MISSION STATEMENT

Our Mission - "Our mission is to ensure the safety and security of our community by reducing crime, creating strong partnerships, and investing in our employees to prepare for our future."

Our Motto - "An Honor To Serve, A Duty to Protect"

The Motto states the essential purpose of the Lodi Police Department. The Department will strive to protect the rights of all persons within its jurisdiction through the enforcement of law. The Department members will always remember the honor to serve that the public has entrusted in us by performing our law enforcement function in a professional manner. It is the public that the Department is ultimately responsible to.

Our Values - ETHICS

E Employee Excellence
T Teamwork
H Honor
I Innovation
C Communication
S Service

Employee Excellence - We value all members of our organization and recognize the need for personal growth through continual training, education, and innovative thinking.

Teamwork - We work proactively with and support each other and our community.

Honor - We serve as positive role models by being honest and ethical in our actions in both our personal and professional lives.

Innovation - We promote collaboration and progressive thinking to meet the changes affecting our organization and community.

Communication - We view openness as the key to maintaining accountability between ourselves and the community.

Service - We strive to provide a positive and exceptional response to the law enforcement needs of our community.
# Table of Contents

## MISSION STATEMENT

1

## Chapter 1 - Law Enforcement Role and Authority

100 - Law Enforcement Authority 9
101 - Chief Executive Officer 12
102 - Oath of Office 13
103 - Policy Manual 14
104 - Law Enforcement Code of Ethics 17

## Chapter 2 - Organization and Administration

200 - Organizational Structure and Responsibility 19
201 - Department Directive 21
202 - Training Policy 26
203 - Emergency Management Plan 28
204 - Retiree Concealed Firearms 29
205 - Electronic Mail 35
206 - Administrative Communications 36
207 - Staffing Levels 37
208 - License to Carry a Firearm 38
209 - Building Access and Facility Security 46

## Chapter 3 - General Operations

300 - Use of Force 51
301 - Use of Force Review Boards 59
302 - Handcuffing and Restraints 62
303 - Control Devices and Techniques 66
304 - TASER® and Stun Shield device Guidelines 71
305 - Firearms 79
306 - Vehicle Pursuits 91
307 - Tactical Operations Procedure 103
309 - Officer Response to Calls 106
310 - Code 7 Protocol 109
311 - SHIFT SUMMARY PROTOCOL 111
312 - Domestic Violence 113
313 - Search and Seizure 120
314 - Prisoner Transport 123
315 - Temporary Custody of Juveniles 125
316 - Canines 136
317 - Discriminatory Harassment 148
318 - Adult Abuse 154
319 - Child Abuse 164
320 - Missing Persons 172
321 - Public Alerts 178
322 - Victim and Witness Assistance 184
<table>
<thead>
<tr>
<th>Section</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>323</td>
<td>Hate Crimes</td>
<td>187</td>
</tr>
<tr>
<td>324</td>
<td>Standards of Conduct</td>
<td>197</td>
</tr>
<tr>
<td>325</td>
<td>Information Technology Use</td>
<td>204</td>
</tr>
<tr>
<td>326</td>
<td>Report Preparation</td>
<td>210</td>
</tr>
<tr>
<td>327</td>
<td>Media Relations</td>
<td>215</td>
</tr>
<tr>
<td>328</td>
<td>Subpoenas and Court Appearances</td>
<td>219</td>
</tr>
<tr>
<td>329</td>
<td>Reserve Officers</td>
<td>222</td>
</tr>
<tr>
<td>330</td>
<td>Outside Agency Assistance</td>
<td>228</td>
</tr>
<tr>
<td>331</td>
<td>Registered Offender Information</td>
<td>230</td>
</tr>
<tr>
<td>332</td>
<td>Major Incident Notification</td>
<td>232</td>
</tr>
<tr>
<td>333</td>
<td>Death Investigation</td>
<td>234</td>
</tr>
<tr>
<td>334</td>
<td>Identity Theft</td>
<td>237</td>
</tr>
<tr>
<td>335</td>
<td>Private Persons Arrests</td>
<td>238</td>
</tr>
<tr>
<td>336</td>
<td>Anti-Reproductive Rights Crimes Reporting</td>
<td>240</td>
</tr>
<tr>
<td>337</td>
<td>Limited English Proficiency Services</td>
<td>242</td>
</tr>
<tr>
<td>338</td>
<td>Communications with Persons with Disabilities</td>
<td>250</td>
</tr>
<tr>
<td>339</td>
<td>Mandatory Employer Notification</td>
<td>258</td>
</tr>
<tr>
<td>340</td>
<td>Biological Samples</td>
<td>260</td>
</tr>
<tr>
<td>341</td>
<td>Chaplains</td>
<td>263</td>
</tr>
<tr>
<td>342</td>
<td>Child and Dependent Adult Safety</td>
<td>269</td>
</tr>
<tr>
<td>343</td>
<td>Service Animals</td>
<td>273</td>
</tr>
<tr>
<td>344</td>
<td>Volunteer Program</td>
<td>276</td>
</tr>
<tr>
<td>346</td>
<td>Off-Duty Law Enforcement Actions</td>
<td>281</td>
</tr>
<tr>
<td>347</td>
<td>Department Use of Social Media</td>
<td>283</td>
</tr>
<tr>
<td>349</td>
<td>Native American Graves Protection and Repatriation</td>
<td>286</td>
</tr>
<tr>
<td>350</td>
<td>Gun Violence Restraining Orders</td>
<td>288</td>
</tr>
<tr>
<td><strong>Chapter 4 - Patrol Operations</strong></td>
<td></td>
<td>294</td>
</tr>
<tr>
<td>400</td>
<td>Patrol Function</td>
<td>295</td>
</tr>
<tr>
<td>401</td>
<td>PATROL SHIFT PROTOCOL</td>
<td>298</td>
</tr>
<tr>
<td>402</td>
<td>Bias-Based Policing</td>
<td>301</td>
</tr>
<tr>
<td>403</td>
<td>Briefing Training</td>
<td>304</td>
</tr>
<tr>
<td>404</td>
<td>Crime and Disaster Scene Integrity</td>
<td>305</td>
</tr>
<tr>
<td>405</td>
<td>SWAT/CINT</td>
<td>307</td>
</tr>
<tr>
<td>406</td>
<td>BATT Armored Vehicle</td>
<td>317</td>
</tr>
<tr>
<td>407</td>
<td>Ride-Along Policy</td>
<td>320</td>
</tr>
<tr>
<td>408</td>
<td>Hazardous Material Response</td>
<td>323</td>
</tr>
<tr>
<td>409</td>
<td>Hostage and Barricade Incidents</td>
<td>325</td>
</tr>
<tr>
<td>410</td>
<td>Response to Bomb Calls</td>
<td>330</td>
</tr>
<tr>
<td>411</td>
<td>Mental Illness Commitments</td>
<td>335</td>
</tr>
<tr>
<td>412</td>
<td>Cite and Release Policy</td>
<td>340</td>
</tr>
<tr>
<td>413</td>
<td>Foreign Diplomatic and Consular Representatives</td>
<td>344</td>
</tr>
<tr>
<td>414</td>
<td>Rapid Response and Deployment</td>
<td>348</td>
</tr>
<tr>
<td>415</td>
<td>Mobile Field Force Policy</td>
<td>351</td>
</tr>
<tr>
<td>416</td>
<td>Immigration Violations</td>
<td>356</td>
</tr>
<tr>
<td>417</td>
<td>Emergency Utility Service</td>
<td>362</td>
</tr>
<tr>
<td>419</td>
<td>Field Training Officer Program</td>
<td>363</td>
</tr>
</tbody>
</table>
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>420 - Obtaining Air Support</td>
<td>366</td>
</tr>
<tr>
<td>422 - Criminal Organizations</td>
<td>367</td>
</tr>
<tr>
<td>423 - Watch Commanders</td>
<td>372</td>
</tr>
<tr>
<td>424 - Mobile Data Computer Use</td>
<td>373</td>
</tr>
<tr>
<td>425 - Body Worn Cameras</td>
<td>376</td>
</tr>
<tr>
<td>426 - Portable Audio/Video Recorders</td>
<td>391</td>
</tr>
<tr>
<td>428 - Bicycle Patrol Unit</td>
<td>397</td>
</tr>
<tr>
<td>429 - Foot Pursuits</td>
<td>400</td>
</tr>
<tr>
<td>430 - Homeless Persons</td>
<td>405</td>
</tr>
<tr>
<td>431 - Automated License Plate Readers (ALPRs) Usage and Privacy Policy</td>
<td>408</td>
</tr>
<tr>
<td>432 - Public Recording of Law Enforcement Activity</td>
<td>412</td>
</tr>
<tr>
<td>433 - Crisis Intervention Incidents</td>
<td>415</td>
</tr>
<tr>
<td>434 - First Amendment Assemblies</td>
<td>420</td>
</tr>
<tr>
<td>435 - Medical Aid and Response</td>
<td>426</td>
</tr>
<tr>
<td>436 - Administration of Opioid Overdose Medication</td>
<td>432</td>
</tr>
<tr>
<td>437 - Civil Disputes</td>
<td>434</td>
</tr>
<tr>
<td>438 - Suspicious Activity Reporting</td>
<td>437</td>
</tr>
<tr>
<td>440 - Aircraft Accidents</td>
<td>439</td>
</tr>
</tbody>
</table>

**Chapter 5 - Traffic Detail**                                      | 443  |
| 500 - Traffic Function and Responsibility                               | 444  |
| 501 - Traffic Collision Reporting                                       | 447  |
| 502 - Vehicle Towing and Release                                        | 449  |
| 503 - Vehicle Impound Hearings                                         | 455  |
| 504 - Impaired Driving                                                  | 457  |
| 505 - Traffic Citations                                                | 463  |
| 506 - Disabled Vehicles                                                | 466  |
| 507 - 72-Hour Parking Violations                                       | 467  |

**Chapter 6 - Investigation Operations**                              | 469  |
| 600 - Investigation and Prosecution                                     | 470  |
| 601 - Sexual Assault Investigations                                     | 475  |
| 602 - Asset Forfeiture                                                 | 481  |
| 603 - Informants                                                       | 488  |
| 604 - Eyewitness Identification                                         | 494  |
| 605 - Brady Material Disclosure                                        | 498  |
| 606 - Unmanned Aerial System (UAS) Operations                           | 500  |
| 607 - Warrant Service                                                  | 503  |
| 608 - Operations Planning and Deconflict                                | 507  |

**Chapter 7 - Equipment**                                              | 513  |
| 700 - Department Owned and Personal Property                            | 514  |
| 701 - Personal Communication Devices                                   | 516  |
| 702 - Vehicle Maintenance                                              | 520  |
| 703 - Vehicle Use                                                      | 522  |
| 704 - Cash Handling, Security and Management                           | 529  |
# Table of Contents

## Chapter 8 - Services

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>800 - Crime Analysis</td>
<td>531</td>
</tr>
<tr>
<td>801 - the Communications Center</td>
<td>532</td>
</tr>
<tr>
<td>802 - Property and Evidence</td>
<td>539</td>
</tr>
<tr>
<td>803 - Records Division</td>
<td>548</td>
</tr>
<tr>
<td>804 - Restoration of Firearm Serial Numbers</td>
<td>550</td>
</tr>
<tr>
<td>805 - Records Maintenance and Release</td>
<td>552</td>
</tr>
<tr>
<td>806 - Protected Information</td>
<td>561</td>
</tr>
<tr>
<td>808 - Animal Control</td>
<td>565</td>
</tr>
</tbody>
</table>

## Chapter 9 - Custody

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>900 - Organizational Structure</td>
<td>570</td>
</tr>
<tr>
<td>901 - Jail Term Definitions</td>
<td>572</td>
</tr>
<tr>
<td>902 - Training</td>
<td>574</td>
</tr>
<tr>
<td>903 - Staffing Plan</td>
<td>575</td>
</tr>
<tr>
<td>904 - Fire Safety, Planning and Suppression</td>
<td>576</td>
</tr>
<tr>
<td>905 - Emergency Procedures</td>
<td>579</td>
</tr>
<tr>
<td>906 - Population Accounting</td>
<td>582</td>
</tr>
<tr>
<td>907 - Inmate Records</td>
<td>583</td>
</tr>
<tr>
<td>908 - Jail Incident Reports</td>
<td>584</td>
</tr>
<tr>
<td>909 - Public Information Plan</td>
<td>586</td>
</tr>
<tr>
<td>910 - Receiving Prisoners</td>
<td>588</td>
</tr>
<tr>
<td>911 - Booking Process</td>
<td>589</td>
</tr>
<tr>
<td>912 - Inmate Classification</td>
<td>592</td>
</tr>
<tr>
<td>913 - Use of Force/Restraint</td>
<td>596</td>
</tr>
<tr>
<td>914 - Visitation</td>
<td>598</td>
</tr>
<tr>
<td>915 - Prisoner Mail and Correspondence</td>
<td>599</td>
</tr>
<tr>
<td>916 - Inmate Activities</td>
<td>600</td>
</tr>
<tr>
<td>917 - Inmate Orientation</td>
<td>601</td>
</tr>
<tr>
<td>918 - Inmate Grievances</td>
<td>603</td>
</tr>
<tr>
<td>919 - Inmate Discipline</td>
<td>604</td>
</tr>
<tr>
<td>920 - Medical Procedure Manual</td>
<td>605</td>
</tr>
<tr>
<td>921 - Medical Procedures</td>
<td>606</td>
</tr>
<tr>
<td>922 - Detoxification Procedures</td>
<td>612</td>
</tr>
<tr>
<td>923 - Suicide Prevention</td>
<td>614</td>
</tr>
<tr>
<td>924 - Death of Inmates</td>
<td>616</td>
</tr>
<tr>
<td>925 - Food Service Plan</td>
<td>618</td>
</tr>
<tr>
<td>926 - Kitchen Facilities, Sanitation and Food Storage</td>
<td>620</td>
</tr>
<tr>
<td>927 - Prisoner Hygiene and Inmate Clothing</td>
<td>621</td>
</tr>
<tr>
<td>928 - Bedding and Linen</td>
<td>623</td>
</tr>
<tr>
<td>929 - Facility Sanitation, Safety and Maintenance</td>
<td>624</td>
</tr>
<tr>
<td>930 - Juvenile Arrests</td>
<td>626</td>
</tr>
<tr>
<td>931 - Custodial Searches</td>
<td>630</td>
</tr>
<tr>
<td>932 - Prison Rape Elimination</td>
<td>636</td>
</tr>
</tbody>
</table>

## Chapter 10 - Personnel

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1000 - Recruitment and Selection</td>
<td>647</td>
</tr>
</tbody>
</table>
1001 - Evaluation of Employees ........................................... 652
1002 - Special Assignments and Promotions ............................ 655
1003 - SPECIAL ASSIGNMENT POLICY ................................. 657
1004 - Anti-Retaliation ..................................................... 658
1005 - Reporting of Employee Convictions ............................ 662
1006 - Drug- and Alcohol-Free Workplace .............................. 664
1007 - Leaves of Absences .................................................. 667
1008 - Communicable Diseases ............................................ 671
1009 - Smoking and Tobacco Use ........................................ 677
1010 - Personnel Complaints .............................................. 678
1011 - Seat Belts ............................................................. 688
1012 - Body Armor ........................................................... 690
1013 - Employee Performance Documentation ........................ 692
1014 - Personnel Records .................................................. 694
1016 - Commendations and Awards ..................................... 703
1018 - Meal Periods and Breaks ......................................... 708
1019 - Lactation Break Policy ............................................. 709
1020 - Payroll Records ..................................................... 711
1021 - Overtime Compensation Requests ............................... 712
1022 - Outside Employment ............................................... 714
1024 - Personal Appearance Standards ................................ 719
1025 - Uniform Regulations .............................................. 723
1026 - Police Cadets ....................................................... 732
1028 - Department Badges ................................................ 734
1029 - Temporary Modified-Duty Assignments ....................... 736
1030 - Employee Speech, Expression and Social Networking ...... 740
1031 - Grievance Procedure .............................................. 744

Attachments ................................................................. 746
Korean truth_act_form_3.pdf ............................................... 747
Firearms Purchase Request and Agreement.pdf ....................... 748
English truth_act_form_1.pdf .............................................. 749
LPD 400_Narcan Use Form (1).pdf ..................................... 750
LPOA-2015-17.pdf ......................................................... 751
Tagalog truth_act_form_1.pdf ............................................ 752
Chinese truth_act_form_2.pdf ............................................ 753
epo002.pdf ................................................................. 754
gv109.pdf ................................................................. 755
DHCS-1801-20191106 (1).pdf ........................................... 756
preventing_hate_crimes_brochure_PUN.pdf ......................... 757
External Correspondence Format.pdf .................................. 758
Vietnamese truth_act_form_1.pdf ....................................... 759
clets001.pdf ............................................................... 761
gv110.pdf ................................................................. 762
Statutes and Legal Requirements.pdf ................................ 763
Korean truth_act_form_2.pdf ............................................ 764
<table>
<thead>
<tr>
<th>File Name</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>English truth_act_form_3.pdf</td>
<td>765</td>
</tr>
<tr>
<td>LPD Memorandum.pdf</td>
<td>766</td>
</tr>
<tr>
<td>English truth_act_form_2.pdf</td>
<td>767</td>
</tr>
<tr>
<td>LPMO-2015-2017.pdf</td>
<td>768</td>
</tr>
<tr>
<td>Chinese truth_act_form_3.pdf</td>
<td>769</td>
</tr>
<tr>
<td>Korean truth_act_form_1.pdf</td>
<td>770</td>
</tr>
<tr>
<td>Spanish truth_act_form_1_-_final.pdf</td>
<td>771</td>
</tr>
<tr>
<td>gv600.pdf</td>
<td>772</td>
</tr>
<tr>
<td>Chinese truth_act_form_1.pdf</td>
<td>773</td>
</tr>
<tr>
<td>Tagalog truth_act_form_2.pdf</td>
<td>774</td>
</tr>
<tr>
<td>City Mid Management MOU-2015.pdf</td>
<td>775</td>
</tr>
<tr>
<td>Spanish truth_act_form_3_-_final.pdf</td>
<td>776</td>
</tr>
<tr>
<td>gv700.pdf</td>
<td>777</td>
</tr>
<tr>
<td>Vietnamese truth_act_form_2.pdf</td>
<td>778</td>
</tr>
<tr>
<td>LPD Threat Assessment Form A (2020 V.1).pdf</td>
<td>779</td>
</tr>
<tr>
<td>Tagalog truth_act_form_3.pdf</td>
<td>780</td>
</tr>
<tr>
<td>gv100.pdf</td>
<td>781</td>
</tr>
<tr>
<td>Hate Crime Checklist.pdf</td>
<td>782</td>
</tr>
<tr>
<td>Major Incident Notification.pdf</td>
<td>783</td>
</tr>
<tr>
<td>Gen Srvcs-2015.pdf</td>
<td>784</td>
</tr>
<tr>
<td>Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf</td>
<td>785</td>
</tr>
<tr>
<td>cm010.pdf</td>
<td>786</td>
</tr>
<tr>
<td>Spanish truth_act_form_2_-_final.pdf</td>
<td>787</td>
</tr>
<tr>
<td>Lodi Police Directive Order.pdf</td>
<td>788</td>
</tr>
<tr>
<td>preventing_hate_crimes_brochure_SP.pdf</td>
<td>789</td>
</tr>
<tr>
<td>preventing_hate_crimes_brochure_ENG.pdf</td>
<td>790</td>
</tr>
<tr>
<td>Vietnamese truth_act_form_3.pdf</td>
<td>791</td>
</tr>
</tbody>
</table>
Chapter 1 - Law Enforcement Role and Authority
Law Enforcement Authority

100.1 PURPOSE AND SCOPE
The purpose of this policy is to affirm the authority of the members of the Lodi Police Department to perform their functions based on established legal authority.

100.2 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.).

100.2.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE LODI POLICE DEPARTMENT
The arrest authority outside the jurisdiction of the Lodi 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.

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.

100.2.2 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE LODI POLICE DEPARTMENT
The arrest authority within the jurisdiction of the Lodi 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.
Law Enforcement Authority

(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.

100.2.3 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):

(a) 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).

(b) The arrest is made in a public place.

(c) The arrest is made with the person in custody pursuant to another lawful arrest.

(d) 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.

100.2.4 OREGON AUTHORITY
Sworn members of this department who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles from the California-Oregon border (ORS 133.405). Such authority shall only apply when officers are acting:

(a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police.

(b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance.

(c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident.

Lodi Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws. Whenever practicable, officers should seek permission from a department supervisor before entering Oregon to provide law enforcement services. As soon as practicable, officers exercising law enforcement authority in Oregon shall submit any appropriate written reports concerning the incident to the Oregon agency having primary jurisdiction over the area in which the incident occurred.
100.3 POLICY
It is the policy of the Lodi 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.

100.4 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).

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.
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).
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 Lodi 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).
Policy Manual

103.1 PURPOSE AND SCOPE
The manual of the Lodi 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 Lodi 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 Lodi 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 Departmental Directives, which shall modify those provisions of the manual to which they pertain. Departmental Directives 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.
- CCR - California Code of Regulations (Example: 15 CCR 1151).
CHP - The California Highway Patrol.
City - The City of Lodi.
Non-sworn - Employees and volunteers who are not sworn peace officers.
Department/LPD - The Lodi Police Department.
DMV - The Department of Motor Vehicles.
Employee - Any person employed by the Department.
Juvenile - Any person under the age of 18 years.
May - Indicates a permissive, discretionary or conditional action.
Member - Any person employed or appointed by the Lodi 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 Lodi 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.
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.
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 department at 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 officer.
Chapter 2 - Organization and Administration
Organizational Structure and Responsibility

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

200.2 BUREAUS
The Chief of Police is responsible for administering and managing the Lodi Police Department. There are two bureaus in the Police Department as follows:

- Operations Bureau
- Services Bureau

200.2.1 OPERATIONS BUREAU
The Operations is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Bureau. The Operations consists of uniformed patrol, and other functions designated on the organizational chart.

200.2.2 SERVICES BUREAU
The Services Bureau is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Bureau. The Services Bureau consists of the Investigations Division and Technical Services Division, and other functions designated on the organizational chart.

200.3 COMMAND PROTOCOL

200.3.1 SUCESSION OF COMMAND
The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Bureau Commander 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) Captains based on seniority
- (b) Lieutenants based on seniority
- (c) Watch Commander

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.
Department Directive

201.1 PURPOSE AND SCOPE
It is the policy of this department that all directives will be effective immediately and remain in effect until they are either amended or rescinded by the Chief of Police or his designee. Directives outline day to day procedures and functions not otherwise outlined in department policy. All members of the department shall be familiar with and comply with the requirements of all department directives.

201.1.2 DIRECTIVES
Directive 16-002 - Channel 3 Use
Channel 3 shall only be utilized under the following circumstances:

• When out of range of the LPD repeater and radio communication with dispatch can no longer be understood and car to car communication needs to be maintained.
• With supervisor approval
• For approved tactical operations

This step is being taken to insure that dispatch and supervisors can monitor all transmissions so as to be diligent in insuring officer safety and professional radio protocols.

Directive 16-003 - Release of Information
No employee shall release information to the public in any form regarding an outside agency's operations, investigations, or activities without prior approval of the Chief of Police or his designee and after consultation with and approval of said agency.

Directive 16-005 - Arrest Procedure
To comply with 851.6(b) PC, when an officer books a subject for 647(f) PC only, the officer will fill out an 849(b) PC form and leave it with the jailer. The jailer will insure the form is left with the subject upon their release from our custody. This only applies to those subjects arrested for 647(f) PC, where there are no other charges. This does not apply to subjects charged with 647(f) PC who are issued a citation as well.

The 849(b) PC form is the accepted DOJ form and is consistent with what the court liaison officer issues when the DA declines to press charges against an individual. The 849(b) forms will be placed in report writing and in the jail.

Directive 17-002 - Dispatch Code 7
Dispatch staffing is of utmost importance to the safety of officers, jailers and inmates housed in our facility. As such, the following rules regarding Code 7 will be followed:

General Rules:

• The lunch hour begins when you leave your station and ends when you return to your station
Department Directive

• Dispatchers/jailers may not ride along with officers during Code 7
• No sleeping on Code 7
• No uniforms will be visible or worn away from the building during Code 7

When staffed with four Dispatchers/Jailers:
• Personnel may leave the building for Code 7
• Personnel must return to the dispatch center within 10 minutes, if advised to return
• Personnel may not leave the city limits
• Personnel must carry the dispatch cellular phone at all times and answer, if called

When staffed with three Dispatchers/Jailers:
• Personnel may not leave the building for Code 7
• Personnel must be available to return to the dispatch center immediately upon need
• Personnel must not fully dress out of uniform to allow for a quick return to work
• Personnel must monitor the radio and department intercom during Code 7 to determine any need for return to the dispatch center

Breaks:
• Dispatchers/Jailers are permitted to leave the building for up to 15 minutes to purchase food and/or beverages one time during their shifts. Special care should be given to insure that jail checks are still completed and that the communications center is not staffed with less than two Dispatchers/Jailers. These breaks must be approved by the on-duty Dispatch Supervisor or a Lead Dispatcher in their absence.

Directive 17-003 - Ankle Monitors

When a prisoner is booked into LPD jail and they are wearing an ankle monitor, the monitor will be removed by inserting a flat head screwdriver to pop the two slots on the monitor which will then open the strap/monitor for removal. The monitor will be placed in the basket in the jail. This will allow the item to be tracked and returned to the servicing company. Officers will note in their report that the monitor was removed and placed in the basket in the jail.

Directive 17-004 - Shift Trades

Employees trading shifts with another employee will not be allowed to take time off for all or part of the traded shift the employee is working.

Directive 17-005 - Beat Structure and Assignments

The department will operate as a 5 beat system that is supported by the OSSI system 24 hours a day. If Beat 5 is not staffed, usually after 0200 hours, dispatch will dispatch units out of area for Beat 5 calls for service. Dispatch has the flexibility to dispatch units according to unit locations, availability of units, rotations of units into Beat 5, etc. The responsibility for patrolling Beat 5 is shared jointly with the 4 staffed officers when Beat 5 is not staffed.
Directive 17-007 - Juvenile Booking Process

Juveniles requiring booking will not be moved through the police facility and into the jail. All juveniles will be brought to the jail through the sally port and the booking forms completed in the police unit. The juvenile will then be secured and brought into the booking area for fingerprinting and photographing, as required. Once this process is completed the juvenile will be placed into the patrol vehicle and transported out of the jail and to the report writing area.

This will insure the rights of the juvenile are protected and there is no violation of Title 15 requirements.

Directive 17-008 - SAFE Exams, Sexual Assault Forensic Exams

Due to the cost and limited number of exams budgeted for during the year, sworn personnel are required to obtain clearance for a SAFE exam from a supervisor before transporting a victim to the county. The supervisor granting the clearance for the exam shall be listed in the officer's report.

Directive 17-009 - Truant Juveniles

Officers will not respond to requests from parents to wake a truant child up for school. If the child is a habitual truant and the SRO for the child's school deems it appropriate, the SRO may respond at their discretion.

Directive 17-010 - Communication with Dispatch

Officers having concerns regarding the handling or dispatch of a call for service, shall contact the officer's immediate supervisor and discuss the issue with them. Officers shall not confront or discuss the issue with a member of dispatch, regardless of the reason. If an officer feels that the issue has not been resolved with their immediate supervisor, they are free to contact the next person in the chain of command.

Directive 17-011 - Jail Procedures

Sworn personnel will insure that arrestees sign any citations issued to them at the time of the booking. The yellow copy of the citation will then be placed into the arrestee's property, instead of giving it to the arrestee. This will allow the jailer or court liaison officer to void the citation, if necessary.

Also, when an arrestee's vehicle is towed, place a copy of the tow slip in their property so the arrestee will know where their car has been towed to.

Directive 17-012 - Report Writing

Officers are required to include any charges against an arrestee in the narrative portion of the report. This includes booked and cited persons. This can be done at the end of the report when it is mentioned that the person was either booked or cited in the field.

