serial #: _____

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo ☐ Known to victim

## OBSERVATIONS

| VICTIM | SUSPECT |
|---|---|
| ☐ Tattoos | ☐ Tattoos |
| ☐ Shaking | ☐ Shaking |
| ☐ Unresponsive | ☐ Unresponsive |
| ☐ Crying | ☐ Crying |
| ☐ Scared | ☐ Scared |
| ☐ Angry | ☐ Angry |
| ☐ Fearful | ☐ Fearful |
| ☐ Calm | ☐ Calm |
| ☐ Agitated | ☐ Agitated |
| ☐ Nervous | ☐ Nervous |
| ☐ Threatening | ☐ Threatening |
| ☐ Apologetic | ☐ Apologetic |
| ☐ Other observations: _____ | ☐ Other observations: _____ |

**ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):**

Has suspect ever threatened you? ☐ Yes ☐ No

Has suspect ever harmed you? ☐ Yes ☐ No

Does suspect possess or have access to a firearm? ☐ Yes ☐ No

Are you afraid for your safety? ☐ Yes ☐ No

Do you have any other information that may be helpful? ☐ Yes ☐ No

**Resources offered at scene:** ☐ Yes ☐ No Type: _____

## MEDICAL

| Victim | Suspect | |
|---|---|---|
| ☐ | ☐ | Declined medical treatment |
| ☐ | ☐ | Will seek own medical treatment |
| ☐ | ☐ | Received medical treatment |

Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No

**Paramedics at scene?** ☐ Yes ☐ No Unit # _____

Name(s)/ID #: _____

Hospital: _____

Jail Dispensary: _____

Physician/Doctor: _____

Patient #: _____

| Officer (Name/Rank) | Date |
|---|---|
| | |
| Officer (Name/Rank) | Date |
| | |
| Supervisor Approving (Name/Rank) | Date |
| | |

# Statutes and Legal Requirements.pdf

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## Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

### *Definitions*

**CPC 422.55** - Provides general definition of hate crimes in California.

**CPC 422.56**- Provides definitions of terms included in hate crimes statutes.

**GC 12926**- Disability-related definitions applicable to some hate crime statutes.

## Felonies

### *Hate Crimes*

**CPC 422.7** - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

### *Related Crimes*

**CPC 190.2(a)(16)** - Homicide penalties related to certain hate crime related acts.

**CPC 190.03(a)** - Homicide penalties related to certain hate crime related acts.

**CPC 288(b)(2)** - Sexual assault of dependent person by caretaker

**CPC 368(b)** - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

**CPC 11412** - Causing or attempting to cause other to refrain from exercising religion by threat.

**CPC 11413** - Arson or destructive device at place of worship.

## Misdemeanors

### *Hate Crimes*

**CPC 422.6** - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

**CPC 422.77** - Violation of civil order (Bane Act) protecting the exercise of civil rights

### *Related Crimes*

**CPC 302** - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

**CPC 538(c)** - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

**CPC 640.2** - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

**CPC 11411** - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

## Enhancements

**CPC 190.2(a)(16)** - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 190.3** - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 422.75** - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

**CPC 1170.8** - Enhancement for robbery or assault at a place of worship.

**CPC 1170.85(b)** - Felony assault or battery enhancement due to age or disability.

## Reporting

**CPC 13023**- Requirement for law enforcement agencies to report hate crime data to DOJ.

**WI 15630** – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

## Training and Policy Requirements

**CPC 422.87** - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

**CPC 13519.6** - Defines hate crime training requirements for peace officers.

**CPC 13519.41** - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

## Miscellaneous Provisions

**CPC 422.78** - Responsibility for prosecution of stay away order violations.

**CPC 422.86** - Public policy regarding hate crimes.

**CPC 422.89** - Legislative intent regarding violations of civil rights and hate crimes

**CPC 422.92** - Hate crimes victims brochure requirement for law enforcement agencies.

**CPC 422.93** - Protection of victims and witnesses from being reported to immigration authorities.

**GC 6254** - Victim confidentiality.

# Supplemental Hate Crime Report-Agency.pdf

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**SUPPLEMENTAL HATE CRIME REPORT**



☐ **Hate incident (No Crime Committed)** ☐ **Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)**

## VICTIM

### *VICTIM TYPE*

☐ **Individual**

Legal name (Last, First):

_____

| Date of Birth | Age | Sex | Race |
|---|---|---|---|
| | | | |

☐ **School, business or organization**

Name: _____

Type: _____

*(e.g., non-profit, private, public school)*

☐ **Faith-based organization**

Name: _____

Faith: _____

☐ **Other**

Name: _____

Type: _____

Address: _____

Date and time of incident:

_____

Location of incident:

_____

Date and time of report:

_____

Location of report:

_____

Agency Case #:

_____

**NATURE OF CALL FOR SERVICE (check all that apply)**

☐ Crime against persons

☐ Crime against property

☐ Gang activity

☐ Other _____

## BIAS

### TYPE OF BIAS

***(Check all characteristics that apply)***

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
*(e.g., 9/11, holy days)*
☐ Association with a person or group with one or more of these characteristics (actual or perceived)
☐ Other:
_____

### ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT

☐ Actual bias [Victim has the indicated characteristic(s)].
☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

### REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No

### BIAS INDICATORS (CHECK ALL THAT APPLY):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

**SUPPLEMENTAL HATE CRIME REPORT**


## HISTORY

### SUSPECT INFORMATION

Legal name (Last, First):

_____

Other Names used (AKA):

_____

| Date of Birth | Age | Sex | Race |
|---|---|---|---|
| | | | |

Relationship to Victim:

_____

### RELATIONSHIP BETWEEN SUSPECT & VICTIM

Suspect known to victim: ☐ Yes ☐ No

Nature of relationship:

_____

Length of relationship: _____

☐ Prior reported incidents with suspect: *Total #* _____

Prior unreported incidents with suspect:

☐ Yes ☐ No ☐ Unknown

## WEAPONS/FORCE

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____

Force used during incident? ☐ Yes ☐ No Type: _____

## EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo/video ☐ Known

## RESOURCES

Resources offered at scene: ☐ Yes ☐ No

☐ Marsy's Law Handout ☐ Hate Crimes Brochure ☐ Other: _____

## MEDICAL

| Victim | Suspect | |
|---|---|---|
| ☐ | ☐ | Declined medical treatment |
| ☐ | ☐ | Will seek own medical treatment |
| ☐ | ☐ | Received medical treatment |
| ☐ | ☐ | Injuries observed |

| ***Completed by*** | ***Date*** |
|---|---|
| | |

Name/Title/ID number

# Policy 427- Automated License Plate Readers (ALPRs).pdf

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Policy
**427**

Redwood City Police Department
Redwood City PD Policy Manual

# Automated License Plate Readers (ALPRs)

## 427.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

## 427.2 DEFINITIONS

“Automated license plate recognition operator” or “ALPR operator,” means a person that operates an ALPR system. For RCPD purposes, this refers to personnel operating a vehicle or other item of equipment with ALPR cameras collecting license plate data.

“Automated license plate recognition end-user” or “ALPR end-user” means a person that accesses or uses an ALPR system. For RCPD purposes, this refers to personnel accessing data on a retroactive basis that is collected and stored in a centralized database(s).

“Automated License Plate Reader Program Administrator” or “ALPR Administrator” refers to the Investigations Division Lieutenant who shall be responsible for developing guidelines and procedures to comply with the requirements of California Civil Code § 1798.90.5 *et seq*.

## 427.3 ADMINISTRATION OF ALPR DATA

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Redwood City Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, human trafficking activities, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the ALPR Administrator. The ALPR Administrator will assign members under their command to administer the day-to-day operation of the ALPR equipment and data.

### 427.3.1 ALPR ADMINISTRATOR

The ALPR Administrator shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with

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Civil Code § 1798.90.52.

(e) Working with the Custodian of Records on the retention and destruction of ALPR data.

(f) Ensuring this policy and related procedures are conspicuously posted on the department's website.

## 427.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (California Civil Code § 1798.90.51 - 1798.90.53):

(a) An ALPR shall only be used for official law enforcement business by any Department member(s) whose job duties necessitate the use of an ALPR and that have completed Department approved training.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing Department approved training (RCPD Policy § 427.8). A list of authorized users is maintained by the Training Sergeant.

(e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.

(f) Officers will verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

(g) Use of an ALPR will be limited to department members with the following job titles: Police Officer, Detective, Police Sergeant, Police Lieutenant, Police Captain, Police Chief, Community Service Officer, Parking Enforcement Officer, Communications Dispatcher, Communications Supervisor, Police Clerk, Records Supervisor, Court Liaison Clerk, Police Evidence & Property Clerk, Police Property & Evidence Room Coordinator, and Information Technology Senior Analyst.. Information Technology staff may use an ALPR only for the purpose of repairing and/or ensuring proper functionality.

(h) The employee using our ALPR system must recognize that the data collected from the ALPR device, and the content of referenced hotlists, consists of data that may or may not be accurate, despite ongoing efforts to maximize the currency and accuracy of such data. To the greatest extent possible, vehicle and subject information will be verified using separate law enforcement information sources to confirm the vehicle or subject's identity and justification for contact. Users of ALPR data must, to the fullest extent possible, visually confirm the actual plate characters generated by the ALPR readers correspond with the digital image of the license plate in question.

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(i) Members shall not access an ALPR system that retains ALPR information that does not match information on a hot list for more than 60 days after the date of collection unless the ALPR system is operated by an airport authority.

## 427.5 ALPR DATA COLLECTION AND RETENTION

The ALPR Administrator is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles and fixed-ALPR cameras to the designated storage in accordance with department procedures.

ALPR information that is not on a hot list shall be purged no more than 30 days from the date of collection. ALPR information being used as criminal evidence will be retained until the criminal matter is resolved and/or in accordance with other criminal evidentiary retention schedules.