If the person arrested or cited is listed on the department BOL log in RMS, it is the arresting/citing officer's responsibility to remove that person from the BOL log. Additionally, a supplemental to the original report must be completed detailing the action taken regarding the person in the BOL.
Directive 17-013 - Solicitors
Solicitors at local businesses and shopping malls will only be arrested pursuant to a citizen's arrest. The arrestee can then be booked into the Lodi jail or cited in the field, depending on the circumstances of the arrest. If the arrestee returns to the location and is arrested again, then they should be booked and held due to the likelihood to continue.

Directive 17-014 - Booking Procedures
Any prisoner brought to LPD jail for booking will be thoroughly searched by the transporting officer. A second search will then be conducted by the booking jailer, with the officer present, prior to handcuffs being removed from the arrestee.

All arrestees brought into the city jail will have their property removed, inventoried, and signed for. This includes anything that can be used as a weapon, such as a belt or similar item. Arrestees will be allowed to keep their jackets or other outerwear during the booking process or while housed in the jail after it has been thoroughly searched. This applies to arrestees brought into the jail for booking and immediate cite and release. Once released, the property will be returned to the arrestee according to inmate release policy and procedure. This does not affect in-custody inmates brought in from the county jail.

Transporting officers will no longer drop an arrestee off at the jail. If the arresting officer is not present, the transporting officer will proceed with the booking process until it is completed or the arresting officer arrives at the jail and relieves the transporting officer.

Jailers are required to conduct checks of the cells and the visiting room for any damage, including the flooding of a jail cell or area. Any damage found shall be reported to the Watch Commander for documentation and charges against the responsible person, if applicable.

Directive 17-016 - Response to Calls
The following changes will be made to the department's response to the following calls for service:

- Animal Calls
  - Patrol will no longer respond to non-vicious stray dogs. Dispatch will create an event and broadcast a BOL about the dog and then close the event. Dispatch will notify animal control of the BOL. Animal control will respond when time allows.

- Barking dog calls
  - Dispatch will refer these calls to Animal Control unless the caller wishes to make a citizen's arrest.

- Animal Shelter
  - When the shelter is closed, officers will not respond to accept found dogs or cats. Callers will be advised to wait until normal business hours to bring the animals to the shelter.

- Alarms
Department Directive

- Alarm calls in which a responder is on scene with the wrong code or no code and is answering the phone will have no patrol response.

  - Civil Standby

    - There will be no response by a patrol unit unless a court order violation occurs, a disturbance is in progress or some other crime is committed.

Directive 17-017 - Prisoner Transports

All prisoner transports in excess of 120 miles in one direction, via Google maps, will be done with two (2) officers. If the mileage in one direction, via Google maps, is less than 120 miles, one (1) officer will be utilized.

Directive 17-018 - Probationary Officer BOL Issuance Procedures

All probationary officers will have their BOL's approved by their supervisor prior to dissemination. Supervisors will evaluate the elements of the case, and verify if probable cause exists for arrest. If not, supervisors will verify the BOL is classified correctly, and outlines what is required upon contact with the listed subject.

Supervisors will also verify BOL's are clear, concise, have been proofread for spelling and grammar, and all efforts have been made to locate the subject’s photograph.

Directive 17-019 - Accessing City of Lodi Utilities Records

Accessing City of Lodi utility information is for emergency contact purposes only. Department members should not be utilizing account information to further an investigation. Members are prohibited from monitoring utility usage of any customer for an investigation.

Directive 19-001 - Subpoena Service

All employees issued a subpoena via the Planit scheduling software are required to acknowledge the subpoena upon receipt via the electronic link included in the email notification. This insures proper service of the subpoena is recorded for both the Department’s subpoena clerk and the District Attorney’s office.
Training Policy

202.1 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.

202.2 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).

202.3 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

202.4 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 annual basis. The plan will address the following areas:

(Agency-specific training areas)

202.5 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 fiscal year.

202.6 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
Training Policy

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.
   2. Make arrangements through his/her supervisor and the Training Sergeant to attend the required training on an alternate date.

202.7 DAILY TRAINING BULLETINS
The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Lodi Police Department Policy Manual and other important topics. Generally, one training bulletin is available for each day of the month. However, the number of DTBs may be adjusted by Office of Professional Standards staff.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Office of Professional Standards staff. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees should log off the system to prevent unauthorized access. The content of the DTBs is copyrighted material and shall not be shared with others outside of the Department.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel may be required to complete DTBs missed during extended absences (e.g., vacation, medical leave) upon returning to duty. Although the DTB system can be accessed from any Internet active computer, employees shall only take DTBs as part of their on-duty assignment unless directed otherwise by a supervisor.

Supervisors will be responsible for monitoring the progress of personnel under their command to ensure compliance with this policy.
Emergency Management Plan

203.1 PURPOSE AND SCOPE
The City of Lodi has prepared an Emergency 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).

203.2 ACTIVATING THE EMERGENCY PLAN
The City of Lodi Emergency Plan can be activated on the order of the official designated by local ordinance.

203.2.1 RECALL OF PERSONNEL
In the event that the Emergency Plan is activated, all employees of the Lodi 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.

203.3 LOCATION OF THE PLAN
The City of Lodi Emergency Plan is available in the following locations:

- The office of the Chief of Police
- The Watch Commander's office
- The Administrative Lieutenant's office
- The Communications Center
- The Mobile Operations Center
- The Emergency Operations Center

All supervisors should familiarize themselves with the City of Lodi Emergency Plan. The Administration supervisor should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.
Retiree Concealed Firearms

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

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

204.2.1 QUALIFIED RETIRED OFFICERS
Qualified retired officers who meet the department requirements shall be provided an identification card with a CCW Approved endorsement (Penal Code § 26300). Notwithstanding any other provisions in this Chapter, the Chief of Police may authorize a peace officer who has been honorably retired through a service retirement or a peace officer retiring from a job-incurrrred disability not related to a mental or emotional disorder, and who has been granted the legal right to carry a concealed firearm pursuant to Article 2 (commencing with Section 25450) of Chapter 2 of Division 5 of Title 4 of Part 6 of the Penal Code, to purchase his or her city-issued handgun. The retired peace officer will pay the City an amount equal to the City's cost to acquire a new city-issued handgun plus any handling and transfer costs, as determined by the Lodi Police Department. The purchase of a city-issued handgun from the City will be made pursuant to policies approved by the City Manager and Chief of Police, which shall include, without limitation, a waiver and release of liability of the City of Lodi, its employees, elected officials, officers, and volunteers as to all matters concerning the city-issued handgun.

Qualified retired officers shall submit the attached Firearms Purchase Request and Agreement to the Office of the Chief of Police prior to the officer's retirement date from the City/department.

See attachment: Firearms Purchase Request and Agreement.pdf

204.3 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.

204.3.1 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 Lodi 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.

204.3.2 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:

(a) In possession of photographic identification that identifies him/her as having been employed as a law enforcement officer, and one of the following:
   1. An indication from the person’s former law enforcement agency that he/she has, within the past year, been tested or otherwise found by the law enforcement agency to meet agency-established active duty standards for qualification in firearms training to carry a firearm of the same type as the concealed firearm.
   2. A certification, issued by either the state in which the person resides or by a certified firearms instructor who is qualified to conduct a firearms qualification test for active duty law enforcement officers within that state, indicating that the person has, within the past year, been tested or otherwise found to meet the standards established by the state or, if not applicable, the standards of any agency in that state.

(b) Not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(c) Not prohibited by federal law from receiving a firearm.

(d) Not in a location prohibited by California law or by a private person or entity on his/her property if such prohibition is permitted by California law.

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

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

204.4.1 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 one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped “No CCW Privilege.”

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

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

204.4.3 QUALIFIED RETIRED RESERVES
Qualified retired reserve officers who meet the department requirements shall be provided an identification card with a CCW Approved endorsement (Penal Code § 26300).

204.5 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.

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.
(b) Remain subject to all applicable department policies and federal, state and local laws.
Retiree Concealed Firearms

(c) Demonstrate good judgment and character commensurate with carrying a loaded and concealed firearm.

(d) Successfully pass an annual criminal history background check indicating that he/she is not prohibited by law from receiving or possessing a firearm.

204.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT
In order to maintain a CCW Approved endorsement on an identification card issued under California law, the retired officer shall (Penal Code § 26305):

(a) Qualify annually 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.

204.6 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.

204.7 DENIAL, SUSPENSION, OR REVOCATION OF A CALIFORNIA CCW ENDORSEMENT CARD
A CCW endorsement 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 (Penal Code § 25470).

(a) In the event that a CCW endorsement is initially denied, the retired officer shall have 15 days from the date of denial to request a formal hearing. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received.

(b) Prior to revocation of any CCW endorsement, the Department shall provide the affected retiree with written notice of a hearing by either personal service or first class mail, postage prepaid, return receipt requested to the retiree’s last known address (Penal Code § 26315).

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.

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

(c) A hearing for the denial or revocation of any CCW endorsement shall be conducted before a hearing board composed of three members, one selected by the Department, one selected by the retiree or his/her employee organization, and one selected jointly (Penal Code § 26320).

1. The decision of such hearing board shall be binding on the Department and the retiree.

2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped “No CCW Privilege.”

(d) Members who have reason to suspect the conduct of a retiree has compromised public safety shall notify the Watch Commander as soon as practicable. The Watch Commander should promptly take appropriate steps to look into the matter and, if warranted, contact the retiree in person and advise him/her of the temporary suspension and hearing information listed below.

1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).

2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.

3. The personal and written notification should be as follows:
   (a) The retiree’s CCW endorsement is immediately and temporarily suspended.
   (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
   (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.

4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

204.8 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
Retiree Concealed Firearms

date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.
Electronic Mail

205.1 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.

205.2 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.

205.3 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 unless approved by the Chief of Police or Bureau Commander.

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.

205.4 MANAGEMENT OF E-MAIL
Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed and/or stored in another database. Users of e-mail are solely responsible for the management of their mailboxes.
Administrative Communications

206.1 PURPOSE AND SCOPE
Administrative communications of this department are governed by the following policies.

206.2 INTERNAL CORRESPONDENCE (MEMORANDUM)
Memorandums are to be used by personnel for internal correspondence. Memorandum correspondence shall be constructed in the approved memo format where the date, to, from, and subject are identified before the body of the correspondence.

See attachment: LPD Memorandum.pdf

206.3 EXTERNAL 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.

See attachment: External Correspondence Format.pdf

206.4 SURVEYS
All surveys made in the name of the Department shall be authorized by the Chief of Police or a Bureau Commander.
Staffing Levels

207.1 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.

207.2 STAFFING LEVELS
Staffing levels should result in the scheduling of at least one regular patrol supervisor on duty at all times.

In the event a preferred number of patrol officers cannot be reached, additional sworn personnel, including traffic officers, school resource officers, or detectives may be utilized.

207.2.1 SUPERVISION DEPLOYMENTS
In order to accommodate training and other unforeseen circumstances, a corporal may be used as a field supervisor in place of a sergeant.

With prior authorization from the Operations captain or their designee, a corporal may act as the Watch Commander for a limited period of time.
License to Carry a Firearm

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

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

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

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

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

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

208.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)
(a) Any individual applying for a license to carry a firearm shall first fully complete a California Department of Justice (DOJ) application to be signed under penalty of perjury. Any applicant who provides false information or statements on the application will be removed from further consideration and may be prosecuted for a criminal offense (Penal Code § 26180).

1. In the event of any discrepancies in the application or background investigation, the applicant may be required to undergo a polygraph examination or CVSA, at no cost to the applicant.

2. If an incomplete application package is received, the Chief of Police or authorized designee may do any of the following:
   (a) Require the applicant to complete the package before any further processing.
   (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.
   (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., not a resident, disqualifying criminal conviction, absence of good cause).

(b) At the time the completed application is submitted, the applicant shall submit a check made payable to the California Department of Justice for the required California DOJ application fee, along with a separate check made payable to the City of Lodi for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (Penal Code § 26190).

   (a) Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.
   (b) Full payment of the remainder of the application fee will be required upon issuance of a license.
   (c) Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).

(c) The applicant shall be required to submit to fingerprinting and a complete criminal background check by the California DOJ. A second set of fingerprints may be required for retention in department files. Two recent passport-size photos (2 inches by 2 inches) of the applicant shall be submitted for department use. No person determined to fall within a prohibited class described in Penal Code § 29800, Penal Code § 29900, Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 will be
**License to Carry a Firearm**

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

(d) New applicants shall submit at least three signed letters of character reference from individuals other than relatives.

(e) The applicant shall submit proof of ownership or registration of each firearm to be licensed.

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

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

Applicants may appeal if their application for a renewal is denied. All appeals must be submitted in writing to:

**Lodi Police Department**

**Attention: Office of the Chief of Police**

**215 W. Elm Street**

**Lodi, CA 95242**

Written appeals should be specific, clearly outlining the applicant's rebuttal to the reason stated for denial. Additional information, which may be pertinent to the applicant's request for a license, should also be included. Appeals must be received by the Police Department no later than thirty (30) days from the date of the notification letter.

208.4.2 PHASE TWO

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

(a) Upon successful completion of phase one, the applicant shall be scheduled for a personal interview with the Chief of Police or authorized designee. During this stage, there will be further discussion of the applicant's statement of good cause and any potential restrictions or conditions that might be placed on the license.

1. The determination of good cause should consider the totality of circumstances in each individual case.

2. Any denial for lack of good cause should be rational, articulable and not arbitrary in nature.

3. The Department will provide written notice to the applicant as to the determination of good cause (Penal Code § 26202).
(b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing (not to exceed $150) shall be paid by the applicant. The purpose of any such psychological testing is intended only to identify any outward indications or history of psychological problems that might render the applicant unfit to carry a firearm. This testing is not intended to certify in any other respect that the applicant is psychologically fit. If it is determined that the applicant is not a suitable candidate for carrying a firearm, the applicant shall be removed from further consideration (Penal Code § 26190).

(c) The applicant may be required to provide written evidence from a licensed physician that the applicant is not currently suffering from any medical condition that would make the individual unsuitable for carrying a concealed weapon. All costs associated with this requirement shall be paid by the applicant. If such evidence is required, the applicant’s failure to provide satisfactory evidence of medical fitness shall result in the application being denied.

(d) The applicant shall complete a course of training approved by the department, which complies with Penal Code § 26165. The applicant will not be required to complete and pay for any training courses prior to any determination of good cause (Penal Code § 26165; Penal Code § 26202).

(e) The applicant shall submit any firearm to be considered for a license to the Rangemaster or other department authorized gunsmith, at no cost to the applicant, for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer’s specifications or that is unsafe (Penal Code § 31910).

(f) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Rangemaster, or at the discretion of the Chief of Police or his authorized designee, provide proof of successful completion of another department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

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

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

208.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM
The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a
License to Carry a Firearm

municipal police department may not issue limited licenses (Penal Code § 26150). Therefore, such applicants may be referred to the Sheriff for processing.

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

(a) The applicant physically spends a substantial period of working hours in the applicant’s principal place of employment or business within the City of Lodi (Penal Code § 26150).

(b) Such a license will be valid for a period not to exceed 90 days from the date of issuance (Penal Code § 26220).

(c) The applicant shall provide a copy of the license to the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

(d) Any application for renewal or reissuance of such a license may be granted only upon concurrence of the original issuing authority and the licensing authority of the city or county in which the applicant resides (Penal Code § 26220).

208.6 ISSUED FIREARMS PERMITS

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

(a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner and circumstances under which the person may carry the firearm.

1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200).

2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.

(b) The license shall be laminated, bearing a photograph of the licensee with the expiration date, type of firearm, restrictions and other pertinent information clearly visible.

1. Each license shall be numbered and clearly identify the licensee.

2. All licenses shall be subjected to inspection by the Chief of Police or any law enforcement officer.

(c) The license will be valid for a period not to exceed two years from the date of issuance (Penal Code § 26220).

1. A license issued to a state or federal magistrate, commissioner or judge will be valid for a period not to exceed three years.
2. A license issued to any reserve peace officer as defined in Penal Code § 830.6(a) or (b), or a custodial officer employed by the Sheriff as provided in Penal Code § 831.5 will be valid for a period not to exceed four years, except that such license shall be invalid upon the individual's conclusion of service as a reserve officer.

(d) If the licensee's place of residence was the basis for issuance of a license and the licensee moves out of the county of issuance, the license shall expire 90 days after the licensee has moved (Penal Code § 26210).

(e) The licensee shall notify this department in writing within 10 days of any change of place of residency.

208.6.1 LICENSE RESTRICTIONS

(a) The Chief of Police may place special restrictions limiting time, place, manner and circumstances under which any license shall be valid. In general, these restrictions will prohibit the licensee from:

1. Consuming any alcoholic beverage while armed.
2. Falsely representing him/herself as a peace officer.
3. Unjustified or unreasonable displaying of a firearm.
5. Being under the influence of any medication or drug while armed.
6. Interfering with any law enforcement officer's duties.
7. Refusing to display his/her license or firearm for inspection upon demand of any peace officer.
8. Loading the permitted firearm with illegal ammunition.

(b) The Chief of Police reserves the right to inspect any license or licensed firearm at any time.

(c) The alteration of any previously approved firearm including, but not limited to adjusting the trigger pull, adding laser sights or modifications shall void any license and serve as grounds for revocation.

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

(a) Add or delete authority to carry a firearm listed on the license.

(b) Change restrictions or conditions previously placed on the license.

(c) Change the address or other personal information of the licensee (Penal Code § 26210).
In the event that any amendment to a valid license is approved by the Chief of Police, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

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

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

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

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

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

(a) Verifying all information submitted in the original application under penalty of perjury.
(b) Successfully complete a department-approved training course pursuant to Penal Code § 26165. The applicant shall not be required to pay for a training course prior to the determination of good cause (Penal Code § 26165).
(c) Submitting any firearm to be considered for a license renewal to the Rangemaster for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer’s specifications or that is unsafe (Penal Code § 31910).
(d) Successfully completing a firearms safety and proficiency examination administered by the Department Rangemaster with the weapon to be renewed and licensed, including the completion of all releases and other forms.
License to Carry a Firearm

(e) Paying a non-refundable renewal application fee.

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

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

Applicants may appeal if their application for a renewal is denied. All appeals must be submitted in writing to:

Lodi Police Department
Attention: Office of the Chief of Police
215 W. Elm Street
Lodi, CA 95242

Written appeals must be specific, clearly outlining the applicant's rebuttal for the reason stated for denial. Additional information, which may be pertinent to the applicant's request for a license should also be included. Appeals must be received by the Police Department no later than thirty (30) days from the date of the notification letter.

208.7 DEPARTMENT REPORTING AND RECORDS

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

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

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

208.8 CONFIDENTIAL RECORDS

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

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

209.1 PURPOSE AND SCOPE
To establish a procedure for ensuring security within the building and facility for the safety of police personnel and maintaining the confidentiality of law enforcement documents, records and evidence.

209.2 POLICY
Entry into the nonpublic areas of the Police Department, to include the secured emergency lot, shall be controlled and conditional. All persons (excluding organized tours) entering the building may be subject to being searched and photographed. All persons, including Department employees, entering the secure Police building shall wear a readily visible visitor’s pass, a City of Lodi identification card, law enforcement identification, or a law enforcement badge unless in uniform. Visitor passes are color coded and marked either “Escorted” (Red) or “Unescorted” (Green). Unescorted visitor passes may be issued to individuals who pose no security risk.

Contractors or vendors entering the Police Department will provide photo identification and will be informed of a check for criminal history, warrants, and probation-parole status as a condition of entering the building. When there is no adverse information, they may be allowed to enter. When police personnel escort an individual, the individual may still be checked for criminal history. Conversely, when an individual is clear, an escort may still be required at the discretion of police personnel. When there is a question, the final decision on allowing entry will rest with the Watch Commander. All vendors, contractors, and subcontractors without a visitor pass shall initially enter the building/facility through the Police Department’s main entrance. Employees encountering vendors, contractors, or subcontractors attempting to gain entry into the building/facility via any other point of entry shall redirect them to the main entrance.

The Community Room, which is also utilized for public meetings and training, shall remain locked when not in use. The inner doors accessible from the Community Room into the non-public area shall remain closed and locked at all times.

209.3 EMPLOYEE RESPONSIBILITY
Records staff will advise police employees when guests have arrived, and are waiting in the lobby. The PD employee will respond to the lobby to greet and escort the visitor/vendor to the location necessary, providing supervision until the task is completed and the visitor/vendor is escorted out of the building. Visitors/vendors will not be left in break rooms, conference room or other rooms unescorted. When practical, direct visitors/vendors to the public restrooms.

Propping doors and gates open for ease of entrance/exit is not permitted.
Building Access and Facility Security

It is incumbent upon every employee to monitor the environment in the building/facility to ensure no unauthorized persons gain access. Employees retain the right to escort an individual outside when there is not a valid reason for the individual to be inside the building/facility.

It is also the host or escorting employee’s responsibility to complete the appropriate Building Security Pass Log, kept in Records, for issuing and retaining the Visitor Pass(s) upon the persons visit.

209.4 SUPERVISOR RESPONSIBILITY
Employees should question any individual in the Police Department who does not have the appropriate Police Identification, Lodi Police Department Volunteer badge, Visitor pass, City of Lodi Identification Card, or City of Lodi Vendor Identification Card.

209.5 VENDORS, CONTRACTORS & SUB-CONTRACTORS
The following applies to vendors, contractors, and subcontractors for obtaining clearance to enter the building/facility (this section applies to any service vendor, maintenance, janitorial, or construction personnel, or any other service related need). A Police Department employee will also supervise workers when the work is being completed after regular business hours or on a weekend. The coordinator is responsible for contacting all section supervisors to discuss any special needs or concerns and to ensure such concerns and needs are addressed prior to the work being performed. The coordinator is also responsible for ensuring persons doing the work are background checked prior to entering the building/facility.

(a) All vendors contracted to perform work, contractors, and subcontractors will be checked for criminal history, warrants, and parole-probation status prior to any delivery or maintenance work being performed.

(b) The completion and status of “Clear” from a records check does not guarantee unescorted privileges in the building/facility.

(c) Only police Deaprtment personnel will escort a vendor, contractor, or subcontractor.

(d) When special project work is performed (carpet cleaning, window cleaning, etc.) that requires weekend or after regular business hours for completion, a Police Department employee will be assigned to coordinate the work and will ensure onsite supervision on the workday.

(e) Police Department personnel will use discretion at all times when granting conditional access to the building/facility.

(f) Vendor/contractors will be provided, in writing, the building security policy upon request.

(g) Vendor/Contractors will be provided with individual building security forms for their employees or subcontractors to complete and submit upon request.

(h) A list of individuals authorized to conditionally enter the building will be maintained by the Records Section and will be located at the front counter.
Building Access and Facility Security

All Vendor/visitor access cards will be issued in compliance with the following CLETS operating rules:

CLETS operating rules section 1.9.2 (A) states, in part that, "All persons, including private vendor technical and maintenance personnel, with physical access to the CLETS equipment, data accessed via the CLETS or to CORI information are required to undergo a criminal offender records information search pursuant to CCR, Title 11, Division 1, Chapter 7, Article 1 Subsections 703(d) and 707(b).

Continual Use Vendor Access Cards:
Continual use Vendors are not required to check in at Records.

209.6 RIDE-ALONGS & COMMUNICATIONS CENTER GUESTS
An officer shall provide their citizen ride-along with a visitor pass clearly marked as Visitor Escorted (Red). The name and phone number of the citizen will be logged next to the pass number on the building security sign out sheet kept in Records. The citizen must be escorted by a Police Department employee and display their pass on the outermost garment at all times during their ride-along. At the conclusion of the ride-along, the officer will collect the visitor pass and check it back in on the building security log.

A Public Safety Dispatcher shall provide their citizen observer with a visitor pass clearly marked as Visitor/Escorted (Red). The name and phone number of the citizen will be logged next to the pass number on the building security sign out sheet kept in the Records Bureau. The citizen must be escorted by a Police Department employee and display their pass on their outermost garment at all times during their Communications Center observation period. At the conclusion of the observation period, the dispatcher will collect the visitor pass and check it back in on the building security log.

209.7 MEETINGS & HEARINGS
The following individuals are not subject to a routine background check. Although the identified individuals are not subject to a background check, police personnel are authorized to use their discretion to check any person who they identify as presenting a possible security concern and to require the individual to have an escort for the time they are in the building/facility or to not permit access to the building/facility.

(a) Citizens seeking access to the Community Room to attend a public meeting.

(b) City employees or citizens attending Police Department hosted meetings in various conference rooms.

209.8 VISITING LAW ENFORCEMENT STAFF
Ongoing access may be granted to other Law Enforcement Agency representatives assigned to a continuing task force, joint projects or other support activities. Individuals are expected to be
Building Access and Facility Security

in uniform, or to display agency identification. Access requests shall be directed to the Records Manager.

Examples include: San Joaquin County District Attorney's Office, U.S. Marshals Office

Law Enforcement staff visiting the facility for a meeting or instructional type activity requires "minimal escorted supervision" by an LPD employee. Discretion should be used based on the areas of the building to be accessed, as well as the type and length of the visit. Unescorted access to conference rooms, break rooms, rest rooms is generally acceptable. Escorting staff must remain mindful of areas with CLETS access and where confidential records are kept.

209.9 LOST OR STOLEN IDENTIFICATION CARDS/ACCESS CARDS
Employees/Vendors will report lost/stolen access/identifications cards to a Supervisor as soon as possible. A police report will be filed if the circumstances meet theft requirements. Records Personnel will deactivate the card and will issue the employee a new card. If necessary, the employee may be provided with a Green visitors pass (unescorted pass) by Records. Employees are responsible for returning the Green visitors pass to Records personnel. New cards will not be given to the employee until the card obtained through Records has been returned.

209.10 ACTIVATING/DEACTIVATING IDENTIFICATION CARDS
Each employee shall be issued (2) identification cards at the beginning of employment

When an employee retires, resigns, or is terminated it shall be the responsibility of their supervisor to contact the Police Records Manager to ensure their access card is deactivated.

209.11 RETIREMENT CARDS
Any full time retired employee of the Police Department shall receive a retirement card specifically identifying that the individual is "retired". The card will not have access capabilities to any City of Lodi facilities.

Information on the retirement card of a sworn member shall include the employee's rank at the time of retirement and whether or not they are authorized to carry a concealed weapon (see LPD Lexipol Policy 220).

Professional staff retirement cards shall include the job title of the employee at the time of retirement
Chapter 3 - General Operations
Use of Force

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

300.1.1 DEFINITIONS
Definitions related to this policy include:

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

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.

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.

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

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

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

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

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

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

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

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

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

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

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE
When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

(a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).
(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
(d) The conduct of the involved officer (Penal Code § 835a).
(e) The effects of drugs or alcohol.
(f) The individual’s apparent mental state or capacity (Penal Code § 835a).
(g) The individual’s apparent ability to understand and comply with officer commands (Penal Code § 835a).
Use of Force

(h) Proximity of weapons or dangerous improvised devices.

(i) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(j) The availability of other reasonable and feasible options and their possible effectiveness (Penal Code § 835a).

(k) Seriousness of the suspected offense or reason for contact with the individual.

(l) Training and experience of the officer.

(m) Potential for injury to officers, suspects, and others.

(n) Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.

(o) The risk and reasonably foreseeable consequences of escape.

(p) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(q) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(r) Prior contacts with the subject or awareness of any propensity for violence.

(s) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

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

(a) The degree to which the application of the technique may be controlled given the level of resistance.

(b) Whether the person can comply with the direction or orders of the officer.

(c) Whether the person has been given sufficient opportunity to comply.

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

300.3.4 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.Officers are encouraged to use techniques and methods taught by the Lodi Police Department for this specific purpose.
300.4 DEADLY FORCE APPLICATIONS
If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers should evaluate the use of other reasonably available resources and techniques when determining whether to use deadly force. The use of deadly force is only justified in the following circumstances (Penal Code § 835a):

(a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury to the officer or another person.