## 427.6 ACCOUNTABILITY AND SAFEGUARDS

All data will be closely safeguarded and protected by both procedural and technological means. The Redwood City Police Department will observe the following safeguards regarding access to and use of stored data (California Civil Code § 1798.90.51 - 1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time, and license plate number or other data elements used to query the ALPR system, as well as the purpose for accessing the information. (Civil Code § 1798.90.52).

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relates to a specific criminal investigation or department-related civil or administrative action.

(c) When accessing the ALPR data, members must enter an associated case or incident number and provide a short description of the reason for the search. Authorized users must enter a detailed reason for the access absent an associated case or incident number.

(d) ALPR system audits shall be conducted by the ALPR Administrator on an annual basis. The audit will review and assess ALPR end-user searches during the previous year to determine if all searches were in compliance with this policy. The audit shall also assess whether all ALPR information that does not match information on a hot list has been purged no more than 30 days from the date of collection.

(e) Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action and discipline, up to and including termination.

All data and images gathered by ALPRs are for official use of RCPD. Because such data may contain confidential information, it is not open to public view.

## 427.7 RELEASING ALPR DATA

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by California state law, using the following procedures:

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a) Agency members accessing ALPR data are subject to a pre-approval process by RCPD and the database management administration, confirming their authority to access the system for official law enforcement purposes.

b) The agency makes a written request for the ALPR data that includes:
   1. The name of the agency.
   2. The name of the person requesting.
   3. The intended purpose of obtaining the information.

c) The approved request is retained on file.

d) RCPD shall maintain a record of the access, which will include the date and time the information is accessed, the license plate number or other data elements used to query the ALPR system, the username of the person who accesses the information, and, as applicable, the organization or entity with whom the person is affiliated.

ALPR information shall not be sold, shared, or transferred to out-of-state or federal agencies without a court order or warrant issued by a California court.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the standard Records Release policies.

## 427.8 TRAINING

The Training Sergeant shall ensure that members receive department-approved training for those authorized to use or access the ALPR system (California Civil Code § 1798.90.51 - 1798.90.53).

Only Department personnel trained in the use of ALPR technology, including its privacy and civil liberties protections, shall be allowed access to ALPR data. Training shall consist of:

(a) Legal authorities, developments, and issues involving the use of ALPR data and technology;

(b) Current Department policy regarding appropriate use of ALPR technology;

(c) The evolution of ALPR technology including any new capabilities and associated risks; and

(d) Technical, physical, administrative, and procedural measures to protect the security of ALPR data against unauthorized access or use;

## 427.9 ANNUAL ALPR REPORTING

The Department will prepare an annual ALPR Report and make it publicly available on Department's internet website for as long as the ALPR system is available for use. The department will also have available to the public, a "Transparency Portal" online, which will include the RCPD's ALPR policy, prohibited uses, the number of vehicles detected and number of hotlist hits in the last 30 days. The annual ALPR Report will include the following information:

(a) A summary of how the ALPR system was used and the purpose of its use.

(b) Report of the network audit, including the number of officers and the number of times the ALPR system was used.

(c) The results of any internal audits, any information about violations of the ALPR use

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policy, and any actions taken in response.

(d) A summary of any complaints or concerns received regarding the use of the ALPR system.

**427.9.1REVISIONS**
Revised November 2023

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# Equipment Description - working copy.pdf

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| **Equipment Type: 5.56mm Automatic/Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)** | |
|---|---|
| **Equipment:** Colt M4 rifle | |
| **Quantity Owned/Sought:** 12 owned | **Lifespan:** Approximately 15 years |
| **Equipment Capabilities:** The M4 style firearm can fire a .223 Remington or 5.56mm NATO caliber projectile. The rifles are only issued/used by SWAT. Rifles are outfitted with lighting and optics as appropriate for the mission. | |
| **Manufacturer Product Description:** The Colt M4 is a lightweight, magazine fed, gas-operated, air-cooled, shoulder-fired rifle capable of single-shot semiautomatic fire or automatic fire by the use of a selector lever. | |
| **Purpose/Authorized Uses: SWAT** Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:<br><br>1. Situations where the officer reasonably anticipates an armed encounter.<br>2. When an officer is faced with a situation that may require accurate and effective fire at long range.<br>3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.<br>4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.<br>5. When an officer reasonably believes that a suspect may be wearing body armor.<br>6. When authorized or requested by a supervisor. | |
| **Fiscal Impacts:** Initial cost of approximately $1500 each. All rifles were purchased in January of 2013 and are in very good condition. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff. | |
| **Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Police Department Policies on Use of Force and Firearms. | |
| **Training Required:** In addition to patrol rifle and standard SWAT Operator training, SWAT Operators must successfully complete a CA POST certified SWAT course as well as regular SWAT training and qualifications as required by law and policy. | |
| **Other Notes:** None. | |

| **Equipment Type: 5.56mm Semiautomatic Rifles and Ammunition - CA Gov't Code §7070(c)(10)** | |
|---|---|
| **Equipment:** Colt LE6945 carbine rifle | |
| **Quantity Owned/Sought:** 4 owned | **Lifespan:** Approximately 15 years |

**Equipment Capabilities:** The Colt LE6945 semiautomatic rifle is capable of firing a .223 Remington/5.56mm NATO projectile bullet and designed for law enforcement use. These rifles are shorter than standard patrol rifles as they are designed to be carried on police motorcycles.