(b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, the officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

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

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

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

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

300.5 REPORTING THE USE OF FORCE
Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.
300.5.1 NOTIFICATION TO SUPERVISORS
Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

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

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

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

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

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

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

300.7 SUPERVISOR RESPONSIBILITY
When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

(a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.

(b) Ensure that any injured parties are examined and treated.

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her Miranda rights, the following shall apply:
   1. The content of the interview should not be summarized or included in any related criminal charges.
   2. The fact that a recorded interview was conducted should be documented in a property or other report.
   3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

(d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. These photographs should be retained until all potential for civil litigation has expired.

(e) Identify any witnesses not already included in related reports.

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.
   1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and submit a Blue Team entry through the appropriate channels.
Use of Force

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

300.7.2 USE OF FORCE REVIEW/ROUTING
For events involving an employee’s use of force, the supervisor will use the summary field to document their investigation pursuant to Policy 300.5 (Use of Force).

The supervisor will attach related photographs, and/or audio and/or video, to the Blue Team entry. The supervisor will document the employee’s actions and note whether there are any equipment or training issues.

The supervisor will ensure the related incident report is completed and approved. The supervisor will ensure the routing includes a copy of the incident report to Blue Team. After completing the entry the supervisor will forward it to the Lieutenant.

After receiving the Blue Team entry, the Lieutenant will review the Blue Team entry, photos, video and audio and ensure the required information is included in the summary.

The Lieutenant will indicate whether or not the force was within policy. The Lieutenant will forward entries to the Office of Professional Standards or the Use of Force Committee in accordance with Blue Team procedures.

The Office of Professional Standards will review the Blue Team entry and if complete, will accept the entry into the analysis database and close the entry.

Entries forwarded to the Use of Force committee in accordance with policy 301.4 (Review Board) will be deemed in or out of policy. The Use of Force committee will forward their findings and additional comments to the Division Commander.

The Division Commander will review the Blue Team entry, indicate whether or not the force was within policy and forward to the Chief of Police.

The Chief of Police will review the Blue Team entry, indicate whether or not the force was within policy and route back to Office of Professional Standards.

The Office of Professional Standards will accept the entry into the analysis database and close the entry.

300.7.2 WATCH COMMANDER RESPONSIBILITY
The Watch Commander shall review and forward through the appropriate channels each Blue Team Use of Force entry from personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 TRAINING
Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.
300.9  USE OF FORCE ANALYSIS
At least annually, the Operations Bureau Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.
(b) Training needs recommendations.
(c) Equipment needs recommendations.
(d) Policy revision recommendations.
Use of Force Review Boards

301.1 PURPOSE AND SCOPE
This policy establishes a process for the Lodi Police Department to review the use of force by its employees.

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

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

301.3 REMOVAL FROM LINE DUTY ASSIGNMENT
Generally, whenever an employee's actions or use of force in an official capacity, or while using department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

301.4 REVIEW BOARD
The Use of Force Review Board will be convened when the use of force by an employee results in very serious injury or death to another.

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

The Chief of Police may request that the Review Board investigate the circumstances surrounding any use of force incident.

The Office of Professional Standards will convene the Review Board as necessary.

The purpose of the Use of Force Review Board will be to determine whether all actions involved are within Department policy and to identify training needs.

301.4.1 COMPOSITION OF THE BOARD
The Use of Force Review Board shall consist of the following:

- Office of Professional Standards; Chair (non-voting member)
- Use of force expert
- Training Sergeant
Use of Force Review Boards

- One additional Lieutenant

301.4.2 RESPONSIBILITIES OF THE BOARD
The Use of Force Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

The board members may request further investigation, request reports be submitted for the board's review, call persons to present information and request the involved employee to appear. The involved employee will be notified of the meeting of the board and may choose to have a representative through all phases of the review process.

The board does not have the authority to recommend discipline.

The Chief of Police will determine whether the board should delay its review until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges the decision not to file criminal charges, or any other action. The board should be provided all relevant available material from these proceedings for its consideration.

Absent an express waiver from the employee, no more than two members of the board may ask questions of the involved employee (Government Code § 3303). Other members may provide questions to these members.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the use of force.

Any questioning of the involved employee conducted by the board will be in accordance with the department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

The board shall make one of the following recommended findings:

(a) The employee’s actions were within department policy and procedure.

(b) The employee’s actions were in violation of department policy and procedure.

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the recommendation to the employee's Division Captain through the Blue Team process and forward recommendations to the Chief of Police.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police’s final findings will be forwarded to the involved employee's Bureau Commander for review and appropriate action. If
Use of Force Review Boards

the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Office of Professional Standards.
Handcuffing and Restraints

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

302.2 POLICY
The Lodi 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.

302.3 USE OF RERAINTS
Only members who have successfully completed Lodi 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.

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

302.3.2 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. Leg irons, 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 self or others, or damage property.

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

302.3.3 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 others, injure the officer or damage property.

302.3.4 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.

302.4 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.

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

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

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

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

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

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

302.6.1 GUIDELINES FOR USE OF LEG RESTRAINTS
When applying leg restraints, the following guidelines should be followed:

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.
(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.
(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.
(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.
(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.
(f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

302.6.2 AUTHORIZED LEG RESTRAINTS
Officers may restrain an assaultive or resistant person by utilizing the Safe Restraints Inc. WRAP Restraint System.

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

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

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

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

When the WRAP leg restraint device is used a Use of Force (Blue Team) report will be completed.

302.8 TRAINING
Subject to available resources, 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.
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 Lodi 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 EQUIPMENT MANAGER RESPONSIBILITIES
The Equipment Manager and Rangemaster shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

Every control device will be periodically inspected by the Head Rangemaster or Equipment Manager as appropriate or by the designated instructor for a particular control device. The inspection shall be documented.
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 Rangemaster or Equipment Manager, as appropriate, for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, 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, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

303.5.1 AUTHORIZED BATONS
Sworn personnel are authorized to carry the following batons while on-duty or at training:

1. Sworn personnel are authorized to purchase and carry the Peacekeeper model 926B 26” black zinc collapsible baton
2. Sworn personnel are authorized to purchase and carry a 24”-29” straight wooden baton
3. Sworn personnel are authorized to carry the 32” straight wooden baton for crowd control situations

Officers must complete department baton certification in order to carry the batons in the field. Wooden baton composition and color must be approved by the Equipment Manager.

303.6 TEAR GAS GUIDELINES
Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Watch Commander, Incident Commander or Crisis Response Unit Commander may authorize the delivery and use of tear gas, and only after evaluating all conditions known at the time and determining that such force reasonably appears justified and necessary.

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

303.7 OLEORESIN CAPSICUM (OC) GUIDELINES
As with other control devices, oleoresin capsicum (OC) spray 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. 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.

303.7.1 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.

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

303.7.3 DEPLOYMENT OF CS GAS
The Penn Arms SL-6 Multi-Shot Projectile Launcher and Remington shotgun can be used by trained SWAT team members as a means of deploying CS tear gas into structures, vehicles, or any other area at the direction of the SWAT team commander.

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

303.8.1 DEPLOYMENT OF THE BEAN BAG ROUNDS
If the circumstances surrounding the situation allow, a three-officer cell should be used to deploy bean bag rounds. One officer should be responsible for deploying the bean bag round, a second officer should be designated to use lethal force if necessary, and the third officer would be the cell leader/arresting officer.

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

303.9.1 DEPLOYMENT AND USE
Only department issued 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.
Control Devices and Techniques

Officers are not required or compelled to use issued 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.

303.9.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

(c) Type and thickness of subject's clothing.

(d) The subject's proximity to others.

(e) The location of the subject.

(f) Whether the subject's actions dictate the need for an immediate response and the use of control devices appears appropriate.

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

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

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

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

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

When it is not deployed, the shotgun will be loaded, but without a round in the chamber and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun.

303.10 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 recertified 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.

303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES
Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy.
TASER® and Stun Shield device Guidelines

304.1 PURPOSE AND SCOPE
This policy provides guidelines for the issuance and use of TASER devices and Stun Shield.

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

304.3 ISSUANCE AND CARRYING TASER DEVICES AND STUN SHIELD
Only members who have successfully completed department-approved training may be issued and carry the TASER device or deploy the Stun Shield. The Stun Shield will be stored in the jail facility.

TASER devices 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’s inventory.

Officers shall only use the TASER device and cartridges that have been issued by the Department. Uniformed officers who have been issued the TASER device shall wear the device in an approved holster on their person.

Members carrying the TASER device should perform a spark test on the unit prior to every shift. The Watch Commander or their representative shall complete a serviceability check of the Stun Shield at the beginning of their shift.

When carried while in uniform officers shall carry the TASER device in a weak-side holster on the side opposite the duty weapon.

(a) All TASER devices shall be clearly and distinctly marked to differentiate them from the duty weapon and any other device.

(b) Whenever practicable, officers should carry two or more cartridges on their person when carrying the TASER device.

(c) Officers shall be responsible for ensuring that their issued TASER device is properly maintained and in good working order.

(d) Officers should not hold both a firearm and the TASER device at the same time.
TASER® and Stun Shield device Guidelines

304.4 VERBAL AND VISUAL WARNINGS
A verbal warning of the intended use of the TASER device/Stun Shield 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 TASER device may be deployed.

If, after a verbal warning, an individual is unwilling 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, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the TASER device or Stun Shield. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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 TASER device or Stun Shield in the related report.

304.5 USE OF THE TASER DEVICE AND STUN SHIELD
The TASER device and Stun Shield has limitations and restrictions requiring consideration before its use. The TASER device and Stun Shield should only be used when its operator can safely approach the subject within the operational range of the device. Although the TASER device and Stun Shield is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options. Department issued TASERS and the department issued Stun Shield are authorized to be brought into and deployed within the Lodi Police Jail facility. Their use within the jail facility shall comply with this policy’s guidelines and Lexipol Policy section 300 - Use of Force.

The Stun Shield may not be used under the following circumstances:

1. In any form of unauthorized demonstration.
2. To threaten abuse, harass, unlawfully coerce, or taunt.
3. On any persons weighing under eighty (80) pounds.
4. For excessive test fires.

304.5.1 APPLICATION OF THE TASER DEVICE
The TASER device and Stun Shield may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting (active or assaultive).
(b) The subject 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, him/herself or others.

Mere flight from a pursuing officer, without other known circumstances or factors, is not good cause for the use of the TASER device or Stun Shield to apprehend an individual.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS
The use of the TASER device 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 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 who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.
(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles or bicycles).

Because the application of the TASER device in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally 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.

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

304.5.3 TARGETING CONSIDERATIONS
Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the officer to limit the application of the TASER device probes to a precise target area, officers should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

304.5.4 MULTIPLE APPLICATIONS OF THE TASER DEVICE AND STUN SHIELD
Officers should apply the TASER device or Stun Shield for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the TASER device or Stun Shield against a single individual are generally not recommended and should be
Avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications. Multiple exposures to one individual during a single incident include the combined exposures from both the Taser and the Stun Shield. More than three (3) exposures to any one individual during a single incident should be avoided, unless exigent circumstances exist. The justification for such use must be clearly documented.

Prior to entering a cell or area where an individual is located, and where possible and practical, the operator of the stun shield shall allow the individual involved to see the stun shield being test fired. The test fire is to be done in an effort to convince the individual to comply with any verbal orders, and to cooperate with officers, thereby further reducing the chance of injury to the individual or officers.

If the first application of the TASER device or Stun Shield appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the TASER device or Stun Shield, including:

(a) Whether the probes are making proper contact.
(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.
(c) Whether verbal commands, other options or tactics may be more effective.

The length of application of the Stun Shield should not exceed eight (8) seconds.

Officers should generally not intentionally apply more than one TASER device and Stun Shield at a time against a single subject.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall notify a supervisor of all TASER device and Stun Shield discharges. Confetti tags shall be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number shall be noted and documented on the evidence paperwork. The evidence packaging shall be marked "Biohazard" if the probes penetrated the subject's skin.

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

304.5.7 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department TASER devices while off-duty.

Officers shall ensure that TASER devices are secured while in their homes, vehicles or any other area under their control, in a manner that will keep the device inaccessible to others.
304.6 DOCUMENTATION
Officers shall document all TASER device and Stun Shield discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

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

(a) Identification of all personnel firing TASER devices or Stun Shield
(b) Identification of all witnesses
(c) Medical care provided to the subject
(d) Observations of the subject’s physical and physiological actions
(e) Any known or suspected drug use, intoxication or other medical problems
(f) Detailed description and photographs of any observable marks or injuries, or lack thereof, sustained by the individual.

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

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

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

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

reports. If an audio 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 TASER device and/or a Stun Shield.

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

A supervisor shall review each incident where a person has been exposed to an activation of the Taser or Stun Shield. The device’s onboard memory shall be downloaded through the data port by a supervisor and saved with the related crime report and Use of Force reporting. Photographs of probe sites shall be taken and witnesses interviewed. A Blue Team Use of Force entry shall be completed on each Taser or Stun Shield activation.

Items that shall be included in the Blue Team Use of Force reporting are:

- The type and brand of Taser and cartridge along with cartridge serial number
- Date, time and location of incident
- Whether any display, laser, or arc deterred a subject and gained compliance
- The number of Taser activations or Stun Shield contacts, the duration of each cycle, the duration between activations, and (as best can be determined) the duration that the subject received applications
- The range at which the Taser was deployed
- The type of mode used (probe or drive-stun mode)
- Location of any probe impact
- Location of contact in drive-stun mode with a Taser or the location of contact with the Stun Shield
- Description of where missed probes went
- Whether medical care was provided to the subject
- Whether the subject sustained any injuries
- Whether any officers sustained any injuries
- Identification of all witnesses

The Training Sergeant should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Sergeant should also conduct audits of data downloads and reconcile Taser report forms with recorded activations.
304.8.1 USE OF FORCE REVIEW/ROUTING
For events involving an employee’s use of force, the supervisor will use the summary field in Blue Team to document their investigation pursuant to Policy 300.5 (Use of Force).

The supervisor will attach related photographs, and/or audio and/or video, to the Blue Team entry.

The supervisor will indicate whether the employee’s action was or was not within policy and will forward the entry to the Lieutenant.

The supervisor will ensure the related incident report is completed and approved. The supervisor will ensure the routing includes a copy of the incident report to Blue Team.

After receiving the Blue Team entry, the Lieutenant will review the Blue Team entry, photos, video and audio and ensure the required information is included in the summary.

The Lieutenant will indicate whether or not the force was within policy and then forward to the Office of Professional Standards.

The Office of Professional Standards will review the Blue Team entry and if complete, will forward the entry to the Use of Force Review team members for a policy finding of within or without of policy.

The Office of Professional Standards will route the Blue Team entry to the Division Commander with the finding and if appropriate additional comments.

The Division Commander will review the Blue Team entry, indicate whether or not the force was within policy and forward to the Chief of Police.

The Chief of Police will review the Blue Team entry, indicate whether or not the force was within policy and route back to Office of Professional Standards.

The Office of Professional Standards will accept the entry into the analysis database and close the entry.

304.9 TRAINING
Personnel who are authorized to carry the TASER device or deploy the Stun Shield shall be permitted to do so only after successfully completing the initial department-approved training.

Any personnel who have not carried the TASER device or used the Stun Shield as a part of their assignment for a period of six months or more shall be recertified by a department-approved TASER device/Stun Shield instructor prior to again carrying or using the device.

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

Command staff, supervisors and investigators should receive TASER device/Stun Shield training as appropriate for the investigations they conduct and review.
The Training Sergeant is responsible for ensuring that all members have received initial and annual proficiency training. Periodic audits should be used for verification.

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

The Training Sergeant should ensure that all training includes:

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

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

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

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

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

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

305.3.1 HANDGUNS
The authorized department-issued handgun is the Glock 9mm. Only the following handguns are approved for on-duty use:

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<tr>
<th>MAKE</th>
<th>MODEL</th>
<th>CALIBER</th>
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<tr>
<td>Glock</td>
<td>17</td>
<td>9mm</td>
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<tr>
<td>Glock</td>
<td>19</td>
<td>9mm</td>
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<tr>
<td>Glock</td>
<td>26</td>
<td>9mm</td>
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<tr>
<td>Glock</td>
<td>34 (SWAT only)</td>
<td>9mm</td>
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305.3.2 SHOTGUNS
The authorized department-issued shotgun is the Remington 870 12 gauge. The following additional shotguns are approved for on-duty use:
When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

305.3.3 PATROL RIFLES
The authorized department-issued patrol rifle is the Colt M4, (16.1” model LE6929, or 11.5” LE6933) with the following attached accessories:

- Trijicon MRO co-witnessed red dot optic
- Magpul MOE M-LOK carbine length handguard
- Magpul M-LOK Cantilever rail light mount
- Streamlight TLR1 HL attached tac light
- Single point sling, or officer purchased 2-point adjustable sling

Each sworn member from the rank of lieutenant down will be issued a 16.1” Colt M4.

- Any necessary modifications will be at the discretion of the Head Rangemaster, and performed by a qualified rifle armorer.

Members may deploy the patrol rifle in any circumstance where the member 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:

(a) Situations where the member reasonably anticipates an armed encounter.
(b) When a member is faced with a situation that may require accurate and effective fire at long range.
(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.
(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.
(e) When a member reasonably believes that a suspect may be wearing body armor.
(f) When authorized or requested by a supervisor.
(g) When needed to euthanize an animal.

During duty use and when not deployed, the patrol rifle shall be properly secured in a locking weapons rack in the patrol vehicle with the chamber empty, magazine loaded and inserted into the magazine well, the bolt forward with the dust cover closed, and the selector lever in the safe position.

When not in patrol use, rifles shall be stored in the following manner:

- All SWAT 11.5” issued rifles shall be stored in the SWAT van, and follow SWAT storage guidelines.
Firearms

• All 16.1" patrol rifles shall be stored in the officer's locked uniform locker, with slip cover installed.

• All patrol rifles shall be stored and transported between their stored locations and LPD vehicles in the following condition:
  o Magazine removed
  o Chamber empty
  o Chamber flag installed and clearly visible
  o Muzzle down

305.3.4 AUTHORIZED SECONDARY HANDGUN
Members desiring to carry personally owned secondary handguns are subject to the following restrictions:

(a) The handgun shall be in good working order.
(b) Only one secondary firearm may be carried at a time.
(c) The purchase of the handgun and ammunition shall be the responsibility of the member.
(d) The handgun shall be carried concealed at all times and in such a manner as to prevent unintentional cocking, discharge or loss of physical control.
(e) The handgun shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.
(f) Ammunition shall be the same as department issue. If the caliber of the handgun is other than department issue, the Chief of Police or the authorized designee shall approve the ammunition.
(g) Prior to carrying the secondary handgun, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the handgun functions properly.
(h) Members shall provide written notice of the make, model, color, serial number and caliber of a secondary handgun to the Rangemaster, who will maintain a list of the information.

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

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

(b) The firearm shall be carried concealed at all times and in such a manner as to prevent accidental unintentional cocking, discharge or loss of physical control.

(c) It will be the responsibility of the member to submit the firearm to the Rangemaster for inspection prior to being personally carried. Thereafter the firearm shall be subject to periodic inspection by the Rangemaster.

(d) Prior to carrying any off-duty firearm, the member shall demonstrate to the Rangemaster that he/she is proficient in handling and firing the firearm and that it will be carried in a safe manner.

(e) The member will successfully qualify with the firearm prior to it being carried and thereafter once a year.

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

(g) If a member desires to use more than one firearm while off-duty, he/she may do so, as long as all requirements set forth in this policy for each firearm are met.

(h) Members shall only carry rangemaster authorized ammunition.

(i) When armed, officers shall carry their Lodi Police Department identification cards under circumstances requiring possession of such identification.

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

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

305.4 EQUIPMENT
Firearms carried on- or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member. Officers shall clean their duty weapons prior to returning to duty after completing range training.

305.4.1 REPAIRS OR MODIFICATIONS
Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Rangemaster.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is certified as an armorer.
or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster. The member shall provide documentation that the approved modifications or repairs were completed and conducted by a certified armorer or gunsmith for that specific firearm.

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

305.4.2 RANGE QUALIFICATION WAIVER PROCESS
Officers may seek a waiver for an upcoming range qualification period in the following manner:

A waiver will only be granted for an existing injury, illness, or medical condition which prohibits or greatly restricts, an officer's ability to participate in qualification activities (i.e. running, kneeling, shooting, etc.). In order to receive a waiver, an officer must provide the following to the Lodi Police Department Rangemaster:

• A note or medical form which includes:
  — The limitations that exist that would prohibit the officer from completing a Range Qualification Course.
  — The period of time that the officer will need the waiver.
  — A signature by a Medical Doctor or Nurse Practitioner familiar with the officers’ condition attesting that the information noted is correct.

• A memorandum from the requesting officer addressed to the Rangemaster specifically requesting a waiver from the Range Qualification Process.

If a waiver is granted, it will be placed, along with the officer's memo and medical note, in the officer's personnel file. A copy of the Officers' memo and a note that a waiver was granted will be maintained in the Rangemaster's range files for the duration of that qualification period. The waiver will be good only for the current qualification period. If a limitation persists, or a new limitation occurs, each qualification period will require a separate request for a waiver.

At no time will waivers be granted for more than two consecutive qualification periods. If an officer is unable to participate in the qualification process for a length of time exceeding one year, he or she may be relieved from any field assignment.

When a waiver has not been previously granted, but a qualification period is missed due to recent illness, injury, or unforeseen medical circumstances:

The officer will submit a memorandum to his or her immediate supervisor per Department Policy 311.4. In addition, the officer will submit a memorandum to the Rangemaster detailing the circumstances that prevented him or her from attending the scheduled Range Qualification Course. At the discretion of the Rangemaster or any department manager or supervisor, the officer may be required to provide proof of limitation (i.e. a doctor-signed note or form) to corroborate the memo. The officer will also submit in the memorandum a request for a Range Qualification
make-up date at the Rangemaster's earliest convenience. If the officers' limitations prevent him or her from participating in a make-up within a reasonable amount of time, the officer will follow the waiver request process as outlined above.

305.4.3 HOLSTERS
A. The Glock pistol will only be carried in the departmental authorized issued holster (Safariland model 6360) which is approved by the Chief of Police or Rangemaster, except when:

1. Assigned to non-uniform units or details.
2. Assigned to the canine, SWAT teams or EOD teams and acting within the scope of that unit.
3. Assigned to uniform functions without a full gun belt being required.

305.4.4 MOUNTED LIGHTS
Lights will be attached to the duty weapon with the following considerations:

a. The only authorized issued departmental mounted light is Streamlight TLR-1.

b. The light shall remain attached to the weapon during duty use, and must be carried in the departmental authorized issued holster - Safariland model 6360.

c. Officers must follow the standard pistol qualification with the weapon light attached, and must be able to demonstrate safety and proficiency in its use.

305.5 SAFE HANDLING, INSPECTION AND STORAGE
Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.
(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster.
(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.
(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.
(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section. Members should notify the Watch Commander if persons from outside agencies enter the jail with any firearm.
(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.
Firearms

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Rangemaster approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Rangemaster will be immediately removed from service. If the firearm is the member’s primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable. Officer must pass a department authorized qualification course with the replacement firearm prior to taking the firearm into the field.

305.5.1 INSPECTION AND STORAGE
Handguns shall be inspected regularly and upon access or possession by another person. Shotguns and rifles shall be inspected at the beginning of the shift by the member to whom the weapon is issued. The member shall ensure that the firearm is carried in the proper condition and loaded with approved ammunition. Inspection of the shotgun and rifle shall be done while standing outside of the patrol vehicle. All firearms shall be pointed in a safe direction or into clearing barrels.

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

305.5.2 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. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 25100).

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

305.5.4 OFF DUTY WEAPON STORAGE IN VEHICLES
When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle’s interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 16850; Penal Code § 25140; Penal Code § 25452). If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock or other similar locking device (Penal Code § 25140).

When transporting a department issued M4 rifle, the rifle shall be in the following condition:
Firearms

- Unloaded
- Magazine removed
- Chamber flag installed

Department issued M4’s may be transported only between the following locations:

- Lodi Police Department
- Officer’s residence
- Department firearms training
- Private rifle range

If the rifle is stored at the officer's residence, the officer shall adhere to the following:

- The rifle will be unloaded, magazine removed, and chamber flag inserted (unless stored with gun lock installed through the magazine well and ejection port).
- Ensure the safe storage of the rifle by means of a locked gun safe, or by means of an issued gun lock rendering the rifle unable to insert a magazine, chamber a live round or fire.
- Ensure that access to the rifle is limited solely to the issued officer.

If the officer voluntarily transports the rifle to a public rifle range for purposes of target practice on their own time, the officer shall:

- Carry their Lodi Police Department issued photo identification.
- Obtain and use only department issued ammunition.
- Advise a direct supervisor and/or Head Rangemaster by email that you will be transporting a rifle to a public range, and the name of said range.
- In addition to LPD policy, comply with all safety rules set forth by the rifle range, and any directions given by rangemasters under their employ.

Officers are exempt from this requirement during circumstances requiring immediate aid or action in the course of official duties (Penal Code § 25140).

305.6 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully qualify quarterly with their duty firearms. In addition to quarterly qualifying, all members will complete training at least bi-annually with their duty firearms. Members will qualify with off-duty and secondary firearms annually. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting. At least annually all member carrying a firearm should receive training on department use of force policy and demonstrate their knowledge and understanding.
305.6.1 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:

(a) Additional range assignments may be scheduled to assist the member in demonstrating consistent firearm proficiency.

(b) Members shall be given credit for a range training or qualification when obtaining a qualifying score or meeting standards after remedial training.

(c) 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.

305.7 FIREARM DISCHARGE

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

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

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Bureau Commander or provide a recorded statement to investigators prior to the end of shift, unless otherwise directed.

(b) If off-duty at the time of the incident, the member shall file a written report or provide a recorded statement no later than the end of the next regularly scheduled shift, unless otherwise directed by a supervisor.

305.7.1 DESTRUCTION OF ANIMALS

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

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

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

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

305.7.3 WARNING AND OTHER SHOTS
All warning shots are prohibited.

305.8 RANGEMASTER DUTIES
The range will be under the exclusive control of the Rangemaster. All members attending will follow the directions of the Rangemaster. The Rangemaster will maintain a roster of all members attending the range and will submit the roster to the Training Sergeant after each range date. Failure of any member to sign in and out with the Rangemaster may result in non-qualification.

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

The Rangemaster 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 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.

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

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


305.9  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 officers 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, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

(b) Officers must carry their Lodi Police Department identification card, bearing the officer’s name, a full-face photograph, identification number, 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 license, passport).

(c) The Lodi Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer’s travel. If approved, TSA will send the Lodi Police Department an NLETS message containing a unique alphanumeric identifier. The officer must present the message on the day of travel to airport personnel as authorization to travel while armed.

(d) An official letter signed by the Chief of Police authorizing armed travel may also accompany the officer. The letter should outline the officer’s need to fly armed, detail his/her itinerary, and include that the officer has completed the mandatory TSA training for a law enforcement officer flying while armed.

(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 should be accomplished by early check-in at the carrier’s check-in counter.

(g) Any officer flying while armed should discreetly contact the flight crew prior to take-off and notify them of his/her assigned seat.

(h) Discretion must be used to avoid alarming passengers or crew by displaying a firearm. The officer must keep the firearm concealed on his/her person at all times. Firearm are not permitted in carry-on luggage and may not be stored in an overhead compartment.

(i) Officers should try to resolve any problems associated with flying armed through the flight captain, ground security manager, TSA representative or other management representative of the air carrier.

(j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.
305.9.1 INDOOR FIRING RANGE PROCEDURES
A. The following procedures will be strictly adhered to:

1. The range will be kept clean at all times. Officers using the range will be responsible for cleaning the range after each use.

2. Shooters are limited to using handguns where the ammunition does not exceed a forty-five caliber (.45) factory load.

3. Loaded firearms will not be taken from the firing line unless holstered.

4. Shooters will not leave a loaded firearm on the shooting bench unless instructed to do so by the rangemaster.

5. Shooters must inspect ammunition for serviceability before firing.

6. Firearms will be pointed down range when at the firing line.

7. Dry-firing is permitted on the firing line only.

8. Shooters shall wear eye and ear protection while on the range.

9. Unloaded weapons will be charged by using the loading barrel in the range or while pointing down range.

10. The firing range may only be used from 0700 to 2200 hours.

305.10 CARRYING FIREARMS OUT OF STATE
Qualified, active, full-time officers of this department are authorized to carry a concealed firearm in all other states subject to the following conditions (18 USC § 926B):

(a) The officer shall carry his/her Lodi Police Department identification card whenever carrying such firearm.

(b) The officer is not the subject of any current disciplinary action.

(c) The officer may not be under the influence of alcohol or any other intoxicating or hallucinatory drug.

(d) The officer will remain subject to this and all other department policies (including qualifying and training).

(e) Qualified retired officers shall also carry certification of having met firearms qualifications within the past twelve months.

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.

Active sworn peace officers from other states are subject to all requirements set forth in 18 USC § 926B.
Vehicle Pursuits

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

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

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

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

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

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

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

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

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

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

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

306.1.2 FAILURE TO YIELD
Refers to the actions of a vehicle operator who fails to stop or respond to the emergency light(s) and siren of a law enforcement vehicle.
306.2 OFFICER RESPONSIBILITIES
Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code § 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

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

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

(a) The seriousness of the known or reasonably suspected crime and its relationship to community safety.

(b) The importance of protecting the public and balancing the known or reasonably suspected offense and the apparent need for immediate capture against the risks to officers, innocent motorists, and others.

(c) The safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic (e.g., school zones), and the speed of the pursuit relative to these factors.

(d) The pursuing officers' familiarity with the area of the pursuit, the quality of radio communications between the pursuing units and the dispatcher supervisor, and the driving capabilities of the pursuing officers under the conditions of the pursuit.

(e) Whether weather, traffic, and road conditions unreasonably increase the danger of the pursuit when weighed against the risk of the suspect's escape.

(f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(g) The performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(h) Emergency lighting and siren limitations on unmarked police department vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment, and concealed or obstructed siren positioning.

(i) Suspect and officer vehicle speeds.

(j) Other persons in or on the pursued vehicle (e.g., passengers, co-offenders, hostages).

(k) Availability of other resources such as air support or vehicle locator or deactivation technology.

306.2.2 WHEN TO TERMINATE A PURSUIT
Pursuits should be terminated whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the
Vehicle Pursuits

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

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

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

(a) The distance between the pursuing vehicle and the fleeing vehicle is so great that further pursuit would be futile or require the pursuit to continue for an unreasonable time and/or distance.

(b) The pursued vehicle’s location is no longer definitely known.

(c) The pursuing vehicle sustains damage or a mechanical failure that renders it unsafe to drive.

(d) The pursuing vehicle’s emergency lighting equipment or siren becomes partially or completely inoperable.

(e) Hazards to uninvolved bystanders or motorists.

(f) The danger that the continued pursuit poses to the public, the officers, or the suspect, balanced against the risk of allowing the suspect to remain at large.

(g) The identity of the suspect is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit.

(h) Extended pursuits of violators for misdemeanors not involving violence, risk of serious harm, or weapons (independent of the pursuit) are generally discouraged.

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

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

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.

(b) Pursuit speeds have exceeded the driving ability of the officer.

(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.

306.3 PURSUIT UNITS
When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable.
Vehicle pursuits should be limited to three vehicles (two units and a supervisor); however, the number of units involved may vary with the circumstances.

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

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

306.3.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT
Officers operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

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

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

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

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

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

(a) Immediately notifying the dispatcher of entry into the pursuit.

(b) Remaining a safe distance behind the primary unit unless directed to assume the role of primary pursuit vehicle or if the primary pursuit vehicle is unable to continue the pursuit.

(c) Broadcasting the progress, updating known or critical information, and providing changes in the pursuit, unless the situation indicates otherwise.

(d) Identifying the need for additional resources or equipment as appropriate.

(e) Serving as backup to the primary pursuing officer once the suspect has been stopped.

306.3.5 PURSUIT DRIVING

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

(a) Officers, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

2. Pursuing units should exercise due regard and caution when proceeding through controlled intersections.

(c) As a general rule, officers should not pursue a vehicle driving left of center (wrong way) against traffic. In the event that the pursued vehicle does so, the following tactics should be considered:

1. Requesting assistance from available air support.

2. Maintain visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.

3. Request other units to observe exits available to the suspects.

(d) Notify the California Highway Patrol (CHP) and/or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(e) Officers involved in a pursuit should not attempt to pass other units unless the situation indicates otherwise or they are requested to do so by the primary unit and with a clear understanding of the maneuver process between the involved units.

306.3.6 PURSUIT TRAILING

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

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

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

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

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

306.4 SUPERVISORY CONTROL AND RESPONSIBILITIES
Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

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

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

(h) Ensuring that the Watch Commander is notified of the pursuit as soon as practicable.

(i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this department.

(j) Controlling and managing Lodi Police Department units when a pursuit enters another jurisdiction.

(k) Preparing a post-pursuit review and documentation of the pursuit.

1. Supervisors should initiate follow up or additional review when appropriate.

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

The Watch Commander shall review all pertinent reports for content and forward to the Bureau Commander.

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

306.5.1 THE COMMUNICATIONS CENTER RESPONSIBILITIES
Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved units and personnel.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notify the Watch Commander as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

306.5.2 LOSS OF PURSUED VEHICLE
When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit or supervisor will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.
306.6   INTER-JURISDICTIONAL CONSIDERATIONS
When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Ramming a fleeing vehicle should only be done after giving consideration to the following:

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

(d) Before attempting to box a suspect vehicle during a pursuit the following should be considered:

1. The technique should only be used by officers who have received training in the technique.
2. Supervisory approval should be obtained before using the technique.
3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the technique will terminate or prevent the pursuit.

(e) Tire deflation devices should only be used after considering the following:

1. Tire deflation devices should only be used by officers who have received training in their use.
2. Supervisory approval should be obtained before using tire deflation devices.
3. The need to immediately stop the suspect vehicle reasonably appears to outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
4. It reasonably appears the use will terminate or prevent the pursuit.
5. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.
6. Due to the increased risk to officers deploying tire deflation devices, such deployment should be communicated to all involved personnel.

(f) Roadblocks should only be used after considering the following:

1. Roadblocks should only be used by officers who have received training in their use.
2. Supervisory approval should be obtained before using the technique.
3. The need to immediately stop the suspect vehicle reasonably appears to substantially outweigh the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.

4. It reasonably appears the technique will terminate or prevent the pursuit. Roadblocks may be used only under circumstances when deadly force would be authorized.

5. Roadblocks may be used when all other reasonable alternatives have been exhausted or reasonably appear ineffective.

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

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

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

(a) The primary officer should complete appropriate crime/arrest reports.

(b) The Watch Commander shall ensure that an Allied Agency Vehicle Pursuit Report (form CHP 187A) is filed with the CHP not later than 30 days following the pursuit (Vehicle Code § 14602.1). The primary officer should complete as much of the required information on the form as is known and forward the report to the Watch Commander for review and distribution.

(c) After first obtaining the available information, the involved, or if unavailable on-duty, field supervisor shall promptly complete a shift summary, briefly summarizing the pursuit. This should include, at a minimum:

1. Date and time of pursuit.
2. Initial reason and circumstances surrounding the pursuit.
3. Length of pursuit in distance and time, including the starting and termination points.
4. Involved units and officers.
5. Alleged offenses.
6. Whether a suspect was apprehended, as well as the means and methods used.
7. Any use of force that occurred during the vehicle pursuit.
Vehicle Pursuits

(a) Any use of force by a member should be documented in a Blue Team Investigation (See the Use of Force Policy).

8. Any injuries and/or medical treatment.

9. Any property or equipment damage.

10. Name of supervisor at scene or who handled the incident.

306.8.1 REGULAR AND PERIODIC PURSUIT TRAINING
The Training Sergeant shall make available to all officers initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, 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 (Vehicle Code § 17004.7(d)).

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

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

306.10 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.
Tactical Operations Procedure

307.1 PURPOSE AND SCOPE
The purpose of this policy is to outline the steps that should be taken when any tactical operation is anticipated by members of the Lodi Police Department. The policy has been formulated in the interest of officer safety, operational planning and supervisory oversight. This policy also applies to tactical operations that members of LPD are participating in with other agencies.

307.2 DEFINITION OF A TACTICAL OPERATION
The following definition applies to the language in this procedure:

Tactical Operation: an activity undertaken to accomplish a specific police objective, performed with advanced planning and the assembly of appropriate personnel and equipment. It includes, but is not limited to, service of high-risk search and arrest warrants, probation and parole searches, undercover officer "buy-bust" or "sting" operations, multi-agency operations, and the management of hazardous or unusual events.

307.3 OPERATIONAL PLANS
Tactical operations shall be initiated only after a written operational plan has been prepared, reviewed and approved by a supervisor, and a briefing has occurred, unless exigent circumstances exist. As part of the operational plan, a threat assessment will be completed by the member in charge of the operation. Based upon the results of the assessment, the operation will be conducted by suitable personnel (see attached threat assessment form for further).

See attachment: LPD Threat Assessment Form A (2020 V.1).pdf

307.4 ATTIRE
In all cases in which entry into a building is part of the operation, entry team members shall be in uniform or in approved, clearly identifiable tactical apparel.

307.5 NOTIFICATIONS
The member in charge of the tactical operation shall:

Provide the operational plan to a supervisor for review and the Watch Commander for information

Notify the Communications Center of the pending activity in a timely manner and notify, or cause to be notified, allied agencies that may be affected by the operation

Provide the Communications Center with an appropriate telephone contact for personnel at the scene

The Watch Commander or designee shall inform uninvolved field units of the operation as necessary in a manner that maintains operational security
307.6 BRIEFING
Briefing shall be attended by all personnel participating in the operation, unless they are unavailable due to operational needs.

A Sergeant or other supervisor shall be present during the briefing and during the execution of the tactical operation.

The member supervising, or most familiar with, the operation shall brief participants on pertinent issues including, but not necessarily limited to:

- Intelligence regarding individuals and locations involved
- Exterior and interior security
- Emergency first-aid and back-up
- Animal control and welfare
- Equipment considerations
- Shooting policy
- Communications
- Entry team involvement

The member supervising the operation shall ensure:

- A minimum of one uniformed member is assigned to any tactical operation or entry operation as practical
- All members participating in the tactical operation are wearing bullet-resistant vests

Where intelligence indicates the presence of dogs, members shall have Animal Services Officer(s) stand by, if available.

Operational debriefings shall be conducted at the discretion of the supervisor, Watch Commander or Bureau Commander after the operation is concluded.

307.7 CARRYING OUT TACTICAL OPERATIONS
Tactical operations shall be conducted on the radio channel most appropriate to the safe and effective management of the incident. This channel shall be monitored by the Communications Center.

Upon any building entry, personnel shall comply with Penal Code Sections 844 and 1531 regarding "knock-notice" at any exterior doors or closed interior doors or windows unless a warrant specifies otherwise or in accordance with exigent circumstances.

The supervisor or designee shall notify the Communications Center and the Watch Commander when the scene of a tactical operation has been secured.
Detained persons may be handcuffed if there is a reason to believe that they maybe a threat to officer safety. Discretion shall be used when handcuffing children or sick, elderly or injured persons.
Officer Response to Calls

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

309.2 RESPONSE TO CALLS
Officers responding "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 circumstances reasonably indicate an emergency response is required. Officers who are not authorized to respond Code-3 shall observe all traffic laws and proceed without the use of emergency lights and siren.

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

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

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

309.4 INITIATING CODE 3 RESPONSE
If an officer believes a Code-3 response to any call is appropriate, the officer should notify the Communications Center as soon as possible. Generally, only the number of units required to handle the situation should respond Code-3 to any situation. The Watch Commander or the field supervisor will make a determination as to whether the number of officers driving Code-3 is appropriate.
309.5 RESPONSIBILITIES OF RESPONDING OFFICERS
Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify the Communications 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 shall immediately give the location from which he/she is responding.

309.6 COMMUNICATIONS RESPONSIBILITIES
A dispatcher shall voice broadcast information 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. In these events the dispatcher shall:

(a) Notify and coordinate allied emergency services (e.g., fire and ambulance)
(b) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated
(c) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor

Radio tones shall be utilized for the most critical of instances. The purpose is to alert all units of a priority broadcast.

(a) Alert Tone 3 shall be activated preceding the broadcast of:
   1. Robbery Alarms
   2. Shootings (not to include "shots fired" only calls
   3. Stabbings
   4. Any other call determined to need an immediate emergency response and notification for all on duty units. Examples include but are not limited to kidnappings in progress, active shooters, major catastrophes that include a loss of life, etc.
   5. The Alert Tone 3 button shall be pushed until three alert tones have been transmitted prior to broadcasting.

(b) Alert Tone 3 shall be activated preceding the broadcast of a Code 3 cover or 11-99 (officer needs help) request if possible and it does not interfere with other priority radio traffic already having been transmitted. The Alert Tone 3 button shall be pushed until three alert tones have been transmitted prior to broadcasting.

(c) The Alert Tones shall not be used for any other type of dispatch.
309.7 SUPERVISORY RESPONSIBILITIES
Upon being notified that a Code-3 response has been initiated, the Watch Commander or the field supervisor shall verify the following:

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

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

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

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

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

309.8 FAILURE OF EMERGENCY EQUIPMENT
If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Watch Commander, field supervisor, or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.
Code 7 Protocol

310.1 PURPOSE AND SCOPE
The purpose of this policy is to supplement Section 400 (PATROL FUNCTION) by establishing a process to address meal times during the shift. Each patrol officer is allotted 60 minutes for meals during the officer’s normal shift. The availability to send officers to eat is based on pending calls for service and their priority. Request for meals, Code 7, will be made through the Communications Center. If necessary, the Watch Commander or Field Supervisor will have the final decision regarding the approval of a Code 7 request.

To the extent shift scheduling allows, patrol officers may take up to 60 minutes for a meal break. Officers may also elect to utilize the 60 minute meal break to work out in the gym on the second floor of the department. Officers who choose to work out in the department may dress down to work out/gym clothing and must monitor the radio at all times.

310.2 PATROL
(a) All patrol officers must be cleared by the Communications Center prior to going to Code 7. Although the officers can see the pending calls list, the dispatcher is aware of the incoming calls and may need to send the officers to a priority call before the officer can go to Code 7.

(b) Officers will only be clear for Code 7 when all Priority 1 and 2 calls are dispatched.

(c) If the officer was clear for Code 7, but then had to handle a priority call for service, they must be cleared by the dispatcher again before they can go. The officer cannot assume they are automatically clear for Code 7 after completing that call.

(d) No more than two patrol officers will be allowed to go to Code 7 at the same time unless authorized by a supervisor. Training officers with a trainee count as one unit.

(e) The maximum number of uniformed officers eating at the same location at the same time is two. This prevents the public appearance of having very few or no patrol officers in the field.

(f) Officers on lengthy calls for service, or who are out of service for a long period of time (training, the range, or at the jail), will not be considered in the total number of officers available for Code 7.

(g) All patrol officers must monitor the radio during Code 7. If the dispatcher is airing pending priority calls, officers are expected to manage their Code 7 and be available to respond to priority calls involving violent, felony crimes or risk of harm to a citizen regardless of how much time they have remaining. The dispatcher also has the discretion to direct the officer to clear Code 7 due to pending priority calls.

310.3 ALL OTHER ASSIGNMENTS
All on-duty officers working in any non-patrol function (detectives, range instructors, training teams) who are wearing any clothing identifying them as officers of the Lodi Police Department,
or operating a vehicle which identifies them as members of the Lodi Police Department, shall be
cognizant where other officers are having Code 7 and adhere to section 310.2(e).

Detectives and administrators not in uniform are permitted to go Code 7 together as a team. The
canine officers and SWAT team members are also permitted to go as a team during training days.
Because both of these teams exceed the maximum number of officers permitted at the same
restaurant [Section 310.2(e)], they should not have Code 7 at a restaurant when any other Lodi
Police Department uniformed personnel (as defined above) are present.

Motor officers must also adhere to Section 310.2(e) of this policy.

The intent of this Policy is designed to assure that there are a sufficient number of units deployed
on the street at all times as well as eliminate the public perception of having very few or no officers
in the field at any time.

A Watch Commander or supervisor has the authority to supersede any section of this policy.
SHIFT SUMMARY PROTOCOL

311.1 PURPOSE AND SCOPE
This procedure describes shift summaries, when they should be completed and what information should be included.

Shift summaries are intended to keep command staff informed of significant arrests and incidents which occur during a watch. They also may be used by a public information officer to summarize incidents and to produce media releases and public information releases.

Shift summaries are to be completed by patrol and detective supervisors.

311.2 EVENTS
The following events should always be included in the shift summary:

- All felony assaults, robberies, kidnappings and sexual assaults
- All pursuits
- Any use of force by officers
- All racial or gang-related incidents
- All deaths
- Vehicular collisions with major injuries
- Any crime that is part of a series or pattern of crimes
- Missing persons with unusual circumstances
- Any reported offense with an excessively large monetary loss (i.e. over $5000)
- Any injuries to officers or to citizens by officers
- Any police problem involving LPD personnel or other agency personnel (on or off-duty)
- Any incident involving a well-known person
- Any other significant event which should be brought to the attention of the Chief and the Bureau Commanders

311.3 RESPONSIBILITIES
Patrol and detective supervisors are responsible for forwarding shift summaries to the Chief and Captains as well as other appropriate personnel by the end of the respective shift. If circumstances do not allow the supervisor to complete the summary by that time, they should forward the summary before the end of the next shift.

311.4 SHIFT SUMMARY ENTRIES CONTENT
All entries should be brief, accurate, and timely and include:
SHIFT SUMMARY PROTOCOL

• Watch, Time and Date Report Number Charges (if applicable) or type of event
• Names of involved personnel except juvenile and protected persons (e.g. domestic violence and sexual assault confidentiality)
• Location address
• Offender,Victim or Witness name, age and whether or not arrested
• A brief summary that is grammatically correct.
Domestic Violence

312.1 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.

312.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

(a) Calls of reported, threatened, imminent, or ongoing domestic violence and the violation of any court order are of extreme importance and should be considered among the highest response priorities. This includes incomplete 9-1-1 calls.

(b) When practicable, officers should obtain and document statements from the victim, the suspect, and any witnesses, including children, in or around the household or location of occurrence.

(c) Officers should list the full name and date of birth (and school if available) of each child who was present in the household at the time of the offense. The names of other children who may not have been in the house at that particular time should also be obtained for follow-up.
Domestic Violence

(d) When practicable and legally permitted, video or audio record all significant statements and observations.

(e) All injuries should be photographed, regardless of severity, taking care to preserve the victim’s personal privacy. Where practicable, photographs should be taken by a person of the same sex. Victims whose injuries are not visible at the time of the incident should be asked to contact the investigating officer in the event that the injuries later become visible.

(f) Officers should request that the victim complete and sign an authorization for release of medical records related to the incident when applicable.

(g) If the suspect is no longer at the scene, officers should make reasonable efforts to locate the suspect to further the investigation, provide the suspect with an opportunity to make a statement, and make an arrest or seek an arrest warrant if appropriate.

(h) Seize any firearms or other dangerous weapons in the home, if appropriate and legally permitted, for safekeeping or as evidence. If the domestic violence involved threats of bodily harm, any firearm discovered in plain view or pursuant to consent or other lawful search must be taken into temporary custody (Penal Code § 18250).

(i) When completing an incident or arrest report for violation of a court order, officers should include specific information that establishes that the offender has been served, including the date the offender was served, the name of the agency that served the order, and the provision of the order that the subject is alleged to have violated. When reasonably available, the arresting officer should attach a copy of the order to the incident or arrest report.

(j) Officers should take appropriate enforcement action when there is probable cause to believe an offense has occurred. Factors that should not be used as sole justification for declining to take enforcement action include:

1. Whether the suspect lives on the premises with the victim.
2. Claims by the suspect that the victim provoked or perpetuated the violence.
3. The potential financial or child custody consequences of arrest.
4. The physical or emotional state of either party.
5. Use of drugs or alcohol by either party.
6. Denial that the abuse occurred where evidence indicates otherwise.
7. A request by the victim not to arrest the suspect.
8. Location of the incident (public/private).
9. Speculation that the complainant may not follow through with the prosecution.
10. Actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or marital status of the victim or suspect.
11. The social status, community status, or professional position of the victim or suspect.
312.4.1 IF A SUSPECT IS ARRESTED
If a suspect is arrested, officers should:

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

312.4.2 IF NO ARREST IS MADE
If no arrest is made, the officer should:

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

312.5 VICTIM ASSISTANCE
Victims may be traumatized or confused. Officers should:

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

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

312.6 DISPATCH ASSISTANCE
All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.
Domestic Violence

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

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

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

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

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.
   1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

(b) Check available records or databases that may show the status or conditions of the order.
   1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).

(c) Contact the issuing court to verify the validity of the order.

(d) Contact a law enforcement official from the jurisdiction where the order was issued to verify information.

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

312.9 LEGAL MANDATES AND RELEVANT LAWS
California law provides for the following:

312.9.1 STANDARDS FOR ARRESTS
Officers investigating a domestic violence report should consider the following:

(a) An arrest should be made when there is probable cause to believe that a felony or misdemeanor domestic violence offense has been committed (Penal Code § 13701). Any decision to not arrest an adult when there is probable cause to do so requires supervisor approval.

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 his/her right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).

(c) Officers shall not cite and release a person for the following offenses (Penal Code § 853.6(a)(3)):

1. Penal Code § 243(e)(1) (battery against spouse, cohabitant)
2. Penal Code § 273.5 (corporal injury on spouse, cohabitant, fiancé/fiancée, person of a previous dating or engagement relationship, mother/father of the offender’s child)
3. Penal Code § 273.6 (violation of protective order) if violence or threats of violence have occurred or the suspect has gone to the workplace or residence of the protected party
4. Penal Code § 646.9 (stalking)
5. Other serious or violent felonies specified in Penal Code § 1270.1

(d) In responding to domestic violence incidents, including mutual protective order violations, officers should generally be reluctant to make dual arrests. Officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person who has been determined to be the most significant, rather than the first, aggressor (Penal Code § 13701). In identifying the dominant aggressor, an officer shall consider:

1. The intent of the law to protect victims of domestic violence from continuing abuse.
2. The threats creating fear of physical injury.
3. The history of domestic violence between the persons involved.
4. Whether either person acted in self-defense.
Domestic Violence

(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).

312.9.2 COURT ORDERS

(a) An officer who obtains an emergency protective order from the court shall serve it on the restrained person if the person can be reasonably located, and shall provide the person protected or the person’s parent/guardian with a copy of the order. The officer shall file a copy with the court as soon as practicable and shall have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice (Family Code § 6271; Penal Code § 646.91).

(b) At the request of the petitioner, an officer at the scene of a reported domestic violence incident shall serve a court order on a restrained person (Family Code § 6383; Penal Code § 13710).

(c) Any officer serving a protective order that indicates that the respondent possesses weapons or ammunition shall request that the firearm/ammunition be immediately surrendered (Family Code § 6389(c)(2)).

(d) During the service of a protective order any firearm discovered in plain view or pursuant to consent or other lawful search shall be taken into temporary custody (Penal Code § 18250).

(e) If a valid Canadian order cannot be enforced because the person subject to the order has not been notified or served with the order, the officer shall notify the protected individual that reasonable efforts shall be made to contact the person subject to the order. The officer shall make a reasonable effort to inform the person subject to the order of the existence and terms of the order and provide him/her with a record of the order, if available, and shall allow the person a reasonable opportunity to comply with the order before taking enforcement action (Family Code § 6452).

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

312.9.4 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 or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 33800; Family Code § 6389(c)(2)).

312.9.5 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 (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.

312.9.6 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).
Search and Seizure

313.1  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 Lodi Police Department personnel to consider when dealing with search and seizure issues.

313.2  POLICY
It is the policy of the Lodi 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.

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

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

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

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

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

Whenever practicable, officers are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.
313.4 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.

(f) All pre-planned search warrant executions, parole searches, and searchable probation clause searches on a structure shall be done with a supervisor’s approval and a supervisor will be present.

(g) A supervisor shall be notified as soon as practicable during parole and probation searches and any permissive search when officers are on scene and actively engaged in an investigation.

(h) Each search team member will be in uniform or wear department-issued tactical vests that clearly identify them as police officers.

313.5 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
Search and Seizure

- The results of the search, including a description of any property or contraband seized
- If the person searched is the opposite sex, any efforts to summon an officer of the same sex as the person being searched and the identification of any witness officer

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

314.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for transporting persons in the custody of officers of the Lodi Police Department. While involved in the transportation of prisoners officers are required to follow the policy articulated in Section 306, Restraints.

314.2 GENERAL PROCEDURES
Transporting prisoners is a potentially dangerous function. Therefore, it is the policy of the Lodi Police Department to take the precautions necessary while transporting prisoners to protect the lives and safety of officers, the public and the person in custody.

Prisoners should be transported in vehicles equipped for that purpose. This equipment includes security screen partitions which separate the front and rear seats of patrol vehicles or sections of a transport van. Prisoners may be transported in other Department vehicles if circumstances dictate and with the approval of a supervisor.

Prior to transportation, prisoners will be restrained in seat belts if available.

The number of prisoners being transported shall be limited to available seats in that vehicle. For example, in a standard patrol vehicle, no more than two prisoners will be transported in the back seat at one time.

All prisoners, before being transported, shall be searched for weapons and devices that may be used to affect an escape.

After transportation is complete, the back seat area shall be searched.

314.3 TRANSPORTATION OF PRISONERS BY OFFICERS OF THE OPPOSITE SEX
Upon beginning the transport of a prisoner of the opposite sex, the transporting officer shall notify the Communications Center by radio of the officer's vehicle odometer mileage. Officers shall drive directly to the destination by using the shortest practical route. Upon arrival at the destination, officers shall notify the Communications Center by radio of the officer's odometer mileage.

314.4 TRANSPORTING JUVENILES
If a minor commits a crime or criminal traffic offense and transportation of the offender is necessary, the minor shall not be placed in a patrol car or prisoner transport van which contains an adult under arrest unless it is necessary to ensure the safety of the juvenile, the officer or the public. As soon as possible the juvenile prisoner shall be transferred to an LPD vehicle that does not contain an adult prisoner.

314.5 RESTRICTIONS
Male and female prisoners shall not be transported together in the back seat of a patrol vehicle unless it is necessary to ensure the immediate safety of the prisoner, the officer or the public.
Prisoner Transport

Males and females may be transported in the same vehicle; however they must be separated by a security screen partition.

A single officer shall not transport an adult prisoner in a vehicle without a security screen partition. This restriction does not apply to the transportation of one or more juveniles. The officer must, based upon age, size, and attitude of the offender(s), determine whether more than one (1) juvenile can be safely and securely transported in a vehicle without a security screen partition.

While transporting prisoners officers shall not engage in unrelated enforcement activity unless failure to act would risk death or serious bodily injury to themselves or another.

314.6 EXCEPTIONS
This policy may be bypassed with the approval of a supervisor, or on a limited and temporary basis with written documentation.
Temporary Custody of Juveniles

315.1 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 Lodi Police Department (34 USC § 11133).

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

315.1.1 DEFINITIONS
Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent, or alien juvenile who may be legally held for his/her 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 his/her 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(d); 15 CCR 1150).

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

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

Examples of secure custody include:

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

(b) A juvenile handcuffed to a rail.

(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.
Temporary Custody of Juveniles

(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.

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).

315.2 POLICY
The Lodi 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 Lodi Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

315.3 JUVENILES WHO SHOULD NOT BE HELD
Juveniles who exhibit any of the following conditions should not be held at the Lodi 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

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 Lodi Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).
Temporary Custody of Juveniles

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).