**Manufacturer Product Description:** The Colt LE6945 is a lightweight, magazine fed, gas-operated, air-cooled, shoulder-fired rifle using a semi-auto firing system chambered in .223 Remington/5.56 NATO with a barrel length of 10.3". The patrol rifles are outfitted with lights and optic aiming systems.

**Purpose/Authorized Uses:** Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

1. Situations where the officer reasonably anticipates an armed encounter.
2. When an officer is faced with a situation that may require accurate and effective fire at long range.
3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
5. When an officer reasonably believes that a suspect may be wearing body armor.
6. When authorized or requested by a supervisor.

**Fiscal Impacts:** Initial cost of the rifles was $6652. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.

**Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Police Department Policies on Use of Force and Firearms.

**Training Required:** Officers must successfully complete a CA POST certified 24-hour patrol rifle course as well as yearly department firearms training and qualifications as required by law and policy.

**Other Notes:** The rifles were purchased in 2017 and are only carried by Motorcycle Officers.

**Equipment Name: Specialized firearms and ammunition - CA Gov't Code §7070(c)(10)**

**Equipment:** H&K MP5 submachine gun

| | |
|---|---|
| **Quantity Owned/Sought:** 23 owned | **Lifespan:** Approximately 15-20 years |

**Equipment Capabilities:** The H&K MP5 shoots the 9mm projectile bullet.

**Manufacturer Product Description:** Probably the most popular series of submachine guns in the world, it functions according to the proven roller-delayed blowback principle. Tremendously reliable, with maximum safety for the user, easy to handle, modular, extremely accurate and extraordinarily easy to control when firing – HK features that are particularly appreciated by security forces and military users worldwide.

**Purpose/Authorized Uses:** Only current/former SWAT members are issued MP5 guns. Officers may deploy the MP5 in a manner consistent with patrol rifle guidelines in any circumstance where the officer can articulate a reasonable expectation that the MP5 may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

1. Situations where the officer reasonably anticipates an armed encounter.
2. When an officer is faced with a situation that may require accurate and effective fire at long range.
3. Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower.
4. When an officer reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
5. When an officer reasonably believes that a suspect may be wearing body armor.
6. When authorized or requested by a supervisor.

**Fiscal Impacts:** Initial cost of approximately $1,695 each. The ongoing costs for ammunition will vary and maintenance is conducted by departmental staff.

**Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Police Department Policies on Use of Force and Firearms.

**Training Required:** Officers are trained by POST certified instructors.

**Other Notes:** None.

**Equipment Name: Specialized firearms and ammunition - CA Gov't Code §7070(c)(10)**

**Equipment:** AK-47

| **Quantity Owned/Sought:** 1 owned | **Lifespan:** Approximately 15-20 years |
|---|---|

**Equipment Capabilities:** The AK-47 shoots the 7.62mm projectile bullet.

**Manufacturer Product Description:** The semi-automatic ZPAPM70 series sporting rifle was created on the operating principle of the M70 automatic rifle. Over the decades, Zastava has produced millions of these durable rifles as the official weapon of many armies all over the world. Capable of functioning in all environments, its lightweight, rugged, reliable, no-nonsense features make the ZPAPM70 an excellent addition to your hunting and sporting rifle collection.

This model features high quality two-piece over molded handguard is made from rubber-covered fiberglass which offers the ultimate combination of comfort and durability. The modular design includes a smooth top cover as well as three short sections of Picatinny rail that can be attached to the sides and bottom of the lower portion for accessories. The design of the lower handguard allows installation of the cleaning rod.

Also included comfortable, ergonomic shape pistol grip with generous interior storage compartment allows storage of batteries or crucial spares, topped with our patented weather-resistant cap.

| |
|---|
| The 4 position adjustable buttstock includes a seven position cheek riser allowing an optimum sight picture with both iron and glass sights. The receiver extension, and the adjustable buttstock, feature molded in QD sling swivel inserts at four points, giving an operator multiple ambidextrous sling options. Constructed of high strength, carbon fiber and glass reinforced tan polymer, this buttstock offers high strength plus a lifetime of excellent service. |
| **Purpose/Authorized Uses:** This rifle is not authorized for duty use. This is a training aide for weapon familiarization. |
| **Fiscal Impacts:** Initial cost of approximately $1,000. The ongoing costs are minimal, ammunition pricing will vary and maintenance is conducted by departmental staff. |
| **Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Police Department Policies on Use of Force and Firearms. |
| **Training Required:** No specialized training required. This item is used under the supervision of RCPD POST certified range staff. |
| **Other Notes:** None. |