315.3.1 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).

315.3.2 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 him/herself, or any unusual behavior which may indicate the juvenile may harm him/herself while in either secure or non-secure custody (15 CCR 1142).

315.4 CUSTODY OF JUVENILES
Officers should take custody of a juvenile and temporarily hold the juvenile at the Lodi 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 Lodi 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 his/her entry into the Lodi Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1(d)).

315.4.1 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 Lodi 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).

Juveniles 11 years of age or younger who have committed the following offenses that would subject an adult to arrest may be held in non-secure custody and should be referred to a probation officer for a placement determination (WI 602(b))

a. Murder
b. Rape by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.
c. Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.
Temporary Custody of Juveniles

d. Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.

e. Sexual penetration by force, violence, duress, menace, or fear of immediate and unlawful bodily injury.

315.4.2   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).

315.4.3   CUSTODY OF JUVENILE OFFENDERS
Juvenile offenders should be held in non-secure custody while at the Lodi 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 suspected of using a firearm in violation of Welfare and Institutions Code § 625.3 shall be transported to a juvenile facility.

A juvenile offender suspected of committing murder or a sex offense that may subject a juvenile to criminal jurisdiction under Welfare and Institutions Code § 602(b), 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 his/her 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).
Temporary Custody of Juveniles

315.5 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, he/she shall be given the *Miranda* rights advisement regardless of whether questioning is intended (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, he/she 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(d)).

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 his/her parent or guardian; one to a responsible relative or his/her 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).

315.6 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 Lodi 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(d); 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.
Temporary Custody of Juveniles

315.7 NO-CONTACT REQUIREMENTS
Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1(d); 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 Lodi 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).

315.8 TEMPORARY CUSTODY REQUIREMENTS
Members and supervisors assigned to monitor or process any juvenile at the Lodi 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 Lodi Police Department more than four hours. This will enable the Watch Commander to ensure no juvenile is held at the Lodi 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) 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).

(g) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(i) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

(j) 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).
Temporary Custody of Juveniles

(k) Blankets shall be provided as reasonably necessary (15 CCR 1143).

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(l) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.

(o) 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).

315.9 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 Lodi 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).

315.10 PERSONAL PROPERTY
The officer taking custody of a juvenile offender or status offender at the Lodi 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 Lodi Police Department.

315.11 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.

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 him/herself or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to him/herself or others include the following (15 CCR 1145):
Temporary Custody of Juveniles

(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).

315.11.1 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)).
(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 his/her well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
   3. Requests or concerns of the juvenile should be logged.
(e) Males and females shall not be placed in the same locked room (15 CCR 1147).
Temporary Custody of Juveniles

(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.

315.12 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 Lodi 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 Bureau Supervisor.

(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the 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 within the same time frame (15 CCR 1046).

(h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.

(i) Evidence preservation.

315.13 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. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

(a) Information is necessary to protect life or property from an imminent threat.

(b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

315.13.1 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
Temporary Custody of Juveniles

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.

(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).

### 315.14 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in his/her 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 Investigations 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
315.15  RELEASE OF INFORMATION CONCERNING JUVENILES
Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Lodi Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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 Investigations supervisors to ensure that personnel of those bureaus act within legal guidelines.

315.16  BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION
The Operations Bureau Commander shall coordinate the procedures related to the custody of juveniles held at the Lodi Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

315.17  RELIGIOUS ACCOMMODATION
Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).
316

Canines

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

316.2 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.

When a person is wanted on an arrest warrant absent fresh charges, a canine may be used to aid in the apprehension of that person only under the following conditions:

1. The handler has contemporaneously confirmed the validity, severity, and controlling charge(s) of the warrant.

2. One or more of the controlling charges listed on the warrant involves a serious offense.

AND

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.

OR

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.

OR

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.
Canines

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.

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

(a) The individual's age or estimate thereof.

(b) The nature of the suspected offense.

(c) Any potential danger to the public and/or other officers at the scene if the canine is released.

(d) The degree of resistance or threatened resistance, if any, the subject has shown.

(e) The potential for escape or flight if the police dog is not utilized.

(f) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

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

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

316.2.2 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.

316.2.3 REPORTING CANINE USE, BITES AND INJURIES
Whenever a canine is deployed a supervisor shall be promptly notified. The deployment and any injuries shall also be included in any related incident or arrest report. The on-duty supervisor shall initiate a Blue Team investigation and the incident shall be included in the shift summary.
Canines

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 a Blue Team investigation report by the appropriate supervisor.

Deployments are defined as any one of the following circumstances:

- A K9 is sent to apprehend or subdue a specific suspect. This includes call-offs prior to apprehension.
- While during a search of a place the K9 locates a suspect where it was previously unknown whether the suspect was still inside. This does not include a search when no suspect is found.
- When a K9’s presence leads to or aids in the apprehension of a suspect, whether on or off the leash.

For the purpose of this definition, a deployment does not include K9 searches for narcotics.

316.2.4 REPORTING CANINE INJURIES
In the event that a canine is injured, the injury will be immediately reported to the Unit Coordinator.

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 on a Canine Use Report Form.

316.2.5 ASSIGNMENT OF CANINES
The canine teams shall be assigned to the Operations. Canine officers assigned to patrol shall pick their days off sequence and shift based on the needs of service of the Department. Canine officers are assigned a patrol beat and are responsible for routine calls for service, in addition to special K-9 responses, during their assigned shift.

316.3 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 Operations Bureau shall go through the Unit Coordinator or the Watch Commander.

316.3.1 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 Lodi unless authorized by the Watch Commander or the Unit Coordinator.
Canines

(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.

316.3.2 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.

316.4 CANINE COORDINATOR
The canine coordinator, or their designee, shall be appointed by and directly responsible to the Operations Division Commander or the authorized designee.

The responsibilities of the coordinator, or their designee include but are not limited to:

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

316.5 SELECTION OF CANINE HANDLERS
The following are the minimum qualifications for the assignment of canine handler:

(a) Lodi Police Department officer currently off probation
(b) Reside in an adequately fenced, single-family, residence (minimum five-foot high fence with locking gates)
(c) Live within 45 minutes travel time from the Lodi City limits
(d) Agree to be assigned to the position for a minimum of five years

316.6 CANINE HANDLER RESPONSIBILITIES
Police canine handlers shall be responsible for, but not limited to, the following:
Canines

(a) In addition to handling the duties of a patrol officer, canine handlers will be responsible for managing their workload to allow for the most efficient use of the canine in order to assist other patrol personnel.

(b) Conducting continuous training with the canine to maintain the highest possible level of skills and performance.

(c) Providing for the care and feeding of his/her canine.

(d) Maintaining control over his/her canine, to ensure maximum safety. Responsibility for the canine’s actions rests solely with the handler.

(e) Maintaining their canine vehicle and other canine related equipment in a clean, presentable and working condition.

(f) Responding to canine requests from field supervisors or officers, as well as other support groups, (e.g., Detectives, POP).

(g) Participating in canine demonstrations as directed/approved by the Unit Supervisor.

(h) Participating in various other related functions as directed/approved by the Unit Supervisor.

316.6.1 AVAILABILITY
The handler shall be available for call-out under conditions specified by the Unit Coordinator.

316.6.2 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 spontaneous on-site inspections of affected areas of their residence as well as the canine unit, to verify that conditions and equipment conform to this policy.

   (d) Any changes in the living status of the handler which may affect the lodging or environment of the canine shall be reported to the Unit Coordinator as soon as possible.

   (e) 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.

   (f) Under no circumstances will the canine be lodged at another location unless approved by the Unit Coordinator or Watch Commander.
(g) 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.

316.6.3 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.

316.6.4 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.

316.7 APPREHENSION GUIDELINES
A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.

(b) The suspect 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 suspect is 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. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.
Canines

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

316.7.1 PREPARATION FOR DEPLOYMENT
Prior to the use of a canine to search for or apprehend any suspect, the canine handler and/or the supervisor on-scene should carefully consider all pertinent information reasonably available at the time. The information should include but is not limited to:

(a) The nature and seriousness of the suspected offense.
(b) Whether violence or weapons were used or are anticipated.
(c) The degree of resistance or threatened resistance, if any, the suspect has shown.
(d) The suspect’s known or perceived age.
(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.
(f) Any potential danger to the public and/or other officers at the scene if the canine is released.
(g) The potential for the suspect to escape or flee if the canine is not utilized.

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

It is the canine handler’s responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine.

Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

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

Depending on the severity of the injury or illness, the canine shall either be treated by the designated veterinarian or transported to a designated emergency medical facility for treatment.
If the handler and dog are out of the area, the handler may use the nearest available veterinarian.
316.7.3 REPORTING DEPLOYMENTS, BITES, AND INJURIES
Handlers should document canine deployments in a canine use report. Whenever a canine deployment results in a bite or causes injury to an intended suspect, a supervisor should be promptly notified and the injuries documented in the canine use report. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries should also be included in any related incident or arrest report.

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

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

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

316.8 TRAINING
Before assignment in the field, each canine team shall be trained and certified to meet current Department Standards. 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 the California Narcotic Canine Association 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.

316.8.1 CONTINUED TRAINING
Each canine team shall thereafter be recertified to current Department guidelines and the California Narcotic Canine Association or other recognized and approved certification standards 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.
Canines

(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 Lodi Police Department.

(d) All canine training shall be conducted while on-duty unless otherwise approved by the Unit Coordinator or Watch Commander.

316.8.2 FAILURE TO SUCCESSFULLY COMPLETE POST TRAINING
Any dog team failing canine certification shall not be deployed in the field until certification is achieved. When practical, pending successful certification, the canine handler shall be temporarily reassigned to regular patrol duties.

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

316.9 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

316.9.1 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 Lodi 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 and tested prior to dispensing to the individual canine handler
Canines

(b) The weight and test results shall be recorded and maintained by this department

c) Any person receiving controlled substance training samples pursuant to Health & Safety Code § 11367.5 shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances

d) All controlled substance training samples will be inspected, weighed, and tested bi-annually. The results of the bi-annual testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency

e) All controlled substance training samples will be stored in locked metal boxes at all times, except during training. The locked metal boxes shall be secured in the trunk of the canine handler's assigned patrol unit, or stored in a locked evidence locker. There are no exceptions to this procedure

(f) The Canine Unit Sergeant 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 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

(i) Any lost or damaged narcotic training aid shall be promptly reported to the Canine Lieutenant in writing who will determine if any further action will be necessary.

316.9.2 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)).

316.10 CANINE INJURY AND MEDICAL CARE
In the event that a canine is injured, or there is an indication that the canine is not in good physical condition, the injury or condition will be reported to the canine coordinator or Watch Commander as soon as practicable and appropriately documented.

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

316.11 TRAINING
Before assignment in the field, each canine team shall be trained and certified to meet current POST guidelines or other recognized and approved certification standards. Cross-trained canine teams or those canine teams trained exclusively for the detection of narcotics also shall be trained
Canines

and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, as resources are available, the canine coordinator should also schedule periodic training for the canine handlers about the risks of exposure and treatment for it.

All canine training shall be conducted while on-duty unless otherwise approved by the canine coordinator or Watch Commander.

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

(a) Canine handlers are encouraged to engage in additional training with approval of the Lieutenant or Sergeant in charge of the canine team.

(b) To ensure that all training is consistent, no handler, trainer or outside vendor is authorized to train to a standard that is not reviewed and approved by this Department.

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

316.11.3 TRAINING RECORDS
All canine training records shall be maintained in the canine handler's and the canine's training file.

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

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

The Chief of Police or the authorized designee may authorize a member to seek a court order to allow controlled substances seized by the Lodi Police Department to be possessed by the member or a narcotics-detection canine trainer who is working under the direction of this department for training purposes, provided the controlled substances are no longer needed as criminal evidence.
As an alternative, the Chief of Police or the authorized designee may request narcotics training aids from the Drug Enforcement Administration (DEA).

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

317.1 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.

317.2 POLICY
The Lodi 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.

317.3 DEFINITIONS
Definitions related to this policy include:

317.3.1 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.
Discriminatory Harassment

317.3.2 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.

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

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Fair Employment and Housing Council guidelines.

(b) Bona fide requests or demands by a supervisor that 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.

317.3.4 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.

317.4 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 Human Resources Director, or the City Manager.

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
Discriminatory Harassment

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.

317.4.1 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 Human Resources Director in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

317.4.2 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.

317.4.3 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 Human Resources Director, the City Manager, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code § 12950).

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

317.5.1 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.

317.5.2 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 Human Resources Director, or the City Manager.

317.5.3 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.

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

(a) Approved by the Chief of Police, the City Manager, or the Human Resources Director, depending on the ranks of the involved parties.
Discriminatory Harassment

(b) Maintained in accordance with the department's established records retention schedule.

317.6.1 NOTIFICATION OF DISPOSITION
The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

317.7 TRAINING
All new members shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new member. The member shall certify by signing the prescribed form that 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.

317.7.1 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 DFEH online training courses, the Training Sergeant should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

317.7.2 TRAINING RECORDS
The Training Sergeant shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

317.8 WORKING CONDITIONS
The 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).
Discriminatory Harassment

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

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

318.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

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

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.
(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim’s environment.

(j) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the adult abuse (Welfare and Institutions Code § 15640(f)).

(k) Whether a death involved the End of Life Option Act:
   1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14)
   2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person’s life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17)
   3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17)
   4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

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

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

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

318.5 MANDATORY NOTIFICATION
Members of the Lodi Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have
knowledge of an incident that reasonably appears to be abuse of an elder (age 65 or older) or dependent adult, or are told by an elder or dependent adult that he/she has experienced abuse (Welfare and Institutions Code § 15630(b)).

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

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

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

(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center) notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.

3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.

4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

(c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

(d) The SDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(f) The Bureau of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.
Adult Abuse

(g) The District Attorney’s office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(i) If during an investigation it is determined that the adult abuse is being committed by a licensed health practitioner as identified in Welfare and Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

(j) When the Department receives a report of abuse, neglect or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

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

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

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

(a) The name of the person making the report.

(b) The name and age of the elder or dependent adult.

(c) The present location of the elder or dependent adult.

(d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.

(e) The nature and extent of the condition of the elder or dependent adult.

(f) The date of incident.

(g) Any other information, including information that led the person to suspect elder or dependent adult abuse.
318.6 PROTECTIVE CUSTODY
Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

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

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

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

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

318.7 INTERVIEWS

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

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

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

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

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

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

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

(a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations supervisor so an interagency response can begin.

318.9.2 SUPERVISOR RESPONSIBILITIES
The Investigations supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigations supervisor that he/she has responded to a drug lab or other narcotics crime scene
Adult Abuse

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

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

318.10 RECORDS BUREAU RESPONSIBILITIES
The Records Bureau is responsible for:

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

(b) Retaining the original adult abuse report with the initial case file.

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

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

318.12 RELEVANT STATUTES
Penal Code § 368 (c)

Any person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which his or her person or health may be endangered, is guilty of a misdemeanor.

Penal Code § 368 (f)

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

Welfare and Institutions Code § 15610.05

“Abandonment” means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.
Welfare and Institutions Code § 15610.06

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

Welfare and Institutions Code § 15610.30

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

(1) Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(2) Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.

(3) Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

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

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

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

(1) A conservator, trustee, or other representative of the estate of an elder or dependent adult.

(2) An attorney-in-fact of an elder or dependent adult who acts within the authority of the power of attorney.

Welfare and Institutions Code § 15610.43

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

(1) Acts intentionally committed for the purpose of preventing, and that do serve to prevent, an elder or dependent adult from receiving his or her mail or telephone calls.

(2) Telling a caller or prospective visitor that an elder or dependent adult is not present, or does not wish to talk with the caller, or does not wish to meet with the visitor where the statement is false, is contrary to the express wishes of the elder or the dependent adult,
Adult Abuse

whether he or she is competent or not, and is made for the purpose of preventing the elder or dependent adult from having contact with family, friends, or concerned persons.

(3) False imprisonment, as defined in Section 236 of the Penal Code.

(4) Physical restraint of an elder or dependent adult, for the purpose of preventing the elder or dependent adult from meeting with visitors.

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

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

Welfare and Institutions Code § 15610.57

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

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

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

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

(1) Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

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

(3) Failure to protect from health and safety hazards.

(4) Failure to prevent malnutrition or dehydration.

(5) Failure of an elder or dependent adult to satisfy the needs specified in paragraphs (1) to (4), inclusive, for himself or herself as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

Welfare and Institutions Code § 15610.63

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.
Adult Abuse

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:
   
   (1) Sexual battery, as defined in Section 243.4 of the Penal Code.
   
   (2) Rape, as defined in Section 261 of the Penal Code.
   
   (3) Rape in concert, as described in Section 264.1 of the Penal Code.
   
   (4) Spousal rape, as defined in Section 262 of the Penal Code.
   
   (5) Incest, as defined in Section 285 of the Penal Code.
   
   (6) Sodomy, as defined in Section 286 of the Penal Code.
   
   (7) Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.
   
   (8) Sexual penetration, as defined in Section 289 of the Penal Code.
   
   (9) Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

   (1) For punishment.

   (2) For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.

   (3) For any purpose not authorized by the physician and surgeon.
Child Abuse

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

319.1.1 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).

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

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

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

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

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

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
**Child Abuse**

person or health of a child (Penal Code § 11165.3); and unlawful corporal punishment or injury (Penal Code § 11165.4). Child abuse or neglect does not include a mutual affray between minors, nor does it include an injury caused by the reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer.

Upon receiving the required report from the county probation or welfare department within 24 hours of becoming aware that a child or youth who is receiving child welfare services and who is known or suspected to be the victim of commercial sexual exploitation is missing or has been abducted, an entry shall be made by the receiving officer into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children (SB 794).

### 319.3.1 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.

### 319.4 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).

### 319.5 INVESTIGATIONS AND REPORTING

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

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

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
Child Abuse

(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).

319.5.1 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).

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

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

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

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

(a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child’s health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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

319.6.1 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.

319.6.2 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.

319.7 INTERVIEWS

319.7.1 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.

319.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW
An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

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

(b) A court order or warrant has been issued.

319.7.3 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).
Child Abuse

319.8 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.

319.9 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.

319.9.1 SUPERVISOR RESPONSIBILITIES
The Investigations supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigations 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.

(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.

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

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations supervisor so an interagency response can begin.

319.10 STATE MANDATES AND OTHER RELEVANT LAWS
California requires or permits the following:
Child Abuse

319.10.1 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).

319.10.2 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.

319.10.3 CACI HEARING OFFICER
The Investigations 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.

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

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

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

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

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

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

319.10.5 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).

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

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

320.1 PURPOSE AND SCOPE
This policy provides guidance for handling missing person investigations.

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

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

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

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

320.2 POLICY
The Lodi 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 Lodi 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).

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

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

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

320.4 ACCEPTANCE OF REPORTS

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

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

320.5 INITIAL INVESTIGATION

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

(a) Respond to a dispatched call for service as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).

(e) Ensure that entries are made into the appropriate missing person networks as follows:

1. Immediately, when the missing person is at risk.
2. In all other cases, as soon as practicable, but not later than two hours from the time of the initial report.

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and a fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
3. Any documents that may assist in the investigation, such as court orders regarding custody.

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.

320.6 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.

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

(a) Reviewing and approving missing person reports upon receipt.
   1. The reports should be promptly sent to the Records Bureau.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

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

320.6.2 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).
(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person’s intended or possible destination, if known.

(d) Forward a copy of the report to the Investigations.

(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).

320.7 INVESTIGATIONS 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).
Missing Persons

(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).

320.8 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.

320.8.1 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.

320.9 CASE CLOSURE
The Investigations 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.

(b) If the missing person is a resident of Lodi 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.

### 320.10 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. Use of current resources, such as Mobile Audio Video (MAV)
   3. Confirming missing status and custody status of minors
   4. Evaluating the need for a heightened response
   5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.
Public Alerts

321.1 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.

321.2 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.

321.3 RESPONSIBILITIES

321.3.1 EMPLOYEE RESPONSIBILITIES
Employees of the Lodi Police Department should notify their supervisor, Watch Commander or Investigations 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.

321.3.2 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 Bureau 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
(d) Preparing an after-action evaluation of the investigation to be forwarded to the Bureau Commander if directed by the Chief of Police.

321.4 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.
321.4.1 CRITERIA FOR AMBER ALERT
The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

(a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.
(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.
(c) The victim is in imminent danger of serious injury or death.
(d) There is information available that, if provided to the public, could assist in the child’s safe recovery.

321.4.2 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)
321.5 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.

321.5.1 CRITERIA FOR BLUE ALERTS
All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

(c) A detailed description of the suspect’s vehicle or license plate is available for broadcast.

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

321.5.2 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
321.6 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).

321.6.1 CRITERIA FOR SILVER ALERTS
All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

(a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.

(b) The department has utilized all available local resources.

(c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.

(d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

321.6.2 PROCEDURE FOR SILVER ALERT
Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

321.7 MUTUAL AID
The experiences of other law enforcement jurisdictions that have implemented similar plans indicate a public alert will generate a high volume of telephone calls to the handling agency.

The Sheriff’s Department emergency communications facilities and staff can be made available in the event of a high call volume.

If the Watch Commander or Investigations Supervisor elects to use the services of the Sheriff’s Department, the following will apply:

(a) Notify the Sheriff’s Department Watch Commander of the incident and the request for assistance. He/she will provide you with a telephone number for the public to call.

(b) In the press release, direct the public to the telephone number provided by the Sheriff’s Department Watch Commander.

(c) The Public Information Officer will continue to handle all press releases and media inquiries. Any press inquiries received by the Sheriff’s Department will be referred back to this department.
The Lodi Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff’s Department emergency communications facility to screen and relay information and any clues received from incoming calls. As circumstances dictate, more staff resources from the handling law enforcement agency may be necessary to assist the staff at the emergency communications facility.

321.8 YELLOW ALERTS
Yellow Alerts are notifications related to hit-and-run incidents resulting in the death or injury (Vehicle Code § 20001; Government Code § 8594.15).

321.8.1 CRITERIA FOR YELLOW ALERTS
All of the following conditions must be met before requesting the activation of a Yellow Alert (Government Code § 8594.15):

(a) A person has been killed or has suffered serious bodily injury due to a hit-and-run.
(b) It is likely the suspect may be seen on a state highway.
(c) There is additional information concerning the suspect’s vehicle, including, but not limited to any of the following:
   1. The suspect or the suspect’s vehicle can be particularly described (e.g., a complete or partial license plate number)
   2. Unique vehicle characteristics (e.g., make, model and color of suspect’s vehicle)
   3. The identity of the suspect
(d) Public assistance can mitigate danger to the public or quicken the apprehension of the suspect.

321.8.2 PROCEDURE FOR YELLOW ALERT
Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

321.9 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES
Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

321.9.1 CRITERIA
Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

(a) Evacuation orders (including evacuation routes, shelter information, key information).
(b) Shelter-in-place guidance due to severe weather.
(c) Terrorist threats.
(d) HazMat incidents.
321.9.2 PROCEDURE
Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).
Victim and Witness Assistance

322.1 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.

322.2 POLICY
The Lodi Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Lodi 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.

322.3 CRIME VICTIM LIAISON
The Investigations Lieutenant shall serve as the crime victim liaison (2 CCR 649.36) for the Department. The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Lodi 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.

322.3.1 CRIME VICTIM LIAISON DUTIES
The crime victim liaison is specifically tasked with the following:

(a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim’s or derivative victim’s designation as a gang member, associate, or affiliate, or on the person’s documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).

(b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).

(c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.

(d) Annually providing CalVCB with his/her contact information (Government Code § 13962).

(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 Lodi Police Department jurisdiction (Penal Code § 680.2).
Victim and Witness Assistance

322.4 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.

322.4.1 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).

Upon receiving the required report from the county probation or welfare department officers shall ensure within 24 hours of becoming aware that a child or youth who is receiving child welfare services and who is known or suspected to be the victim of commercial sexual exploitation is missing or has been abducted that an entry has been made into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children (SB 794).

322.5 VICTIM INFORMATION
The Investigations 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).
Victim and Witness Assistance

(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).

322.6 WITNESSES

Officers should never guarantee a witness’ safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.
Hate Crimes

323.1 PURPOSE AND SCOPE
This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement’s role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Lodi 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).

323.1.1 DEFINITION AND LAWS
In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

Bias motivation - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one’s “own kind,” or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

Disability - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

Disability bias - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore “deserving victims,” a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator’s 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, whether or not 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 these actual or perceived characteristics” includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those 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 Crimes

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 includes citizenship, country of origin, and national origin.

Race or ethnicity - Race or ethnicity includes ancestry, color, and ethnic background.

Religion - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

Sexual orientation - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

Victim - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
Hate Crimes

- Library
- Other victim or intended victim of the offense

323.2 PLANNING AND PREVENTION
In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

323.2.1 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) Provide direct and referral assistance to the victim and the victim's family.
(b) Establishing relationships with formal community-based organizations and leaders.
(c) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).
(d) Coordinating with the Training Sergeant to include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.
(e) 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.
(f) Taking reasonable steps to ensure hate crime data is provided to the Records Bureau for mandated reporting to the Department of Justice.
(g) Reporting any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Bureau Policy.
(h) Maintaining the department’s supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).
(i) Annually assessing this policy, including:
   1. Keeping abreast of the Commission on Peace Officer Standards and Training (POST) model policy framework for hate crimes for revisions or additions,
including definitions, responsibilities, training resources, and planning and
prevention methods.

2. Analysis of the department’s data collection as well as the available outside data
(e.g., annual California Attorney General’s report on hate crime) in preparation
for and response to future hate crimes.

323.2.2 RELEASE OF INFORMATION
Establishing a relationship with stakeholders, before any incident occurs, to develop a network
and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

(a) Dissemination of correct information.
(b) Assurance to affected communities or groups that the matter is being properly and
promptly investigated.
(c) The ability to request information regarding the commission of the crimes from the
victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as
provided by the Records Maintenance and Release Policy or as allowed by law. In accordance
with the Media Relations Policy, the supervisor, public information officer, or the authorized
designee should be provided with information that can be responsibly reported to the media. When
appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated,
will be investigated seriously, and will be prosecuted to the fullest extent of the law.

The Department should consider the following when releasing information to the public regarding
hate crimes and hate incidents that have been reported within the jurisdiction:

• Inform community organizations in a timely manner when a community group has
been the target of a hate crime.
• Inform the community of the impact of these crimes on the victim, the victim’s family,
and the community, and of the assistance and compensation available to victims.
• Inform the community regarding hate crime law and the legal rights of, and remedies
available to, victims of hate crimes.
• Provide the community with ongoing information regarding hate crimes and/or hate
incidents.

323.3 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
Hate Crimes

typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

323.4 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

323.4.1 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.

(e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.

(f) Collect and photograph physical evidence or indicators of hate crimes such as:
   1. Hate literature.
   2. Spray paint cans.
   3. Threatening letters.
   4. Symbols used by hate groups.

(g) Identify criminal evidence on the victim.
(h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.

(i) Conduct a preliminary investigation and record pertinent information including but not limited to:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. The offer of victim confidentiality per Government Code § 6254.
4. Prior occurrences in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. The victim’s protected characteristics and determine if bias was a motivation “in whole or in part” in the commission of the crime.

(j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

(k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(l) Provide the department’s Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.

(m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).


323.4.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

(a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).

(b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

(c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.

(e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:

1. Hate literature.
Hate Crimes

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.
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 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).


(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.
Hate Crimes

323.4.3 SUPERVISION
The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

(a) Provide immediate assistance to the crime victim by:
   1. Expressing the department’s official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
   2. Expressing the department’s interest in protecting victims’ anonymity (confidentiality forms, Government Code § 6254) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
   3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.

(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).

(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 Hate Crimes to the 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.


323.5 TRAINING
All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

(a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias and gender bias.

(b) Accurate reporting by officers, including information on the general underreporting of hate crimes.

(c) Distribution of hate crime brochures.

323.6 APPENDIX
See attachments:

Statutes and Legal Requirements.pdf
Hate Crime Checklist.pdf
See attachment: preventing_hate_crimes_brochure_ENG.pdf
See attachment: preventing_hate_crimes_brochure_SP.pdf
See attachment: preventing_hate_crimes_brochure_PUN.pdf
Standards of Conduct

324.1 PURPOSE AND SCOPE
This policy establishes standards of conduct that are consistent with the values and mission of the Lodi 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.

324.2 POLICY
The continued employment or appointment of every member of the Lodi 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.

324.3 DIRECTIVES AND ORDERS
Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

324.3.1 UNLAWFUL OR CONFLICTING ORDERS
Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.
Standards of Conduct

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

324.3.2 SUPERVISOR RESPONSIBILITIES
Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

(d) The unequal or disparate exercise of authority on the part of a supervisor toward any member for malicious or other improper purpose.

324.4 GENERAL STANDARDS
Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

324.5 CAUSES FOR DISCIPLINE
The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

324.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.
Standards of Conduct

324.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Lodi Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for non-department business or activity.

(b) The wrongful or unlawful exercise of authority on the part of any member for malicious purpose, personal gain, willful deceit or any other improper purpose.

(c) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the member's duties (lawful subpoena fees and authorized work permits excepted).

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

324.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power or immunity, knowing the conduct is unlawful.

324.5.4 RELATIONSHIPS

(a) Unwelcome solicitation of a personal or sexual relationship while on-duty or through the use of one’s official capacity.

(b) Engaging in on-duty sexual activity including, but not limited to, sexual intercourse, excessive displays of public affection or other sexual contact.

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

(d) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when the member knows or reasonably should know 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 this department.

(e) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.
324.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

324.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member’s position with this department.

(a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) 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.

324.5.7 EFFICIENCY

(a) Neglect of duty.

(b) Unsatisfactory work performance including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.

(c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(d) Unauthorized sleeping during on-duty time or assignments.

(e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.
Standards of Conduct

324.5.8 PERFORMANCE

(a) Failure to disclose or misrepresenting material facts, or making 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.

(b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive or the willful and unauthorized removal, alteration, destruction and/or mutilation of any department record, public record, book, paper or document.

(c) Failure to participate in, or 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.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
   1. While on department premises.
   2. At any work site, while on-duty or while in uniform, or while using any department equipment or system.
   3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:
   1. Unauthorized attendance while on-duty at official legislative or political sessions.
   2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while on-duty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(i) Any act on- or off-duty that brings discredit to this department.

324.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law
enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department or the City.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member’s relationship with this department.

(i) Unauthorized possession of, loss of, or damage to department property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member’s conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on- or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

324.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off-duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member’s appointing authority.
Standards of Conduct

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

324.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member’s ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession, unless specifically for the purposes of gifting unopened alcoholic beverages, or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance. Possession of alcohol in an unopened container for a gifting purpose is allowed.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.
Information Technology Use

325.1 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, hardware, software and systems.

325.1.1 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 Lodi 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 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, 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 system including, but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs or videos.

325.2 POLICY
It is the policy of the Lodi Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

325.3 PRIVACY EXPECTATION
By using or possessing any Department issued personal communication device, computer, network, database, or other electronic device, members acknowledge that they have read and understand the contents of this policy and have granted the Department consent to access all electronic device information contained on the electronic device by means of physical interaction or electronic communication with the device.

Members forfeit any expectation of privacy 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, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any
Information Technology Use

department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a 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).

325.4 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.

325.4.1 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.

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.

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.

325.4.2 HARDWARE
Access to technology resources provided by or through the Department shall be strictly limited to department-related activities. Data stored on or available through department computer systems shall only be accessed by authorized members who are engaged in an active
investigation or assisting in an active investigation, or who otherwise have a legitimate law enforcement or department-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

325.4.3 INTERNET USE
Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member’s assignment.

Downloaded information shall be limited to messages, mail, and data files.

325.4.4 OFF-DUTY USE

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

325.5 PROTECTION OF AGENCY 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.

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.

325.5.1 SANCTIONS FOR MISUSE
Each suspected incident of unauthorized or improper use of CLETS equipment or criminal justice information, or of failure to take physical security measures to protect CLETS equipment or criminal justice information, will be investigated as prescribed by the Chief of Police or his designee.

Violations will result in disciplinary action consistent with department policies, City of Lodi employee rules and regulations, CLETS guidelines and/or state laws which may include the
employee’s loss of use or limitations on use of equipment, disciplinary or adverse action, criminal penalties, and/or financial liability for the cost of improper use.

325.5.2 SECURITY PATCHES, HOT FIXES, SERVICE PACKS, UPDATES, PATCHES
Regular maintenance, security patches, fixes, updates and service packs will be conducted or installed by the Information and Technology department (ISD) of the City of Lodi. The Technical Services Lieutenant will coordinate these actions and updates with City ISD personnel.

325.6 HANDLING, TRANSPORTING AND DESTROYING DIGITAL AND PHYSICAL MEDIA
Department personnel shall store digital and physical media within physically secure and controlled areas. Access to digital and physical media is to be limited to authorized individuals. If physical and personnel restrictions are not feasible then the data should be encrypted.

Only authorized employees shall transport media and shall protect and control said media when moving it from a controlled area to prevent any compromise of the data.

Only authorized employees shall transport media (printed documents, photos, etc.) and shall protect and control said media at the same level as electronic forms when moving it from a controlled area to prevent any compromise of the data.

To sanitize and destroy digital media, the media should be overwritten at least three times or degauss digital media using the degaussing magnet after which said media will be destroyed by cutting up or shredding. Digital media will be destroyed in accordance with department and city policies on records retention and destruction. This process should be done by City ISD personnel.

At the time physical media is no longer needed it shall be destroyed in accordance with department and city policies on records retention and destruction.

325.7 COMPUTER INCIDENT RESPONSE PLAN
In the event a computer or computer system suffer a computer incident, the following steps are to be taken. Examples of a computer incident include:

- Stolen computer
- Virus/malware on a computer
- Suspected data compromise

1. Remove all network access from the machine immediately by removing the network cables or air card, power the machine off, unplugging the power cord, etc.

2. Contact ISD personnel immediately via phone, e-mail or in person

3. ISD will document the following information:
   - Name of person contacting ISD and their contact information
   - Time of the contact
   - Nature of the incident
Information Technology Use

- Equipment involved
- Location of the equipment
- Is the equipment mission critical
- Name/IP address of affected equipment
- How was the issue detected
- When was the issue first detected

4. ISD will also determine the following:
   - Severity of incident
   - Urgency of response
   - Is the incident real or perceived
   - Is the issue still on-going
   - What data is at risk
   - Was CLETS data compromised
   - Business impact should the attack succeed
   - Is the incident coming from inside or outside the trusted network
   - Type of incident
   - Response level

5. The following actions will be taken by ISD:
   - Mitigate the issue
   - Provide a report to command staff detailing the incident and its impact on system security and stability and if the issue was resolved and recommendations to prevent future issues

6. If necessary, make notifications to outside agencies, such as DOJ, CLETS, etc. and any persons whose personal information may have been compromised in the incident.

325.8 INSPECTION OR REVIEW
A supervisor or the authorized designee has the express authority to inspect or review the computer system, 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 his/her 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 when requested by a supervisor or during the course of regular duties that require such information.

325.8.1 UNACCEPTABLE USES OF DEPARTMENT TECHNOLOGY
Prohibited uses of Department technology include, but are not limited to, the following:

- Activities illegal under local, state, and/or federal law.
- Anything that may be construed as harassment or disparagement of others based on the guidelines established in the City of Lodi Discrimination Policy and Sexual Harassment Policy.
- Fundraising, soliciting, or other religious or commercial activities that are not specifically related to city government activities without prior approval of the Chief of Police or Captain.
- Sabotage (e.g. intentionally disrupting network traffic, crashing the network, intentionally introducing a computer virus, etc.).
- Unauthorized access to others' files or vandalizing the data of another user.
- Forging e-mail messages or any other form of communication.
- Personal use such as chain e-mails or jokes. This shall also apply to any non-authorized personal use of any Department technology including the paging system and text messages generated within the department intended for employees, volunteers, or anyone associated with the Department in some manner.
- Inappropriate use which is deemed by the city to be a violation of the intended use of Department technology.
- Any attempts to probe, scan, or test the vulnerability of internal or external systems or networks or to breach security or authentication measures without express authorization.
Report Preparation

326.1 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.

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

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

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

326.1.2 REPORT SUBMISSION GUIDELINES
Department employees will submit arrest reports by the end of their watch prior to the arrestee’s arraignment unless they have permission to hold the reports by a supervisor.

All reports must be submitted before the employee leaves for their long weekend off or before they leave for an extended period of time (for example, vacation, department-approved training, FMLA leave) unless they have approval to hold the report(s) from a supervisor.

All collision reports will be submitted for approval by the fifth business day following the collision unless the employee has the approval to hold the report(s) from a supervisor.

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

326.2.1 CRIMINAL ACTIVITY
When an employee 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 employee shall document the incident
regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

- All arrests
- All felony crimes
- Non-Felony incidents involving threats or stalking behavior
- Situations covered by separate policy. These include:
  - Use of Force Policy
  - Domestic Violence Policy
  - Child Abuse Policy
  - Adult Abuse Policy
  - Hate Crimes Policy
  - Suspicious Activity Reporting Policy
- All misdemeanor crimes

Employees will be allowed to document the following specific incidents utilizing CAD where the citizen desires no further action, requests documentation only and there are no suspects or physical evidence:

- Lost property without serial numbers
- The CAD entry MUST minimally include the following:
  - Names of involved parties, including DOB’s
  - Brief synopsis of the incident
  - Some indication that the citizen desired no further police action
- Officer must provide the citizen with the event number for future reference

326.2.2 NON-CRIMINAL ACTIVITY
The following incidents shall be documented using the appropriate approved format:

(a) Anytime an officer points a firearm at any person (the officer must also notify a supervisor of what took place)
(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
Report Preparation

(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)

(g) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(h) All protective custody detentions

(i) Suspicious incidents that may place the public or others at risk

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

(k) Anytime an officer transports an individual to a facility for a mental health evaluation

326.2.3 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. The following cases shall be appropriately investigated and documented using the approved format:

(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

326.2.4 INJURY OR DAMAGE BY CITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

326.2.5 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.

326.2.6 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).

326.2.7 ALTERNATE REPORTING FOR VICTIMS
Reports that may be submitted by the public via online or other self-completed reporting processes include:

(a) Lost property.
(b) 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.
(c) Misdemeanor vandalism with no suspect information and no hate crime implications.
(d) Vehicle burglaries with no suspect information or evidence.
(e) Stolen vehicle attempts with no suspect information or evidence.
(f) Annoying telephone calls with no suspect information.
(g) Identity theft without an identifiable suspect.
(h) Online or email fraud solicitations without an identifiable suspect and if the financial loss classifies the crime as a misdemeanor.
(i) Hit-and-run vehicle collisions with no suspect or suspect vehicle.
(j) Supplemental property lists.

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).

All reports submitted on-line will be followed up by Lodi Police Personnel.

326.3 GENERAL POLICY OF EXPEDITIOUS REPORTING
In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.
326.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated. Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

326.3.2 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.

326.3.3 COMPLETION OF REPORTS
The following instructions will guide personnel on the expectations for the completion of reports:

1. Officers shall not go on days off until all reports are completed without the approval of a supervisor or watch commander.

2. No officer shall go on his or her weekend without notifying their supervisor that any in-custody reports are not complete. The officer shall coordinate with his or her supervisor to assure the report is completed in a timely manner (approval, transmission, and filing by the District Attorney’s Office within 48 hours).

Officers who have priority reports to complete should contact their supervisor for permission to work on reports before end of watch pending calls for service. All supervisors should monitor the type and number of calls pending and when permissible allow their officers time to complete priority reports during the shift. Dispatchers should be cognizant of the time and reports pending. Whenever possible, cold calls should be held for the next shift to allow officers to finish or dictate reports and precede to end of watch as permissible.

326.4 REPORT CORRECTIONS
Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should return the report to the employee stating the reasons for denial through the RMS system. The original report should be returned to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

326.5 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.
Media Relations

327.1 PURPOSE AND SCOPE
This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

327.2 RESPONSIBILITIES
The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Bureau Commanders, Watch Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

327.2.1 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 comments to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

327.3 MEDIA ACCESS
Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
   1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should
be coordinated through the department Public Information Officer or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (14 CFR 91.137).

   (c) No member of this department who is under investigation shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

   (d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Public Information Officer.

327.3.1 PROVIDING ADVANCE INFORMATION
To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

327.4 SCOPE OF INFORMATION SUBJECT TO RELEASE
The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Watch Commander. This log will generally contain the following information:

   (a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the
safety of any individual or jeopardize the successful completion of any ongoing investigation

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger 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).

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.).

327.4.1 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 only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act.

(b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)

(c) Criminal history information

(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(e) Information pertaining to pending litigation involving this department
(f) Information obtained in confidence

(g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).
Subpoenas and Court Appearances

328.1 PURPOSE AND SCOPE
This policy establishes the guidelines for department members who must appear in court. It will allow the Lodi Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

328.2 POLICY
Lodi Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

328.3 SUBPOENAS
Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer’s supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of $275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

(a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.

(b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

If, after initially accepting service of a criminal subpoena, a supervisor or other authorized individual determines that he/she is unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

328.3.1 SPECIAL NOTIFICATION REQUIREMENTS
Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.
Subpoenas and Court Appearances

(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member’s on-duty activity or because of his/her association with the Lodi Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Lodi Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

328.3.2 CIVIL SUBPOENA
The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member’s compensation through the civil attorney of record who subpoenaed the member.

328.3.3 OFF-DUTY RELATED SUBPOENAS
Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

328.3.4 CIVIL CASE DEPOSITIONS/AFFIDAVITS
Employees shall confer with their Bureau Commander or their designee before giving a deposition or affidavit in a civil case.

328.4 FAILURE TO APPEAR
Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

328.5 STANDBY
To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena. While off duty and on stand by time; officers are required to check in with the District Attorney that is assigned the case every three (3) hours to determine if they are still needed on stand by.
328.6 COURTROOM PROTOCOL
When appearing in court, members shall:

(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) Dress in the department uniform or business attire. If in uniform, officers shall wear their vest and duty belt.

(c) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

328.6.1 COURTROOM TESTIMONY
Testimony is to be given clearly, modestly, without bias or prejudice, without display of emotion, without exaggeration, and without misrepresentation.

328.6.2 TESTIMONY
Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

328.7 OVERTIME APPEARANCES
When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.
Reserve Officers

329.1 PURPOSE AND SCOPE
The Lodi 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.

329.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS
The Lodi 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.

329.2.1 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, or be in the process of completing, a POST approved basic academy or extended basic academy.

329.2.2 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.

329.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS
Compensation for reserve officers is provided as follows:

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 shall be issued one pair of uniform pants and one uniform shirt (short sleeve or long sleeve) per year.

329.2.4 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 Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

329.3 DUTIES OF 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 Operations Bureau. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.
Reserve Officers

329.3.1 POLICY COMPLIANCE
Police reserve officers shall be required to adhere to all departmental 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.

329.3.2 RESERVE OFFICER ASSIGNMENTS
All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

329.3.3 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) Maintaining and ensuring performance evaluations are completed
(e) Monitoring individual reserve officer performance
(f) Monitoring overall Reserve Program
(g) Maintaining liaison with other agency Reserve Coordinators

329.4 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, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

329.4.1 TRAINING OFFICERS
Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves during Phase II, subject to Watch Commander approval.

329.4.2 PRIMARY TRAINING OFFICER
Upon completion of the Academy, reserve officers will be assigned to a primary training officer. The primary training officer will be selected from members of the Field Training Officer (FTO) Committee. The reserve officer will be assigned to work with his/her primary training officer during the first 160 hours of training. This time shall be known as the Primary Training Phase.
329.4.3 FIELD TRAINING MANUAL
Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Lodi Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

329.4.4 COMPLETION OF THE PRIMARY TRAINING PHASE
At the completion of the Primary Training Phase, (Phase I) the primary training officer will meet with the Reserve Coordinator. The purpose of this meeting is to discuss the progress of the reserve officer in training.

If the reserve officer has progressed satisfactorily, he/she will then proceed to Phase II of the training. If he/she has not progressed satisfactorily, the Reserve Coordinator will determine the appropriate action to be taken.

329.4.5 SECONDARY TRAINING PHASE
The Secondary Training Phase (Phase II) shall consist of 100 hours of additional on-duty training. The reserve officer will no longer be required to ride with his/her primary training officer. The reserve officer may now ride with any officer designated by the Watch Commander.

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 Officer's Field Training Manual. At the completion of Phase II of training, the reserve officer will return to his/her primary training officer for Phase III of the training.

329.4.6 THIRD TRAINING PHASE
Phase III of training shall consist of 24 hours of additional on-duty training. For this training phase, the reserve officer will return to his/her 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 Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the primary training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

329.4.7 COMPLETION OF THE FORMAL TRAINING PROCESS
When a reserve officer has satisfactorily completed all three phases of formal training, he/she will have had a minimum of 284 hours of on-duty training. He/she will no longer be required to ride with a reserve training officer. The reserve officer may now be assigned to ride with any officer for the remaining 200-hour requirement for a total of 484 hours before being considered for relief of immediate supervision.
329.5 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). The immediate supervision requirement shall also continue for reserve officers who have attained Level I status unless special authorization is received from the Reserve Coordinator with the approval of the Bureau Commander.

329.5.1 SPECIAL AUTHORIZATION REQUIREMENTS
Reserve officers certified as Level I may, with prior authorization of the Reserve Coordinator and on approval of the Bureau Commander, be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code § 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted.

In the absence of the Reserve Coordinator and the Bureau Commander, the Watch Commander may assign a certified Level I reserve officer to function under the authority of Penal Code § 832.6(a)(1) for specific purposes and duration.

329.5.2 RESERVE OFFICER MEETINGS
All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

329.5.3 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.

329.5.4 UNIFORM
Reserve officers shall conform to all uniform regulation and appearance standards of this department. The department shall purchase one complete uniform yearly for reserve officers.

329.5.5 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 may be investigated by the Reserve Coordinator, at the discretion of the Operations Bureau 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.
Reserve Officers

329.5.6 RESERVE OFFICER EVALUATIONS
While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until all of the training phases have been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

329.6 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.

329.6.1 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.

329.6.2 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.

When a reserve officer has satisfactorily completed all three phases of training (as outlined in the Field Training section), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Chief of Police with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing as a Reserve Officer with the Lodi Police Department.

329.6.3 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) All reserve officers are required to qualify at least quarterly.

(b) Reserve officers may fire at the department approved range at least once each month and more often with the approval of the Reserve Coordinator.

(c) Should a reserve officer fail to qualify quarterly, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency.

**329.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL**

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.
Outside Agency Assistance

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

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

330.3 ASSISTING OUTSIDE AGENCIES
Generally, requests for any type of assistance from another agency should be routed to the Watch Commander’s office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

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

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

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

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

330.4 REQUESTING OUTSIDE ASSISTANCE
If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.
The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

330.5 REPORTING REQUIREMENTS
Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a CAD entry or as directed by the Watch Commander.

330.6 MANDATORY SHARING
Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Unit Coordinator or the authorized designee.

The documentation should include:

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

Copies of the documentation should be provided to Unit Coordinator to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Training Sergeant or the Unit Coordinator should maintain documentation that the appropriate members have received the required training.
Registered Offender Information

331.1 PURPOSE AND SCOPE
This policy establishes guidelines by which the Lodi 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.

331.2 POLICY
It is the policy of the Lodi 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.

331.3 REGISTRATION
The Investigations 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 (Health and Safety Code § 11594; 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.

331.3.1 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 (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

331.4 MONITORING OF REGISTERED OFFENDERS
The Investigations supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.

(b) Review of information on the California DOJ website for sex offenders.

(c) Contact with a registrant’s parole or probation officer.

Any discrepancies should be reported to the California DOJ.
The Investigations supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Lodi Police Department personnel, including timely updates regarding new or relocated registrants.

331.5  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 Lodi Police Department’s website. Information on sex registrants placed on the Lodi Police Department’s website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

331.5.1  RELEASE NOTIFICATIONS
Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).
Major Incident Notification

332.1 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.

332.2 POLICY
The Lodi 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.

332.3 MINIMUM CRITERIA FOR NOTIFICATION
Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Bureau Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Homicides
- Traffic accidents with fatalities
- Officer-involved shooting - on or off duty (see Officer-Involved Shootings and Deaths Policy for special notifications)
- Significant injury or death to employee - on or off duty
- Death of a prominent Lodi official
- Arrest of a department employee or prominent Lodi official
- Aircraft crash with major damage and/or injury or death
- In-custody deaths

NOTE: Refer to notification matrix for specific notification procedures

See attachment: Major Incident Notification.pdf

332.4 WATCH COMMANDER RESPONSIBILITY
The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable.
Major Incident Notification

332.4.1 STAFF NOTIFICATION
In the event an incident occurs described in the Major Incident Notification Policy, the Chief of Police shall be notified along with the affected Bureau Commander and the Detective Lieutenant if that bureau is affected.

332.4.2 DETECTIVE NOTIFICATION
If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective.

332.4.3 TRAFFIC BUREAU NOTIFICATION
In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator and/or Major Accident Investigation Team. The Traffic Sergeant will notify the Traffic Lieutenant.

332.4.4 PUBLIC INFORMATION OFFICER (PIO)
A Public Information Officer unit supervisor should be called after members of staff have been notified that it appears the media may have a significant interest in the incident. The supervisor will designate a PIO or team of PIO's to handle the interaction with the media.

332.4.5 FAMILY NOTIFICATIONS (POLICE EMPLOYEE SERIOUS INJURY OR DEATH)
It will be the responsibility of the Investigations Division Lieutenant or their designee to coordinate notification with the following individuals prior to making contact with an employee's family in the event of an employee involved serious injury or death. Notification to the family shall be done as soon as possible.

- Chief of Police
- Bureau Commanders
- Chaplain or Chaplain Liaison
- Police Officer's Association
Death Investigation

333.1 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.

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

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

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by Health and Safety Code § 1746 in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).
Death Investigation

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

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

333.2.2 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.

333.2.3 DEATH NOTIFICATION
When practical, and if not handled by the Coroner’s Office, notification to the next-of-kin of the deceased person should be made by the officer assigned to the incident, a supervisor, or department chaplain. 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.

333.2.4 UNIDENTIFIED DEAD BODIES
If the identity of a dead body cannot be established after the Coroner arrives, the Coroner’s office will issue a “John Doe” or “Jane Doe” number for the report.
Death Investigation

333.2.5 DEATH INVESTIGATION REPORTING
All incidents involving a death shall be documented in a police report.

333.2.6 SUSPECTED HOMICIDE
If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Watch Commander shall be notified as soon as practical. The Watch Commander shall determine if there is a need for a detective to respond to the scene for immediate follow-up investigation.

333.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES
Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).
Identity Theft

334.1 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.

334.2 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 where 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) 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.

(e) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.
Private Persons Arrests

335.1 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.

335.2 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.

335.3 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.

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

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.
1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.

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
Anti-Reproductive Rights Crimes Reporting

336.1 PURPOSE AND SCOPE
This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

336.2 DEFINITIONS
Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant

(b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

336.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

(a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.

(b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Division lieutenant.

(c) By the tenth day of each month, it shall be the responsibility of the Investigation Division lieutenant to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.
Anti-Reproductive Rights Crimes Reporting

2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).
Limited English Proficiency Services

337.1 PURPOSE AND SCOPE
This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

337.1.1 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 Lodi 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).

337.2 POLICY
It is the policy of the Lodi 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.

337.3 LEP COORDINATOR
The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Operations Bureau Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:
Limited English Proficiency Services

(a) Coordinating and implementing all aspects of the Lodi 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 Dispatch 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.

337.4 FOUR-FACTOR ANALYSIS
Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:
Limited English Proficiency Services

(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.

337.5 TYPES OF LEP ASSISTANCE AVAILABLE
Lodi 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.

337.6 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.

337.7 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.
Limited English Proficiency Services

337.8 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.

337.8.1 SOURCES OF AUTHORIZED INTERPRETERS
The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

• Qualified bilingual members of this department or personnel from other City departments.
• Individuals employed exclusively to perform interpretation services.
• Contracted in-person interpreters, such as state or federal court interpreters, among others.
• Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

337.8.2 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.
Limited English Proficiency Services

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

337.9 CONTACT AND REPORTING
While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

337.10 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE
The Lodi Police Department will take reasonable steps and will work with the Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

337.10.1 EMERGENCY CALLS TO 9-1-1
Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications 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.
Limited English Proficiency Services

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

337.11 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.

337.12 INVESTIGATIVE FIELD INTERVIEWS
In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any Miranda warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated Miranda warning card.

The use of an LEP individual’s bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.
Limited English Proficiency Services

337.13 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.

337.14 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.

337.15 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.

337.16 COMMUNITY OUTREACH
Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

337.17 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.
Limited English Proficiency Services

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.

337.17.1 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 every two years 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.
Communications with Persons with Disabilities

338.1 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.

338.1.1 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.

338.2 POLICY
It is the policy of the Lodi 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.

338.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR
The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Operations Bureau Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Lodi Police Department’s efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.
Communications with Persons with Disabilities

(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 Dispatch 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.

338.4 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.
Communications with Persons with Disabilities

338.5 INITIAL AND IMMEDIATE CONSIDERATIONS
Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems. Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.
(b) The nature, length and complexity of the communication involved.
(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Lodi 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.

338.6 TYPES OF ASSISTANCE AVAILABLE
Lodi Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.
Communications with Persons with Disabilities

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

338.7 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.

338.8 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.
(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).

338.9 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.

338.10 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.

338.11 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.

338.12 REPORTING
Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual’s express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.
Communications with Persons with Disabilities

338.13 FIELD ENFORCEMENT
Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual’s preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

338.13.1 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.

338.14 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
Communications with Persons with Disabilities

has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. Miranda warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written Miranda warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

338.15 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.

338.16 COMPLAINTS
The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

338.17 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.
338.18 TRAINING
To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training 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.

338.18.1 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.
Mandatory Employer Notification

339.1 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.

339.2 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.

339.2.1 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 § 11590 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).

339.2.2 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 § 11590 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).

339.2.3 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 § 11590 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).
339.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR
In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11590 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).

339.2.5 ARREST OF PRIVATE SCHOOL NON-TEACHER EMPLOYEE
Upon the arrest of a private school non-teacher employee, the Chief of Police or their designee is mandated to notify the private school authority employing the non-teacher.

339.3 POLICY
The Lodi Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

339.4 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).
Biological Samples

340.1 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.

340.2 POLICY
The Lodi 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.

340.3 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.

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

340.4.1 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.
340.5 USE OF FORCE TO OBTAIN SAMPLES
If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

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

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

340.5.1 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).

340.6 LEGAL MANDATES AND RELEVANT LAWS
California law provides for the following:

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

340.6.2 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.
Biological Samples

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)).

340.6.3 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.
Chaplains

341.1 PURPOSE AND SCOPE
This policy establishes the guidelines for Lodi Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

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

341.3 ELIGIBILITY
Requirements for participation as a chaplain for the Department may include, but are not limited to:

(a) Being above reproach, temperate, prudent, respectable, hospitable, able to teach, be free from addiction to alcohol or other drugs, and excessive debt.
(b) Managing their households, families and personal affairs well.
(c) Having a good reputation in the community.
(d) Successful completion of an appropriate-level background investigation.
(e) A minimum of five years of successful counseling experience.
(f) Possession of a valid driver license.
(g) Every candidate shall be ordained and/or licensed by an established 501(c)(3) non-profit religious organization.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

341.4 RECRUITMENT, SELECTION AND APPOINTMENT
The Lodi Police Department shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral and professional standards set forth by this department.

All applicants shall be required to meet and pass the same pre-employment procedures as department personnel before appointment.