| | |
|---|---|
| **Equipment Name: Specialized firearms and ammunition - CA Gov't Code §7070(c)(10)** | |
| **Equipment:** Accuracy International .308 rifle | |
| **Quantity Owned/Sought:** 2 owned | **Lifespan:** Approximately 15-20 years |
| **Equipment Capabilities:** The Accuracy International rifle fires a .308 caliber bullet | |
| **Manufacturer Product Description:** Not available | |
| **Purpose/Authorized Uses:** Long-range precision firing system used solely by SWAT during tactical operations. | |
| **Fiscal Impacts:** Initial cost - ????The ongoing costs are minimal, ammunition pricing will vary and maintenance is conducted by departmental staff. | |
| **Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. | |
| **Training Required:** POST SWAT Operator basic course. POST Rifle Marksmanship and Sniper course. | |
| **Other Notes:** None | |

| | |
|---|---|
| **Equipment Name: Specialized firearms and ammunition - CA Gov't Code §7070(c)(10)** | |
| **Equipment:** Thompson submachine gun | |
| **Quantity Owned/Sought:** 1 owned | **Lifespan:** Approximately 15-20 years |
| **Equipment Capabilities:** The Thompson shoots the .45 caliber projectile bullet. | |

| |
|---|
| **Manufacturer Product Description:** Not available |
| **Purpose/Authorized Uses:** This rifle is not authorized for duty use. This is a training aide for weapon familiarization and potential display in the future. |
| **Fiscal Impacts:** Initial cost - unknown. The ongoing costs are minimal, ammunition pricing will vary and maintenance is conducted by departmental staff. |
| **Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Police Department Policies on Use of Force and Firearms. |
| **Training Required:** No specialized training required. This item is used under the supervision of RCPD POST certified range staff. |
| **Other Notes:** This equipment is currently inoperable and there are no plans to repair it back to full working order. |

| | |
|---|---|
| **Equipment Type: 40mm Less Lethal Launchers and Kinetic Energy Munitions - CA Gov't Code §7070(c)(14)** | |
| **Equipment:** Defense Technology 40mm launcher | |
| **Quantity Owned/Sought:** 38 owned | **Lifespan:** Approximately 15 years |
| **Equipment Capabilities:** The 40mm Less Lethal Launcher is capable of firing 40mm Kinetic Energy Munitions, which are essentially rubber projectiles. | |
| **Manufacturer Product Description:** The 40LMTS is a tactical single shot launcher that features an expandable ROGERS Super Stoc and an adjustable integrated Front Grip (IFG) with light rail. The ambidextrous Lateral Sling Mount (LSM) and QD mounting systems allow both a single and two point sling attachment. The 40LMTS will fire standard 40mm less lethal ammunition, up to 4.8 inches in cartridge length. The Picatinny Rail Mounting System will accept a wide array of enhanced optics/sighting systems. | |
| **Purpose/Authorized Uses:** The 40mm Less Lethal Launchers and Kinetic Energy Munitions are intended for use as a less lethal use of force options. | |
| **Fiscal Impacts:** The initial cost of this equipment was approximately $1,000 each. The ongoing costs for munitions will vary and maintenance is conducted by departmental staff. | |
| **Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652). | |
| **Training Required:** Officers must complete a department certified 40mm course as well as regular training and qualifications as required by law and policy. | |
| **Other Notes:** None. | |

| **Equipment Type: 37mm Less Lethal Launcher - CA Gov't Code §7070(c)(14)** | |
|---|---|
| **Equipment:** Defense Technology 37mm launcher | |
| **Quantity Owned/Sought:** 2 owned | **Lifespan:** Approximately 15 years |
| **Equipment Capabilities:** The 37mm Less Lethal Launcher is capable of firing 37mm Munitions. | |
| **Manufacturer Product Description:** These models are no longer in production. | |
| **Purpose/Authorized Uses:** The 37mm is no longer in service for duty use. These models are used for training purposes only | |
| **Fiscal Impacts:** Unknown what the original cost was. No ongoing cost. | |
| **Legal/Procedural Rules Governing Use:** All applicable State, Federal and Local laws governing police use of force. Various Redwood City Police Department Policies on Use of Force and Crowd Control. | |
| **Training Required:** Officers providing training with these devices are POST certified. | |
| **Other Notes:** None. | |

| **Equipment Type: Flashbang grenades - CA Gov't Code §7070(c)(12)** | |
|---|---|
| **Equipment:** Defense Technology Distraction Device | |
| **Quantity Owned/Sought:** 117 | **Lifespan:** 5 years |
| **Equipment Capabilities:** known as Noise Flash Diversionary Device (NFDD) these devices are meant to create a distraction by producing a flash of light and 175 decibel noise through the use of igniting flash powder. | |
| **Manufacturer Product Description:** The Non-Reloadable Distraction Device unit incorporates an M201A1 type fuze with hex design gun steel body. This is a compact version of the 8933 Low Roll body Distraction Device is the newest version of the first reusable non-bursting canister that limits movement and rolling once deployed. The compact Distraction Device fits safely in your hand and packs all the power of the full size Distraction Device. This is a smaller, lighter device with the same output. | |
| **Purpose/Authorized Uses:** These devices are only used by the SWAT team during critical incidents or planned operations. These devices are most often used outside of a residence during a surround and call out in order to gain the attention of the occupants or as a distraction/diversion for dangerous persons. | |
| **Fiscal Impacts:** approximately $50 per device | |
| **Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. | |
| **Training Required:** Only trained members of the SWAT team are authorized to deploy these devices. Instructors are POST certified | |
| **Other Notes:** 28 devices are approved for use. 89 devices are expired and used for training only. | |

| **Equipment Type: Explosive Breaching Tools - CA Gov't Code §7070(c)(12)** | |
|---|---|
| **Equipment:** Remington 870 12 gauge breaching shotgun | |
| **Quantity Owned/Sought:** 1 | **Lifespan:** 20 years |
| **Equipment Capabilities:** Designed to shoot specialized penetrating rounds into the mechanisms of locked doors and force entry in an expedient manner. | |
| **Manufacturer Product Description:** Remington 870 12 gauge breaching shotgun: The Remington Model 870P line of shotguns is the standard by which all other combat shotguns are judged. They have been in constant use since their inception in 1950 by all branches of the US Military as well as by many countries around the world. The Remington 870P has become legendary for its rugged durability and reliability which equates to a weapon that can be counted on in any situation or environment. | |
| **Purpose/Authorized Uses:** These devices are only used by the SWAT team during critical incidents or planned operations. | |
| **Fiscal Impacts:** This device was acquired from the San Carlos Police Department for free. It requires minimal upkeep and maintenance. | |
| **Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. | |
| **Training Required:** Only trained members of the SWAT team are authorized to deploy this device. | |
| **Other Notes:** None. | |

| **Equipment Type: Tear Gas (Chemical Agent) - CA Gov't Code §7070(c)(12)** | |
|---|---|
| **Equipment:** Defense Technology Flameless Tri-Chamber CS Model 1032 | |
| **Quantity Owned/Sought:** 10 owned | **Lifespan:** 5 years |
| **Equipment Capabilities:** Disperses CS chemical agent in a flameless canister | |
| **Manufacturer Product Description:** The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately .70 oz. of agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections, but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negating the chance of fire to the structure. | |

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| **Purpose/Authorized Uses:** These devices are only used by the SWAT team during critical incidents or planned operations. They are primarily used as a last resort for criminal barricaded subjects. |
| **Fiscal Impacts:** $35.96 each ($359.60 total) |
| **Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. |
| **Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Instructors are POST certified. |
| **Other Notes:** None. |

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| **Equipment Type: Tear Gas (Chemical Agent) - CA Gov't Code §7070(c)(12)** | |
| **Equipment:** Defense Technology Spede Heat CS Model 1072 | |
| **Quantity Owned/Sought:** 4 owned | **Lifespan:** 5 years |
| **Equipment Capabilities:** Disperses CS chemical agent | |
| **Manufacturer Product Description**: The Spede-Heat™ CS Grenade is a high volume, continuous burn it expels its payload in approximately 20-40 seconds. The payload is discharged through four gas ports on top of the canister, three on the side and one on the bottom. This launchable grenade is 6.12 in. by 2.62 in. and holds approximately 2.9 oz. of active agent. | |
| **Purpose/Authorized Uses:** These devices are only used by the SWAT team during critical incidents or planned operations. They are primarily used as a last resort for criminal barricaded subjects. | |
| **Fiscal Impacts:** $29.15 each ($116.60 total) | |
| **Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. | |
| **Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Instructors are POST certified. | |
| **Other Notes:** None. | |

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| **Equipment Type: Tear Gas (Chemical Agent) - CA Gov't Code §7070(c)(12)** | |
| **Equipment:** Defense Technology Triple-Chaser CS Model 1026 | |
| **Quantity Owned/Sought:** 5 owned | **Lifespan:** 5 years |
| **Equipment Capabilities:** Disperses CS chemical agent | |
| **Manufacturer Product Description:** The Triple-Chaser® CS consists of three separate canisters pressed together with separating charges between each. When deployed, the canisters separate and land approximately 20 feet apart allowing increased area coverage in a short period of time. This grenade can be hand thrown or launched from a fired delivery system. The grenade is 6.5 in. by 2.7 in. | |

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| and holds an approximately 3.2 oz. of active agent payload. It has an approximate burn time of 20-30 seconds. |
| **Purpose/Authorized Uses**: These devices are only used by the SWAT team during critical incidents or planned operations. They are primarily used as a last resort for criminal barricaded subjects. |
| **Fiscal Impacts:** $46.20 each ($231.00 total) |
| **Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. |
| **Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Instructors are POST certified. |
| **Other Notes:** None. |