341.4.1 SELECTION AND APPOINTMENT
Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.
(b) Include a recommendation from employers or volunteer programs.
(c) Interview with the Chief of Police and the chaplain coordinator.
(d) Successfully complete an appropriate-level background investigation.
Chaplains

(e) Complete an appropriate probationary period as designated by the Chief of Police.

Chaplains are volunteers and serve at the discretion of the Chief of Police. Chaplains shall have no property interest in continued appointment. However, if a chaplain is removed for alleged misconduct, the chaplain will be afforded an opportunity solely to clear his/her name through a liberty interest hearing, which shall be limited to a single appearance before the Chief of Police or the authorized designee.

341.5 IDENTIFICATION AND UNIFORMS

As representatives of the Department, chaplains are responsible for presenting a professional image to the community. Chaplains shall dress appropriately for the conditions and performance of their duties. Uniforms and necessary safety equipment will be provided for each chaplain as needed. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of “Chaplain” on the uniform.

Chaplains will be issued Lodi Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Lodi Police Department identification cards, with the exception that “Chaplain” will be indicated on the cards. Chaplains shall be required to return any issued uniforms or department property at the termination of service.

Chaplains shall conform to all uniform regulations and appearance standards of this department.

341.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator shall be appointed by and directly responsible to the Administration Bureau Commander or the authorized designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.
Chaplains

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.
(h) Planning periodic recognition events.
(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

341.7 DUTIES AND RESPONSIBILITIES
Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations Bureau. Chaplains may be assigned to other areas within the Department as needed. Chaplains should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

All chaplains will be assigned to duties by the chaplain coordinator or the authorized designee.

Chaplains may not proselytize or attempt to recruit members of the Department or the public into a religious affiliation while representing themselves as chaplains with this department. If there is any question as to the receiving person’s intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

Chaplains may not accept gratuities for any service or any subsequent actions or follow-up contacts that were provided while functioning as a chaplain for the Lodi Police Department.

341.7.1 COMPLIANCE
Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

341.7.2 OPERATIONAL GUIDELINES
(a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Wednesday and ending on the following Tuesday.
(b) Generally, each chaplain will serve with Lodi 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 the authorized designee.
(d) Chaplains shall be permitted to ride with officers during any shift and observe Lodi Police Department operations, provided the Watch Commander has been notified and has approved the activity.
(e) Chaplains shall not be evaluators of members of the Department.
(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.
Chaplains

(h) Chaplains shall serve only within the jurisdiction of the Lodi Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

341.7.3 ASSISTING THE DEPARTMENT
The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

341.7.4 ASSISTING THE COMMUNITY
The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

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

341.7.6 ASSISTING DEPARTMENT MEMBERS
The responsibilities of a chaplain related to department members include, but are not limited to:
Chaplains

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

341.8 PRIVILEGED COMMUNICATIONS
No person who provides chaplain services to members of the Department may work or volunteer for the Lodi Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Lodi Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

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

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality
- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
Chaplains

- Suicide
- Officer injury or death
- Sensitivity and diversity
Child and Dependent Adult Safety

342.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Adult Abuse policies.

342.2 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 Lodi Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

342.3 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.
342.3.1  AFTER AN ARREST
Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee’s disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.
   1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.
(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver’s judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.
   1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.
(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.
(d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.
(e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver’s arrest and of the arrangements being made for the care of the arrestee’s dependent. The result of such actions should be documented in the associated report.

342.3.2  DURING THE BOOKING PROCESS
During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).
Child and Dependent Adult Safety

If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

342.3.3 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. When practical, identities and contact information for other potential caregivers
7. When applicable, notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

342.3.4 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.

342.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.
Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

**342.5 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).
Service Animals

343.1 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).

343.1.1 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)).

343.2 POLICY
It is the policy of the Lodi 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.

343.3 IDENTIFICATION AND USE OF SERVICE ANIMALS
Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with...
schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

343.4 MEMBER RESPONSIBILITIES
Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Lodi Police Department affords to all members of the public (28 CFR 35.136).

343.4.1 INQUIRY
If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal’s status should be asked. The individual should not be questioned about his/her disability nor should the person be asked to provide any license, certification or identification card for the service animal.

343.4.2 CONTACT
Service animals are not pets. Department members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

343.4.3 REMOVAL
If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an officer may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this department are expected to provide all services as are reasonably available to an individual with a disability, with or without a service animal.

343.4.4 COMPLAINTS
When handling calls of a complaint regarding a service animal, members of this department should remain neutral and should be prepared to explain the ADA requirements concerning service
Service Animals

animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).
Volunteer Program

344.1 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 departmental 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.

344.1.1 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 Partners volunteers, interns, cadets, unpaid chaplains, unpaid reserve officers, and persons providing support through Neighborhood Watch and other programs.

344.2 VOLUNTEER MANAGEMENT

344.2.1 VOLUNTEER COORDINATOR
The Volunteer Coordinator shall be appointed by the Chief of Police. 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 will work with Department staff to assist in the development and implementation of volunteer-staffed assignments.

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.
(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

344.2.2 RECRUITMENT
Volunteers should be recruited on an 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 staff to the Volunteer Coordinator through the requester's supervisor. A position description and a requested time-frame should be included in the request.

344.2.3 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 certified voice stress analysis exam may be required of an applicant depending on the type of assignment.

344.2.4 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 Department, 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. All volunteers shall receive a copy of the volunteer policy manual.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

344.2.5 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.
Volunteer Program

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.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

344.2.6 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.

344.2.7 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 shall be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty. Volunteers may wear the uniform while in transit to or from official department assignments provided an outer garment is worn over the uniform shirt covering all identifiable department markings and equipment.

Volunteers shall be required to return any issued uniform and department property at the termination of service.

344.3 SUPERVISION OF VOLUNTEERS
Each volunteer will 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 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.
344.4 CONFIDENTIALITY
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.

344.5 PROPERTY AND EQUIPMENT
Volunteers will be issued an identification card that must be worn while on-duty and not in uniform. 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.

344.5.1 VEHICLE USE
Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a Department 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 will insure that all volunteers complete a driver’s safety course review 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. Volunteers are not authorized to activate the emergency lights in any department vehicle unless directed by a sworn officer and for emergency purposes only.

344.5.2 RADIO AND MDC USAGE
Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

344.6 DISCIPLINARY PROCEDURES/TERMINATION
A volunteer may be removed from the volunteer program at the discretion of the Chief of Police. Volunteers shall have no property interests in their continued appointment.
Volunteer Program

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.

344.7 EVALUATION
An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Evaluations should be conducted with volunteers to ensure personnel problems are identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.
Off-Duty Law Enforcement Actions

346.1 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 Lodi Police Department with respect to taking law enforcement action while off-duty.

346.2 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.

346.3 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 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.

346.4 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.
Off-Duty Law Enforcement Actions

(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.

346.4.1 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 Lodi Police Department officer until acknowledged. Official identification should also be displayed.

346.4.2 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.

346.4.3 NON-SWORN 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.

346.4.4 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.

346.5 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.
Department Use of Social Media

348.1 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).

348.1.1 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

348.2 POLICY
The Lodi 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.

348.3 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 by their supervisors.

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.

348.4 AUTHORIZED CONTENT
Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.
Examples of appropriate content include:

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

348.4.1 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.

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

(a) Content that is abusive, discriminatorly, 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 Lodi Police Department or its members.
(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.
(f) Any content posted for personal use.
(g) Any content that has not been properly authorized by this policy or a supervisor.

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

348.6 MONITORING CONTENT
The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.
348.7 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.
Native American Graves Protection and Repatriation

349.1 PURPOSE AND SCOPE
This policy is intended ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

349.1.1 DEFINITIONS
Definitions related to this policy include (43 CFR 10.2):

Funerary objects and associated funerary objects - Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains, or that were made exclusively for burial purposes or to contain human remains.

Native American human remains - The physical remains of the body of a person of Native American ancestry.

Objects of cultural patrimony - Objects having ongoing historical, traditional or cultural importance that is central to the Native American group or culture itself and therefore cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

Sacred objects - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

349.2 POLICY
It is the policy of the Lodi Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption or complicated custody transfer processes.

349.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT
Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, sacred objects or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.
Without delay, the appropriate agency or group shall be notified to respond and take control of
the scene. These include the following (43 CFR 10.4):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S.
  Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code §
  7050.5)
- Tribal land - Responsible Indian tribal official

349.4 EVIDENCE AND PROPERTY
If the location has been investigated as a possible homicide scene prior to identification as a
NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure
the proper transfer and repatriation of any material collected. Members shall ensure that any
remains or artifacts located at the site are expediently processed (43 CFR 10.6).
Gun Violence Restraining Orders

350.1 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).

350.1.1 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).

350.2 POLICY
It is the policy of the Lodi 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.

350.3 GUN VIOLENCE RESTRAINING ORDERS
An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

See attachment: gv110.pdf - Temporary GVRO
See attachment: epo002.pdf - Gun Violence EPO
See attachment: gv100.pdf - Petition for GVRO
See attachment: gv109.pdf - Notice of Court Hearing
See attachment: clets001.pdf - CLETS Information Form
See attachment: cm010.pdf - Civil Case Cover Sheet

If it is not practical under the circumstances to submit a written petition, an officer may orally request an order, and then prepare and sign a declaration under penalty of perjury that recites
the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140).

350.3.1 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 domestic disturbance where the residence is associated with a firearm registration or record.

(b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

(c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

350.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS
An officer serving any gun violence restraining order shall:

(a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).

(b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

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.
Gun Violence Restraining Orders

350.4.1 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.

350.5 SEARCH WARRANTS
If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

(a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.

(b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:

1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.

2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.

(c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner’s presence.

350.6 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) Oral orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).
Gun Violence Restraining Orders

(c) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).

(d) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

350.7 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.

350.8 RELEASE OF FIREARMS AND AMMUNITION
Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

350.9 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).

350.10 TRAINING
The Training Sergeant should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

350.11 GUN VIOLENCE RESTRAINING ORDER COORDINATOR
The Investigations Lieutenant will be assigned as the department’s 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.
Gun Violence Restraining Orders

3. A gun violence restraining order issued after notice and hearing.

(b) Developing and maintaining factors to consider when assessing the need to seek an order, including:

1. Whether threats have been made, and if so, whether the threats are credible and specific.
2. Whether the potential victim is within close proximity.
3. Whether the person has expressed suicidal tendencies.
4. Whether the person has access to firearms.
5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
8. Whether the person has any history of drug or alcohol abuse.

(c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:

1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
2. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.

(d) Coordinating with the Training 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.
Gun Violence Restraining Orders

(f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.

1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

(g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

350.12 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS
The Investigations Lieutenant is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

See attachment: gv600.pdf - Request to Terminate GVRO

See attachment: gv700.pdf - Request to Renew GVRO
Chapter 4 - Patrol Operations
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.

400.1.1 TERRORISM
It is the goal of the Lodi Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Terrorism Liaison (TLO) Supervisor in a timely fashion.

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

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

400.2.1 CRIME ANALYSIS UNIT
The Crime Analysis Unit (CAU) will be the central unit for information exchange. Criminal information and intelligence reports will be submitted to all divisions within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS
A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate unit for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS
Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

400.2.4 INFORMATION CLIPBOARDS
Several information sources will be maintained in the briefing room and will be available for review by officers from all units within the Department. Information sources include patrol briefing information via powerpoint presentations and electronic bulletins.
400.3 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.

400.4 POLICY
The Lodi 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.

400.5 FUNCTION
Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Lodi. 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.
Patrol Function

(g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.

(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.
PATROL SHIFT PROTOCOL

401.1 PURPOSE AND SCOPE
The purpose of this procedure is to clarify shift schedules, briefing length, end of watch, bidding for shifts and annual vacation for patrol officers.

401.2 SHIFT HOURS
Patrol consists of four primary shifts, day shift, overlap shift, swing shift and graveyard shift. The hours are as follows:

- Day shift 0630-1630 hours
- Overlap shift 1200-2200
- Swing shift 1600-0200 hours
- Graveyard shift 2030-0630 hours

Officers will be allowed 10 minutes prior to briefing to inspect their patrol vehicles. The exception will be at the discretion of the supervisor or if situations exist that require an officer to respond to the field prior to briefing.

401.3 BRIEFINGS
Briefings should be as concise as possible. Supervisors may extend briefings to conduct limited training and to debrief patrol incidents, recognize special events, address managerial needs, conduct teambuilding, etc. During all briefings, the supervisor shall monitor the radio and make officers available to respond to calls based on their priority. Every effort shall be made to have officers in the field immediately following any briefing.

401.4 END OF WATCH
All unassigned officers are expected to remain in the field to handle priority 1 and 2 calls until 10 minutes prior to the end of watch. Report calls received within the last hour of the shift may be held for the oncoming shift. Whenever necessary, officers from the outgoing shift who have been dispatched to late calls will be relieved as soon as possible by the oncoming shift. Once the oncoming shift has cleared briefing, oncoming shift officers may be dispatched to calls before the outgoing shift at the discretion of the dispatcher or a field supervisor.

Each supervisor shall monitor the time and the type of calls pending and dispatched to assure that the ending shift is not dispatched to a call that will result in unnecessary overtime when the beginning shift may be available. Dispatchers should be cognizant of the time and number of reports pending. Cold reports can be held for the oncoming shift. However, cold report calls may be dispatched at the discretion of dispatchers, field supervisors, or watch commanders.
401.4.1 CODE 7, SELF-INITIATED ACTIVITY, OUT OF SERVICE
The dispatcher will have the discretion to free a unit from Code 7 and any non-priority self-initiated activity when priority 1 calls are pending. An officer should seek supervisory approval if he or she needs time to manage his or her work load, attend meetings, prepare for training, etc. With the supervisor's approval the officer may put him or herself out-of-service. Priority 2 calls may be dispatched depending on the nature of the call.

Officers who are involved in non-priority call-related activities such as community oriented policing, case follow-up, report writing in the station, or taking a coffee break are to be considered available for in-progress calls unless they obtain approval from a supervisor to remain out of service.

Units who need to go to court or any mandated event that removes them from their patrol function shall be deemed out-of-service and not dispatched to calls.

401.5 SHIFT BIDDING
LPD patrol schedules are in effect for a calendar year. Officers choose shifts based upon their time in the Police Officer's Association during the yearly bidding process which occurs prior to April. Corporals and above choose their shifts based on their seniority within the rank.

401.5.1 MANAGEMENT DECISION
The Chief of Police or designee reserves the right to adjust any changes in Patrol staffing as considered necessary.

401.5.2 POSITION VACANCIES DUE TO PROMOTION OR NEW ASSIGNMENT
If a patrol position becomes vacant due to an officer being promoted or transferred to a new assignment, that vacancy will be filled at the discretion of the Operations Commander.

401.6 DISPATCH SHIFT BIDDING
LPD Dispatch schedules are in effect for a period of one year, beginning at the end of the previous year's work schedule. Dispatchers select shifts based on their seniority within the Lodi Police Dispatcher's Association (LPDA) during the yearly bidding process, which occurs during the last quarter of the calendar year.

Lead Dispatchers shall select their shifts based on seniority as a lead dispatcher. Vacation and holiday selections will then be made based on seniority in LPDA.

The department has the following three shifts and hours for staffing the communications center:

- Graveyard, 1800-0600
- Dayshift, 0600-1800
- Overlap, 1400-2400

401.6.1 STAFFING
There will be no more than 2 male dispatchers assigned to any shift. In the event a shift has only three personnel, only 1 male dispatcher will be allowed to select that shift.
One Graveyard and one Dayshift slot per day off sequence will be left open (reserved) for a Lead Dispatcher. Lead Dispatchers will not be allowed to work the same shift.

No holidays or vacation time off will be allowed during the following periods:
- July 4th, 1900-0200 hours
- Grape Festival weekend, Friday through Sunday, 1900-0200
- December 31st, 1900-0200 hours

Only one dispatcher per day off sequence will be allowed to take vacation at a time. Dispatchers assigned to Overlap shift will not be allowed to select a vacation when it conflicts with a dayshift or graveyard vacation pick.

Except for vacation picks, no dispatcher will be allowed to take time off on another dispatcher's 8 hour day if it requires overtime to fill the time off.

When a shift does not meet required minimum staffing needs or there is a need to place new personnel on a different shift, a dispatcher may be moved to a different shift to fill the void. This will be done by lowest in seniority on the same day off sequence, if possible.

### 401.6.2 SHIFT BIDDING

During the shift bidding process there will be three circulations of the shift schedule. Dispatchers shall select their shifts during the three circulations according to their seniority and the following guidelines:

**First Circulation:**
- Shift and first vacation selections can include up to 6 holidays which are to be used in conjunction with their vacation selection.
- Dispatchers may not select more vacation time than they will have accrued.

**Second Circulation**
- The same rules apply for the second circulation as were in effect for the first circulation of the schedule.

**Third Circulation:**
- Dispatchers will select their remaining holiday time up to a total of 6.
- Approval for additional time off will be granted within 5 days of the requested date by the Dispatch Supervisor, Support Services Lieutenant, or their designee.
Bias-Based Policing

402.1 PURPOSE AND SCOPE
This policy provides guidance to department members that affirms the Lodi 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).

402.1.1 DEFINITIONS
Definitions related to this policy include:

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

402.2 POLICY
The Lodi 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.

402.3 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.

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

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

(a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.
402.4 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.

402.4.1 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.

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

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review MAV recordings, portable audio/video recordings, Mobile Digital Computer (MDC) data and any other available resource used to document contact between officers and the public to ensure compliance with the policy.

1. Supervisors should document these periodic reviews.

2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

402.6 ADMINISTRATION
Each year, the Operations Bureau 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.
Bias-Based Policing

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.

402.7 TRAINING
Training on fair and objective policing and review of this policy should be conducted as directed by the Training Sergeant.

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).
Briefing Training

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

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

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

(b) Notifying officers of changes in schedules and assignments

(c) Notifying officers of new Departmental Directives or changes in Departmental Directives

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

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

403.3 RETENTION OF BRIEFING TRAINING RECORDS
Briefing training materials and a curriculum or summary shall be forwarded to the Training Sergeant for inclusion in training records, as appropriate.
Crime and Disaster Scene Integrity

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

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

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

404.4 FIRST RESPONDER CONSIDERATIONS
The following list generally describes the first responder’s function 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:

(a) Broadcast emergency information, including requests for additional assistance and resources.
(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.
(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.
(d) Provide first aid to injured parties if it can be done safely.
(e) Evacuate the location safely as required or appropriate.
(f) Secure the inner perimeter.
(g) Protect items of apparent evidentiary value.
(h) Secure an outer perimeter.
(i) Identify potential witnesses.
(j) Start a chronological log noting critical times and personnel allowed access.
404.5 SEARCHES
Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

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

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

405.1 PURPOSE AND SCOPE
The Lodi Police Department's Special Weapons and Tactics Team (SWAT) and the Critical Incident Negotiation Team (CINT) have been established to provide specialized support in handling critical field operations where special tactical deployment methods and/or intense negotiations that go 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).

405.1.1 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.

405.1.2 ADMINISTRATIVE AUTHORITY
The SWAT team will be under the overall administrative command of the Chief of Police.

405.2 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.

405.2.1 ORGANIZATIONAL PROCEDURES
This department shall develop a 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.
(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.

405.2.2 OPERATIONAL PROCEDURES
Operational procedures should include:

Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).

(a) 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) The appropriate role for a trained negotiator.

(e) 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.

(f) 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) In order to maintain candor and a meaningful exchange, debriefing will not be recorded.

(c) When appropriate, debriefing should include specialized units and resources.

(g) Sound risk management analysis.

(h) Standardization of equipment deployed.

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

405.3.1 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.

405.3.2 UPDATED TRAINING
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.

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

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.
405.3.4 SWAT ONGOING TRAINING
Training shall be coordinated by the SWAT Commander. The SWAT 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 pass the FBI SWAT physical fitness test at least once 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. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill, or are on light duty status with a doctor’s note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.

(d) Quarterly, 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 SWAT 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 quarterly 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 SWAT 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 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.

405.3.5 TRAINING SAFETY
The SWAT team command staff will be responsible for developing an annual SWAT training plan. This plan will include verifiable monthly training that will help maintain individual and team core competencies.

These core competencies fall within three general categories:

a. Weapons, munitions and equipment.

b. Individual and team movement and tactics.
c. Decision-making.

405.3.6 SCENARIO BASED TRAINING
The SWAT team 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.

405.3.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the SWAT Commander.

405.4 UNIFORMS, EQUIPMENT, AND FIREARMS

405.4.1 UNIFORMS
The SWAT team 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.

405.4.2 EQUIPMENT
The SWAT team should be adequately equipped to meet the specific mission(s) identified by the agency.

405.4.3 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.

405.4.4 OPERATIONAL READINESS INSPECTIONS
The SWAT Commander shall appoint a SWAT supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SWAT Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the SWAT facility and equipment maintained or used in SWAT vehicles.

405.5 MANAGEMENT/SUPERVISION OF CRITICAL INCIDENT NEGOTIATION TEAM
The Critical Incident Negotiation Team (CINT) 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.

405.5.1 PRIMARY UNIT MANAGER
The CINT commander should be a sergeant whose primary responsibility is to supervise the operations of the team which include deployment, training, first line participation, and other duties as directed by the Incident Commander.
405.6 CRITICAL INCIDENT NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES
Interested personnel, who are off probation, should indicate to the CINT Commander they are interested in joining the team when an opening arises. Interested personnel shall be evaluated by the following criteria:

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

The CINT Commander should conduct an interview of the candidate and forward their recommendation to the Operations Commander. The Operations Commander has final approval of the selection.

405.6.1 SELECTION OF PERSONNEL
Those officers selected as members of CINT should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) 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.

Ongoing training, including role playing and situational training necessary to maintain proper skills, will be coordinated by the CINT Commander.

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 CINT Commander. Performance and efficiency levels, established by the CINT Commander, will be met and maintained by all team members. Any member of CINT who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

405.7 SWAT TEAM ADMINISTRATIVE PROCEDURES
The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

405.7.1 SELECTION OF PERSONNEL
A. SWAT team membership will be open to all non-probationary full-time Lodi Police Department officers.

B. SWAT team membership candidates must pass all phases of the FBI SWAT physical fitness test.
C. SWAT team membership candidates must pass a basic handgun shooting course proctored by SWAT team members. This course will be a 25 yard bulls eye course with a passing score of 70% (210 points out of a possible 300 points).

D. If a candidate passes the physical fitness test and the shooting course, they will be considered for an opening on the SWAT team.

E. The SWAT team command staff may take many factors into consideration when deciding whether or not to select a candidate for the SWAT team. These factors may include the candidate’s work history, fitness level, firearms competency, maturity, attitude, and interdepartmental relations.

F. After consulting with the SWAT command staff, the SWAT Commander will recommend the candidate(s) to the Chief of Police.

G. The Chief of Police has final approval of the selection of the new SWAT officer(s).

405.7.2 TEAM EVALUATION
A. A supervisor designated by the Chief of Police shall be the SWAT Commander. The SWAT Commander shall be responsible for the administrative, operational and tactical functions of the SWAT team.

1. The SWAT Commander will direct the overall tactical operations of the team during a deployment.

2. The SWAT Commander will be responsible for mission assignments from the on-scene Watch Commander.

3. The SWAT Commander will be solely responsible for the assignment and tactical deployment of SWAT personnel toward the accomplishment of the assigned mission.

4. The SWAT Commander will be responsible for coordinating SWAT activity with that of the entire operation.

B. Team Leader Responsibilities:

1. To assist in administrative coordination, supply and equipment, and operational planning.

2. To serve as the assistant SWAT Commander in the Commander's absence.

3. To schedule and conduct training, as needed, to maintain a high level of proficiency.

4. Responsible for the tactical deployment and fire control of the unit. 5. Perform SWAT administrative and other duties as directed by the SWAT Commander.

C. Designated SWAT Officer Responsibilities:

1. To assist the Team Leaders in the tactical deployment of SWAT personnel and fire control.

2. In the absence of the SWAT Commander or a Team Leader, the designated SWAT officer assumes their role.
405.8 OPERATION GUIDELINES FOR SWAT AND CINT
Generally, the Special Weapons and Tactics Team and the Critical Incident Negotiation Team will be activated together for a potentially protracted incident. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of CINT such as warrant service operations. This shall be at the discretion of the Incident Commander.

405.8.1 ON-SCENE DETERMINATION
The supervisor in charge on the scene of a particular event will assess whether SWAT and/or CINT is to respond to the scene and then contact the SWAT commander or designee who will make the final determination. Upon final determination by the SWAT commander, they will notify the SWAT team members and/or CINT Commander.

405.8.2 APPROPRIATE SITUATIONS FOR USE OF SWAT AND CINT
The following are examples of incidents which may result in the activation of SWAT and CINT:

(a) Barricaded suspects who may be armed and who refuse an order to surrender.
(b) Incidents where hostages are taken.
(c) Arrests of dangerous persons.
(d) Searches and/or arrests where there is a strong possibility of forced entry into a structure.
(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

405.8.3 OUTSIDE AGENCY REQUESTS
Deployment of the Lodi Police Department SWAT Team in response to requests by other agencies must be authorized by the SWAT commander who reports directly to the Chief of Police.

405.8.4 MULTI-JURISDICTIONAL SWAT OPERATIONS
A. Members of the Lodi Police Department SWAT team shall operate under the policies, procedures and command of the Lodi Police Department when working in a multi-agency situation.

B. When extraordinary circumstances arise or during an emergency, the SWAT Commander may invoke the mutual aid agreement between the Lodi Police Department SWAT team and the Stockton Police Department SWAT team.

C. Time permitting, the SWAT Commander shall notify the Chief of Police or a Bureau Commander prior to deploying the team outside the city limits.

405.8.5 MOBILIZATION OF SWAT TEAM
The On-Scene supervisor shall make a request to the Watch Commander for the SWAT Team. The Watch Commander shall then notify the SWAT Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Watch Commander’s office.
and the Communications Center by the SWAT Commander. The Watch Commander will then notify the Chief of Police or a Bureau Commander as soon as practical.

The Watch Commander should advise the SWAT 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.

405.8.6 FIELD UNIT RESPONSIBILITIES
While waiting for SWAT and CINT to arrive, 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.
(f) Be prepared to brief the SWAT and CINT Commanders on the situation.
(g) Plan for, and stage, anticipated resources.

405.8.7 ON-SCENE COMMAND RESPONSIBILITIES
Upon arrival of SWAT and CINT at the scene, the Incident Commander shall brief the SWAT and CINT Commanders and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the SWAT Commander, whether to deploy the SWAT Team. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the SWAT Team. The Incident Commander and SWAT and CINT Commanders should maintain communications at all times.
The SWAT Commander responsibilities include:

- Directing the overall tactical operations of the team during the deployment
- Accepting the mission assignments from the Incident Commander.
- Deploying SWAT personnel in order to accomplish the assigned mission.
- Coordinating SWAT activity with that of the other elements of the operation.
- Providing tactical options to resolve the situation to the Incident Commander

A SWAT team leader should serve as Tactical Commander if the SWAT Commander is unavailable.

405.9 SWAT ACTIVATION PROCEDURE
Once the decision has been made to activate the SWAT team, the following should take place:

A. Activated SWAT personnel will immediately be relieved from normal duty and will respond directly to the scene or assembly point, as designated by the SWAT Commander.

B. When requested by the SWAT Commander, the Watch Commander will give or coordinate assistance necessary including, but not limited to, the following:

1. Notification of SWAT personnel
2. Secure necessary transportation equipment
3. Secure necessary communications equipment
4. Secure any specialized equipment.

C. SWAT activation may only be authorized by the SWAT Commander, SWAT Team Leader, or Chief of Police.
BATT Armored Vehicle

406.1 PURPOSE AND SCOPE
The purpose and scope of this policy is to set guidelines for the use, training, and storage of the Ballistic Armored Tactical Transport (BATT) Vehicle.

406.2 USE OF THE BATT
The use of the BATT will be authorized by the on-duty Watch Commander, Field Supervisor, SWAT Commander or Supervisor.