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|---|---|
| **Equipment Type: Tear Gas (Chemical Agent) - CA Gov't Code §7070(c)(12)** | |
| **Equipment:** Defense Technology Riot Control CS Model 1082 | |
| **Quantity Owned/Sought:** 10 owned | **Lifespan:** 5 years |
| **Equipment Capabilities:** Disperses CS chemical agent | |
| **Manufacturer Product Description:** The Riot Control CS Grenade is designed specifically for outdoor use in crowd control situations with a high volume continuous burn that expels its payload in approximately 20-40 seconds through four gas ports located on the top of the canister. This grenade can be used to conceal tactical movement or to route a crowd. The volume of smoke and agent is vast and obtrusive. This launchable grenade is 6.0 in. by 2.35 in. and holds approximately 2.7 oz. of active agent. | |
| **Purpose/Authorized Uses**: These devices are only used by the SWAT team during critical incidents or planned operations. They are primarily used as a last resort for criminal barricaded subjects. | |
| **Fiscal Impacts:** $25.85 each ($258.50 total) | |
| **Legal/Procedural Rules Governing Use:** Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652). | |
| **Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Instructors are POST certified. | |
| **Other Notes:** None. | |

| **Equipment Type: Tear Gas (Chemical Agent) - CA Gov't Code §7070(c)(12)** | |
|---|---|
| **Equipment:** Defense Technology Ferret 40mm liquid barricade penetrator round CS Model 2262 | |
| **Quantity Owned/Sought:** 10 owned | **Lifespan:** 5 years |
| **Equipment Capabilities:** Disperses CS chemical agent | |
| **Manufacturer Product Description:** The Ferret® 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle.<br><br>In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation of potentially violent or dangerous subjects. | |
| **Purpose/Authorized Uses**: These devices are only used by the SWAT team during critical incidents or planned operations. They are primarily used as a last resort for criminal barricaded subjects. | |
| **Fiscal Impacts:** $22.16 each ($221.60 total) | |
| **Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. | |
| **Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Instructors are POST certified. | |
| **Other Notes:** None. | |

| **Equipment Type: Tear Gas (Chemical Agent) - CA Gov't Code §7070(c)(12)** | |
|---|---|
| **Equipment:** Defense Technology Muzzle blast 40mm round CS Model 6042 | |
| **Quantity Owned/Sought:** 10 owned | **Lifespan:** 5 years |
| **Equipment Capabilities:** Disperses CS chemical agent | |
| **Manufacturer Product Description:** The 40 mm Muzzle Blast CS Round is widely used as a crowd management tool for the immediate and close deployment. It can also be employed in tactical operations such as barricaded subjects, room clearing, area denial, and for small space contamination, and a means of contaminating crawl spaces and attics. As a pain compliance round it is an excellent device for deploying chemical-laden CS powder at close ranges for indoor or outdoor operations. The cloud of agent is very effective in filling holes in dispersals lines or engaging crowds at close distances. | |
| **Purpose/Authorized Uses**: These devices are only used by the SWAT team during critical incidents or planned operations. They are primarily used as a last resort for criminal barricaded subjects. | |

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| **Fiscal Impacts:** $22.35 each ($223.50 total) |
| **Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652). |
| **Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Instructors are POST certified. |
| **Other Notes:** None. |

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| **Equipment Type: Tear Gas (Chemical Agent) - CA Gov't Code §7070(c)(12)** | |
| **Equipment:** Defense Technology Skat shell 40mm multiple projectile round CS Model 6172 | |
| **Quantity Owned/Sought:** 10 owned | **Lifespan:** 5 years |
| **Equipment Capabilities:** Disperses CS chemical agent | |
| **Manufacturer Product Description:** The Skat Shell® 40 mm CS multiple chemical projectile round is designed to deliver multiple CS canisters from a 40 mm launcher. It is designed for outdoor use and has fire-producing capability and has a maximum effective range of 80-100 yards. The Skat Shell 40 mm is designed for outdoor use and has fire-producing capability. It is widely used as a crowd management tool for the rapid and broad deployment of a chemical agent by a single grenadier. The Skat Shell contains four separate sub-munitions and provides a wide area of coverage. | |
| **Purpose/Authorized Uses**: These devices are only used by the SWAT team during critical incidents or planned operations. They are primarily used as a last resort for criminal barricaded subjects. | |
| **Fiscal Impacts:** $31.75 each ($317.50 total) | |
| **Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652). | |
| **Training Required:** Only trained members of the SWAT team are authorized to deploy this device. Instructors are POST certified. | |
| **Other Notes:** None. | |

| **Equipment Type: Pepper balls - CA Gov't Code §7070(c)(12)** | |
|---|---|
| **Equipment:** PepperBall launcher and projectiles | |
| **Quantity Owned/Sought:** 5 launchers | **Lifespan:** Unknown |
| **Equipment Capabilities:** Pepperball projectiles | |
| **Manufacturer Product Description:** From crowd control to daily policing to corrections to security to military operations, the PepperBall system offers safe, non-lethal options for many situations. With superior projectile design and a variety of launchers, PepperBall leads the way in helping manage crowds or individual assailants from a safe distance with a reasonable non-lethal level of force. | |
| **Purpose/Authorized Uses:** These devices are only used by the SWAT team personnel during critical incidents or planned operations. They provide a less lethal option to incidents such as: self-destructive, dangerous and/or combative individuals; riot/crowd control and civil unrest; circumstances where a tactical advantage can be obtained; potentially vicious animals. These systems use a compressed air powered launcher designed to fire non-lethal PepperBall projectiles. The basic Pepperball projectile contains 2% PAVA pepper powder, and is designed for direct impact and area saturation, especially in confined interior spaces. | |
| **Fiscal Impacts:** approximately $1300 per device. Projectiles are approximately $2-3 per projectile | |
| **Legal/Procedural Rules Governing Use:** Deployed in accordance with all applicable State, Federal and Local laws governing police use of force. Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control (Penal Code § 13652). | |
| **Training Required:** Only trained members of the SWAT team are authorized to deploy these devices. Instructors are certified through PepperBall. | |
| **Other Notes:** | |

| **Equipment Type: Unmanned remotely powered ground vehicle – CA Gov't Code §7070(c)(1)** | |
|---|---|
| **Equipment:** RoboteX Avatar Tactical Robot | |
| **Quantity Owned/Sought:** 4 on loan thru OES | **Lifespan:** 8-10 years |
| **Equipment Capabilities:** Remotely piloted ground vehicle capable of providing live video images and live audio capabilities. | |
| **Manufacturer Product Description:**<br><br>There is no longer a need to send SWAT or tactical response teams into to a dangerous situation before you've had a chance to assess the situation. The AVATAR® Tactical Robot from RoboteX® is an affordable tactical robot that is easy to use and allows for quick and safe inspection of dangerous situations. | |

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| **Purpose/Authorized Uses:** These devices are intended to be used to search dangerous areas before placing personnel in harm's way. They can be used to remotely gain visual/audio data, deliver a negotiation phone, open doors, disrupt packages and clear buildings |
| **Fiscal Impacts:** Initial cost -Unknown. These items were attained through OES funds over 10 years ago. There is no ongoing maintenance costs |
| **Legal/Procedural Rules Governing Use:** It is the practice of the Redwood City Police Department to utilize a robot only for official law enforcement purposes in a manner consistent with State and Federal law. |
| **Training Required:** No specialized training required |
| **Other Notes:** None. |

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| **Equipment Type: Mobile Command Vehicle - CA Gov't Code §7070(c)(5)** | |
| **Equipment:** Workhorse/Mattman custom made command vehicle | |
| **Quantity Owned/Sought:** 1 owned / 1 replacement sought | **Lifespan:** Approximately 15 years |
| **Equipment Capabilities:** The Mobile Command Vehicle (MCV) provides mobile, remote access to radio, internet, planning and other resources to assist with management of major incidents and planned operations. | |
| **Manufacturer Product Description:** Workhorse/Mattman. Mattman was a company that specialized in making custom police response/command vehicles post the 9/11 attacks. This company has since gone out of business. | |
| **Purpose/Authorized Uses:** The MCV is used anytime a SWAT operation occurs. | |
| **Fiscal Impacts:** This unit was purchased in approximately 2002/2003. The original cost is unknown. Ongoing costs to maintain the MCV and replace failing equipment is approximately $2,000/year. Being nearly 20 years old this vehicle is in need of significant updating or replacement. We are currently in the process of receiving bids to update this vehicle. | |
| **Legal/Procedural Rules Governing Use:** Not applicable. | |
| **Training Required:** The vehicle requires a Class C Driver License | |
| **Other Notes:** The MCV is not a tactical vehicle. It is not armored in any way and has no offensive capabilities. It is utilized to transport gear and equipment to the command post for critical incidents and planned SWAT operations. | |

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| **Equipment Type: Mobile Command Vehicle - CA Gov't Code §7070(c)(5)** |

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|---|---|
| **Equipment:** 2015 Chevrolet Tahoe | |
| **Quantity Owned/Sought:** 1 owned | **Lifespan:** Approximately 15 years |
| **Equipment Capabilities:** The Mobile Command Vehicle (MCV) provides mobile, remote access to radio, internet, planning and other resources to assist with management of major incidents and planned operations. | |
| **Manufacturer Product Description:** 2015 Chevrolet Tahoe | |
| **Purpose/Authorized Uses:** The MCV is used by patrol Lieutenants. Its purpose is to help organize first responders during critical incidents, large events and natural disasters. | |
| **Fiscal Impacts:** Vehicle is maintained by the Redwood City Corporation Yard. | |
| **Legal/Procedural Rules Governing Use:** Not applicable. | |
| **Training Required:** The vehicle requires a Class C Driver License | |
| **Other Notes:** The MCV is not a tactical vehicle. It is not armored in any way and has no offensive capabilities. | |

# Index/Topics

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