The use of the BATT will only be for legitimate tactical purposes, including, but not limited to:

1. Patrol calls involving armed suspects
2. SWAT callouts and operations
3. Officer and citizen rescues
4. Authorized training

The BATT may be used for demonstrations, displays, or special events only with the authorization of a division commander, SWAT Commander or Chief of Police. When BATT is utilized at an event or demonstration, the Watch Commander and the SWAT Commander will be notified of the BATT’s location.

When the BATT is utilized by patrol personnel, the SWAT Commander or his representative shall be notified post-incident to conduct a readiness check of the BATT and its fuel level.

A valid Class "C" California driver's license is required to operate the BATT.

406.3 MUTUAL AID REQUESTS
The use of the BATT by outside agencies will be in accordance with existing mutual aid agreements and by the direction of the Chief of Police or his designee. The on-duty supervisor should make every effort to coordinate the delivery of the BATT.

When deployed for an outside agency mutual aid response, the BATT will be staffed with sufficient personnel as deemed appropriate by the SWAT Commander, SWAT Supervisor, Watch Commander or Field Supervisor. When a mutual aid request is for a "rescue under fire", or a critical incident such as an armed barricaded suspect, the on-duty supervisor shall designate a minimum of two officers, if possible, to deliver the BATT to the agency. If available, one of those should be an on-duty supervisor.

While on scene of a critical incident, Lodi Police Department personnel shall coordinate with the allied agency supervisor for the deployment of the BATT. In addition, the Lodi Police Department SWAT Commander shall be notified as soon as practical to coordinate the replacement of patrol personnel with SWAT personnel.
Only Lodi Police Department personnel will operate the BATT when deployed for and during mutual aid incidents.

The policy and procedure of the Lodi Police Department shall supercede the allied agency’s policy/general orders should a conflict arise. In addition, the final decision to deploy the BATT when on scene shall rest with the Lodi Police Department personnel.

406.4 OPERATOR TRAINING
Periodic operator briefing training will be conducted by the Watch Commander or Field Supervisor or their designee that incorporates the basic operation of the BATT, to include:

1. Location of the keys
2. Starting procedures
3. Deployment considerations
4. Patrol tactics

Formal hands-on training will be conducted yearly during a regularly scheduled quarterly training.

406.5 STORAGE
The BATT will be secured in the rear parking area of the Lodi Police Department unless it is out for scheduled or unscheduled maintenance. The keys to the BATT will be stored with the Watch Commander, SWAT Team and in department designated areas.

406.6 MAINTENANCE
General maintenance of the BATT is the responsibility of the City of Lodi Municipal Service facility (MSC).

The SWAT Commander of his designee will routinely check the BATT to ensure its serviceability. The checks shall include at a minimum:

1. The battery is charged
2. The trickle charger is attached
3. Engine will turn over
4. Fuel levels are maintained
5. BATT is in serviceable working order

The SWAT Commander or his designee will also ensure that the BATT’s assigned and/or required equipment is present and in good working condition.

Any discrepancy in the BATT’s serviceability or equipment will be corrected by the SWAT Commander or his designee before the BATT is considered to be ready for deployment.
406.7 REPORTING REQUIREMENTS
The Watch Commander or Field Supervisor shall make a notation in the shift summary or other appropriate reporting documents, such as MakeNote, to be forwarded to the Operations Division Commander detailing the deployment of the BATT. At a minimum, the following information will be included:

1. Location of deployment
2. Nature of the incident
3. Detailed use of the BATT in the deployment
4. Any other pertinent information related to the event

Deployment of the BATT by SWAT is exempt from this requirement to report in the shift summary or MakeNote.
Ride-Along Policy

407.1 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.

407.1.1 ELIGIBILITY
The Lodi 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

407.1.2 AVAILABILITY
The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 7:00 a.m. to 2:00 a.m. Exceptions to this schedule may be made as approved by the Chief of Police, Bureau Commander, or Watch Commander.

407.2 PROCEDURE TO REQUEST A RIDE-ALONG
Generally, ride-along requests will be scheduled by the Watch Commander. 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 Watch Commander will schedule a date, based on availability, at least one week after the date of application. If approved, a copy will be forwarded to the respective Watch Commander as soon as possible for his/her scheduling considerations.

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.

407.2.1 PROGRAM REQUIREMENTS
Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Cadets, Explorers, RSVP, Chaplains, Reserves, police applicants, and all others with approval of the Watch Commander.
Ride-Along Policy

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 Policy Manual § 1048, “Police Cadet Program.”

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

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

407.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK
All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Lodi Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

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

The Watch Commander is responsible for maintaining and scheduling ride-alongs.

407.4 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
Ride-Along Policy

(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

407.5 UNSCHEDULED RIDE-ALONGS
A. A supervisor may approve an unscheduled ride-along under the following circumstances:

1. The individual is a peace officer from another jurisdiction.

2. The individual is a relative of a Department employee.

3. There is sufficient time to complete a records check prior to the ride-along.

B. A supervisor should conduct a records check on any non-sworn, non-scheduled ride-along prior to authorizing that person to ride.
Hazardous Material Response

408.1 PURPOSE AND SCOPE
Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

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

408.2 HAZARDOUS MATERIAL RESPONSE
Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees 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 § 25354.5).

408.3 REPORTING EXPOSURE(S)
Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor.

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.
Hazardous Material Response

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

409.1 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.

409.1.1 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.

409.2 POLICY
It is the policy of the Lodi 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.

409.3 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.

409.3.1 EMERGENCY COMMUNICATIONS
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.

409.4 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.

409.4.1 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.

(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.
Hostage and Barricade Incidents

(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.

409.4.2 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 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) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(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.

(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.

**409.5 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 Special Weapons and Tactics Team (SWAT) response if appropriate and apprising the SWAT Commander of the circumstances. In addition, the following options should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).

1. 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 the Department obtains a 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.
Hostage and Barricade Incidents

(h) 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.

(i) 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.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

409.6 SWAT RESPONSIBILITIES
The Incident Commander will decide, with input from the SWAT Commander, whether to deploy SWAT during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the SWAT 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 SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

409.7 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.
Response to Bomb Calls

410.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to assist members of the Lodi 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.

410.2 POLICY
It is the policy of the Lodi Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

410.3 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.

410.4 GOVERNMENT FACILITY OR PROPERTY
A bomb threat targeting a government facility may require a different response based on the government agency.

410.4.1 LODI POLICE DEPARTMENT FACILITY
If the bomb threat is against the Lodi Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

410.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY
If the bomb threat is against a county or municipal facility within the jurisdiction of the Lodi 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.
Response to Bomb Calls

410.4.3 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.

410.5 OFFICERS RESPONSE TO BOMB THREATS
A. Initial Contact and Evacuation:
   1. Responding officers shall immediately contact the management of the reporting agency, school, or other location and then interview the person who received the bomb threat information.
   2. If no device has been located, the officer will advise the management of the reporting agency, school, or other location to decide whether to evacuate the affected area, or shelter in place. The decision rests with the management.
   3. If evacuation is decided, the officer should allow it to proceed according to the reporting agency’s management procedures. When there are no procedures, the evacuation order and supervision of the evacuation is conducted by reporting agency management. Officers may give advice to facilitate evacuation.
   4. During those situations where evacuation is ordered, officers must ensure that a security perimeter should be a safe distance with respect to the location, size, and type of suspected device.

B. Search:
   1. Assigned officers searching for the bomb shall be accompanied by a volunteer from the reporting agency that is familiar with the location.
   2. The search teams must attempt to check every accessible location where an explosive device could be hidden. Normally, the reporting agency staff is in the best position to locate and report any unusual items in their work space.

410.6 PRIVATE FACILITY OR PROPERTY
When a member of this department receives notification of a bomb threat at a location in the City of Lodi, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

   (a) The location of the facility.
   (b) The nature of the threat.
Response to Bomb Calls

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) 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.

410.6.1 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:

(a) The appropriate level of assistance.

(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) 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.

(e) 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.
410.7 FOUND DEVICE
When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.
(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.
(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:
   1. Two-way radios
   2. Cell phones
   3. Other personal communication devices
(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.
(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.
(f) A safe access route should be provided for support personnel and equipment.
(g) Search the area for secondary devices as appropriate and based upon available resources.
(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.
(i) Promptly relay available information to the Watch Commander including:
   1. The time of discovery.
   2. The exact location of the device.
   3. A full description of the device (e.g., size, shape, markings, construction).
   4. The anticipated danger zone and perimeter.
   5. The areas to be evacuated or cleared.

410.8 EXPLOSION/BOMBING INCIDENTS
When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

410.8.1 CONSIDERATIONS
Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:
Response to Bomb Calls

(a) Assess the scope of the incident, including the number of victims and extent of injuries.
(b) Request additional personnel and resources, as appropriate.
(c) Assist with first aid.
(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.
(e) Assist with the safe evacuation of victims, if possible.
(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.
(g) Preserve evidence.
(h) Establish an outer perimeter and evacuate if necessary.
(i) Identify witnesses.

410.8.2 NOTIFICATIONS
When an explosion has occurred, the following people should be notified as appropriate:
- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

410.8.3 CROWD CONTROL
Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

410.8.4 PRESERVATION OF EVIDENCE
As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.
Mental Illness Commitments

411.1 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).

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

411.3 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

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

(a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 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.

411.4 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:
Mental Illness Commitments

(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.

411.4.1 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).

411.5 TRANSPORTATION
When transporting any individual for a 5150 commitment, the transporting officer should have 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.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, Watch Commander approval is required before transport commences.

411.6 TRANSFER TO APPROPRIATE FACILITY
Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 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
411.7 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.

See attachment: DHCS-1801-20191106 (1).pdf

411.7.1 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 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).

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

When an individual who may qualify for a 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.
Mental Illness Commitments

(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.

411.9   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 Property and Evidence Policy).

411.9.1   PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS
Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigations, 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.
411.10 TRAINING
This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.
Cite and Release Policy

412.1 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.

412.2 POLICY
It is the policy of the Lodi 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.

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

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

412.3.1 FIELD CITATIONS
An adult arrested for a misdemeanor offense will be transported to LPD jail for booking and fingerprinting and then released on a citation. In some instances it is not practical to transport a misdemeanor arrestee for booking and fingerprinting. With supervisor approval a misdemeanor arrestee may be released in the field on a citation.

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.

There are instances when a person may be cited for a misdemeanor and the Watch Commander does not need to be notified. The following are examples of when the Watch Commander does not need to be notified.

- LMC Misdemeanors
- BP Misdemeanors
- Railroad trespassing
- 14601 CVC
- 23109 CVC
• 23103 CVC

This above list is not all inclusive and there may be other instances where the Watch Commander approval is not needed.

412.4 NON-RELEASE

412.4.1 DISQUALIFYING OFFENSES

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

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

412.4.2 REASONS FOR NON-RELEASE

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

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

(a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety

1. The Lodi Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital, and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).
(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.

(d) The person has been cited, arrested, or convicted for theft from a store or vehicle in the previous six months, or there is probable cause to believe the person is guilty of committing organized retail theft, as defined in Penal Code § 490.4(a).

(e) There are one or more outstanding arrest warrants for the person or failures to appear in court on previous misdemeanor citations that have not been resolved (see Misdemeanor Warrants elsewhere in this policy).

(f) The person could not provide satisfactory evidence of personal identification.
   1. If a person released on citation does not have satisfactory identification in his/her possession, a right thumbprint or fingerprint should be obtained on the citation form.

(g) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

(h) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(i) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(j) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented. An arrest warrant or failure to appear that is currently pending shall constitute reason to believe that the person will not appear. Other reasons may include:
   (a) Previous failure to appear is on record
   (b) The person lacks ties to the area, such as a residence, job, or family
   (c) Unusual circumstances lead the officer responsible for the release of prisoners to conclude that the suspect should be held for further investigation

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

412.5 MISDEMEANOR WARRANTS

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

(a) The misdemeanor cited in the warrant involves violence.

(b) The misdemeanor cited in the warrant involves a firearm.

(c) The misdemeanor cited in the warrant involves resisting arrest.
(d) The misdemeanor cited in the warrant involves giving false information to a peace officer.

(e) The person arrested is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics.

(f) The person requires medical examination or medical care or was otherwise unable to care for his/her own safety.

(g) The person has other ineligible charges pending against him/her.

(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.

(i) The person refuses to sign the notice to appear.

(j) The person cannot provide satisfactory evidence of personal identification.

(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

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

412.6 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 Lodi City codes

All other misdemeanor violations for juveniles shall be documented with a case number and issued a citation.

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

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

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

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

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

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

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

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

(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

   1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

   1. Diplomatic-level staff of missions to international organizations and recognized family members
   2. Diplomatic agents and recognized family members
   3. Members of administrative and technical staff of a diplomatic mission and recognized family members
   4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

   1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
   2. Support staff of missions to international organizations
   3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
   4. Honorary consular officers
   5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.
413.5 DOCUMENTATION

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

413.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

<table>
<thead>
<tr>
<th>Category</th>
<th>Arrested or Detained</th>
<th>Enter Residence Subject to Ordinary Procedures</th>
<th>Issued Traffic Citation</th>
<th>Subpoenaed as Witness</th>
<th>Prosecuted</th>
<th>Recognized Family Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diplomatic Agent</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Member of Admin and Tech Staff</td>
<td>No (note (b))</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Same as sponsor (full immunity &amp; inviolability)</td>
</tr>
<tr>
<td>Service Staff</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability (note (a))</td>
</tr>
<tr>
<td>Career Consul Officer</td>
<td>Yes if for a felony and pursuant to a warrant (note (a))</td>
<td>Yes (note (d))</td>
<td>Yes</td>
<td>No for official acts. Testimony may not be compelled in any case</td>
<td>No for official acts. Yes otherwise (note (a))</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Honorable Consul Officer</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
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Foreign Diplomatic and Consular Representatives

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</table>

Notes for diplomatic immunity table:

(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.
Rapid Response and Deployment

414.1 PURPOSE AND SCOPE
Violence that is committed in schools, workplaces and other locations by individuals or a group of individuals who are determined to target and kill persons and to create mass casualties presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers in situations that call for rapid response and deployment.

414.2 POLICY
The Lodi Police Department will endeavor to plan for rapid response to crisis situations, and to coordinate response planning with other emergency services as well as with those that are responsible for operating sites that may be the target of a critical incident.

Nothing in this policy shall preclude the use of reasonable force, deadly or otherwise, by members of the Department in protecting themselves or others from death or serious injury.

414.3 FIRST RESPONSE
If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably possible, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.
(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

414.4 CONSIDERATIONS
When dealing with a crisis situation members should:

(a) Assess the immediate situation and take reasonable steps to maintain operative control of the incident.

(b) Obtain, explore and analyze sources of intelligence and known information regarding the circumstances, location and suspect involved in the incident.

(c) Attempt to attain a tactical advantage over the suspect by reducing, preventing or eliminating any known or perceived threat.

(d) Attempt, if feasible and based upon the suspect's actions and danger to others, a negotiated surrender of the suspect and release of the hostages.

414.5 PLANNING
The Operations Bureau Commander should coordinate critical incident planning. Planning efforts should consider:

(a) Identification of likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Availability of building plans and venue schematics of likely critical incident target sites.

(c) Communications interoperability with other law enforcement and emergency service agencies.

(d) Training opportunities in critical incident target sites, including joint training with site occupants.

(e) Evacuation routes in critical incident target sites.

(f) Patrol first-response training.

(g) Response coordination and resources of emergency medical and fire services.

(h) Equipment needs.

(i) Mutual aid agreements with other agencies.

(j) Coordination with private security providers in critical incident target sites.
414.6 TRAINING
The Training Sergeant should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

(b) Communications interoperability with other law enforcement and emergency service agencies.

(c) Patrol first-response training, including patrol rifle, shotgun, breaching tool and control device training.

   1. This should include the POST terrorism incident training required for officers assigned to field duties (Penal Code § 13519.12).

(d) First aid, including gunshot trauma.

(e) Reality-based scenario training (e.g., active shooter, disgruntled violent worker).
Mobile Field Force Policy

415.1 PURPOSE AND SCOPE
The Mobile Field Force (MFF) is a specialized team established to provide support in handling critical field operations situations where crowd management and riot control efforts are beyond the deployment capacity of field officers.

415.2 MOBILE FIELD FORCE DEFINED
A MFF team is a designated unit of law enforcement officers specifically trained and equipped to work as a coordinated team to provide rapid, organized, and disciplined response to unplanned, spontaneous activities, planned demonstrations, crowd management at special events, or other tactical situations.

415.3 POLICY
It shall be the policy of this department to maintain a MFF team and to provide the equipment, personnel, and training necessary to maintain a MFF team. The MFF team should develop sufficient resources to perform three basic operational functions:

- Command and Control
- Containment
- Dispersal, Arrest and the Restoration of Order

415.4 MFF TEAM DEPLOYMENT CRITERIA
The Mobile Field Force Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in responding effectively to unplanned, spontaneous activities. Such activities may include disorderly crowds, large, unplanned expressive activities, school incidents, transportation accidents, explosions, bombings, major fires, and labor strikes. The MFF Team may also be deployed for planned special events such as rallies, cultural events, musical performances, sporting events, religious or political gatherings, and other expressive activities when their presence will ensure that the rights of those participating in the special event are protected.

415.4.1 APPROPRIATE SITUATIONS FOR USE OF MFF TEAM
The following are examples of incidents that should result in the activation of the Mobile Field Force Team:

(a) Spontaneous riotous activity requiring resources beyond those immediately available.
(b) Planned crowd related events in which activity has a likelihood of becoming riotous.
(c) As part of a dignitary protection operation.
(d) Mass arrest situations.
415.5 OPERATIONAL PROCEDURES
The operational procedures of the Mobile Field Force shall be patterned after the guidelines
established in the California Office of Emergency Services: Law Enforcement Guide for
Emergency Operations (2016). The operational procedures should include, at a minimum, the
following:

(a) Designated personnel responsible for developing an operational or tactical plan prior
to, and/or during, MFF operations (time permitting).
(b) MFF team members with an understanding of operational planning.
(c) MFF team training consisting of planning for both spontaneous and planned events.
(d) Plans for mission briefings conducted prior to an operation, unless circumstances
require immediate deployment.
(e) When possible, briefings should include the specialized units and supporting
resources.

In addition, protocols for a sustained operation should be developed which may include relief,
rotation of personnel and augmentation of resources, and should include:

- 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 and/or Hostage Negotiations.

Post incident scene management should include:

- Documentation of the incident
- Transition to investigations and/or other units
- Debriefing after every deployment of the MFF team

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.

(a) Such debriefing should not be conducted until involved officers have had the
opportunity to individually complete necessary reports or provide formal statements.
(b) In order to maintain candor and a meaningful exchange, debriefing will generally not
be recorded.
(c) When appropriate, debriefing should include the other specialized units and resources
and/or resources involved in the incident.
(d) Sound risk management analysis.
(e) Equipment checks and needs assessment.
415.6 MFF TEAM STRUCTURAL ORGANIZATION
The Mobile Field Force Team shall consist of the following:

(a) MFF Lieutenant - Under the direction of the Chief of Police, the MFF will be managed by the Mobile Field Force Lieutenant.

(b) MFF Sergeant(s) - The Mobile Field Force will be supervised by a Sergeant(s) currently assigned to the MFF. The MFF Sergeant(s) will be selected by the MFF Lieutenant with the approval of the Chief of Police.

(c) MFF Squad Leaders - Each MFF squad will have a squad leader. The MFF squad leaders will be assigned by seniority within the MFF or at the discretion of the MFF Lieutenant.

(d) MFF Squad Members - Mobile Field Force squad members are the line level personnel of the MFF.

415.6.1 SUPERVISOR RESPONSIBILITIES
The Mobile Field Force Team supervisor's primary responsibility is to supervise the operations of the MFF Team, which will include deployment, training, first line participation, and other duties as directed by the MFF Lieutenant.

The Mobile Field Force squad leaders' primary responsibility is to control the movements of his or her squad through verbal and/or hand commands as directed by the MFF Sergeant(s). MFF squad leaders will also assist the MFF Sergeant(s) in developing training curriculum and coordinating joint training with outside agencies.

415.7 MFF TRAINING
All MFF Team members shall within one year of assignment to the MFF complete the basic Field Force Operations course at the Center for Domestic Preparedness in Anniston, Alabama.

The MFF should train at least quarterly as a team. Training topics will minimally consist of:

(a) Crowd management
(b) Riot control
(c) Planned and spontaneous event management
(d) Platoon formations and special weapons deployment
(e) Command, control, and leadership development
(f) Incident command systems and multi-jurisdictional deployment strategies

In addition to quarterly MFF team training, MFF team members should participate in multi-agency training at the direction of the MFF Lieutenant.

415.8 SUPERVISION AND MANAGEMENT TRAINING
Command and executive personnel are encouraged to attend training for managing the MFF function at the organizational level to ensure personnel who provide active oversight at the scene of MFF operation understand the purpose and capabilities of the teams. Command personnel
who may assume incident command responsibilities should attend MFF command course or its equivalent. MFF command and supervisory personnel shall attend a MFF command course or its equivalent as soon as feasible.

415.9 MOBILIZATION OF MFF TEAM
The on-scene supervisor shall make a request to the Watch Commander for the Mobile Field Force. The Watch Commander shall then notify the MFF Lieutenant. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained by the Communications Center. The Watch Commander will then notify the Operations Division Commander as soon as practical. Communications will be assigned to conduct the MFF Team call-out.

The Watch Commander should advise the MFF Lieutenant or Sergeant with as much of the following information as available at the time of the MFF Team call-out:

(a) The nature of the incident.
(b) The number of suspects and/or involved persons, known weapons, and resources available.
(c) If the suspects are in control of areas or locations, to include buildings and streets.
(d) If the suspects’ actions are threatening the safety of persons or property.
(e) The type(s) of crime(s) being committed or attempted.
(f) The location of the command post and a safe approach to it.
(g) The extent of any perimeter, number of officers involved, and other resources already deployed.
(h) Any other important facts critical to the immediate situation and whether the suspects have refused an order to disperse or comply with other lawful orders.

415.10 FIELD UNIT RESPONSIBILITIES
While waiting for the Mobile Field Force, 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) Evacuate any injured persons or citizens in the zone of danger.
(d) Attempt to obtain and maintain observation of the suspect(s) and relay all relevant intelligence to the command post.
(e) Prepare to brief MFF Lieutenant and/or Team Supervisor of situation.
(f) Plan for, and stage anticipated resources.
**415.11 OUTSIDE AGENCY REQUESTS**
Deployment of the Mobile Field Force in response to requests by other agencies must be authorized by the Chief of Police, or his/her designee, subject to the terms of existing mutual aid agreements.

**415.12 MULTI-JURISDICTIONAL MFF OPERATIONS**
The MFF team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

If it is anticipated that multi-jurisdictional MFF operations will regularly be conducted; as such, MFF multi-agency and multi-disciplinary joint training exercises are encouraged.

Members of the Lodi Police Department MFF team shall operate under the policies, procedures, and command of the Lodi Police Department when working in a multi-agency situation.

**415.13 MFF UNIFORM AND EQUIPMENT**
Mobile Field Force Team members will be provided with a uniform and equipment specific to MFF. The specifications of the uniform and equipment shall be at the discretion of the MFF Lieutenant, but will minimally consist of:

(a) Uniform shirt
(b) Uniform pants
(c) Riot helmet with face shield
(d) Gas mask
(e) Torso, arms, and legs protection
(f) Duty belt with holster and MFF specific accessories
(g) Gloves
(h) Wooden riot baton
(i) Flex cuffs

**415.14 MUNITIONS AND CHEMICAL AGENTS**
The Mobile Field Force will be equipped with specialized munitions and chemical agents at the discretion of the MFF Lieutenant. No MFF member shall deploy a munition or chemical agent without receiving proper training. Deployments of specialized munitions and chemical agents shall be consistent with the Lodi Police Department's Use of Force Policy.
Immigration Violations

416.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to members of the Lodi Police Department relating to immigration and interacting with federal immigration officials.

416.1.1 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.

416.2 POLICY
It is the policy of the Lodi 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.

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

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

416.4.1 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).
Immigration Violations

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).

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

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b) (2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual’s status are unresolved.

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

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

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

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

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

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

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

(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.

416.7.1 IMMIGRATION DETAINERS

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

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

(a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).

(b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.

(c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(d) The individual is a current registrant on the California Sex and Arson Registry.

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

416.7.2 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Lodi 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.

See attachment: Chinese truth_act_form_1.pdf
See attachment: Vietnamese truth_act_form_1.pdf
See attachment: Spanish truth_act_form_1.pdf
See attachment: Tagalog truth_act_form_1.pdf
See attachment: Korean truth_act_form_1.pdf
416.7.3 NOTICE TO INDIVIDUALS
Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Lodi Police Department intends to comply with the request (Government Code § 7283.1).

See attachment: Chinese truth_act_form_2.pdf
See attachment: English truth_act_form_2.pdf
See attachment: Korean truth_act_form_2.pdf
See attachment: Spanish truth_act_form_2.pdf
See attachment: Tagalog truth_act_form_2.pdf
See attachment: Vietnamese truth_act_form_2.pdf

If the Lodi 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).

See attachment: Chinese truth_act_form_3.pdf
See attachment: English truth_act_form_3.pdf
See attachment: Spanish truth_act_form_3.pdf
See attachment: Korean truth_act_form_3.pdf
See attachment: Tagalog truth_act_form_3.pdf
See attachment: Vietnamese truth_act_form_3.pdf

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

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

416.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
The Investigations 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).

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

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

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

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

(e) Inform the victim liaison of any requests and their status.

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

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim’s family, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.
416.8.2 REPORTING TO LEGISLATURE
The Investigations supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

416.8.3 POLICE REPORTS
Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

416.9 PUBLIC ACCESS TO RECORDS
Upon receiving any request pursuant to the California Public Records Act, Gov't Code 6250-6276.48, for information related to ICE’s access to individuals, responsive records shall be produced consistent with the Act's requirements.

416.10 TRAINING
The Training Sergeant should ensure that all appropriate members receive training on immigration issues.

Training should include:

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

417.1 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.

417.1.1 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.

417.1.2 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. Electric Utility should be promptly notified, as appropriate.

417.1.3 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.
Field Training Officer Program

419.1 PURPOSE AND SCOPE

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

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

419.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Corporal/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 Corporal and/or FTO
(b) Minimum of four years of patrol experience, two of which shall be with this department
(c) Demonstrated ability as a positive role model
(d) Participate and pass an internal selection process
(e) Evaluation by supervisors and current FTOs
(f) Possess a POST Basic certificate

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.

419.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

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

The responsibilities of the FTO Program supervisor include the following:
Field Training Officer Program

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

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

419.4 TRAINEE DEFINED
Any entry level or lateral police officer newly appointed to the Lodi 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 training period for a lateral officer may be modified depending on the trainee’s demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement at the discretion of the Chief of Police if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

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

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

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

419.6 EVALUATIONS
Evaluations are an important component of the training process and shall be completed as outlined below.
Field Training Officer Program

419.6.1 FIELD TRAINING OFFICER
The FTO will be responsible for the following:

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

419.6.2 FTO PROGRAM SUPERVISOR
The FTO program supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Coordinator.

The FTO program supervisor will be responsible for scheduling and monitoring the trainee's final written examination and oral board.

419.6.3 FIELD TRAINING COORDINATOR
The Field Training Coordinator will review and sign and approve the Daily Trainee Performance Evaluations submitted by the FTO through the FTO program supervisor.

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

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:

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

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

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

420.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY
After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call a local agency having helicopter support available. The Watch Commander on duty or their designee will apprise that agency of the specific details of the incident prompting the request.

420.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED
Police helicopters may be requested under any of the following conditions:

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

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

422.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that the Lodi 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 Lodi 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
It is the designated gang expert's responsibility to approve the entry of any information from a report, 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 division. Any
supporting documentation for an entry shall be retained by the records division 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 division are
appropriately marked as intelligence information. The Records Supervisor may not purge such
documents without the approval of the designated supervisor. FI documents shall be retained for
2 years unless updated within the 2 year period.

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).

The gang unit supervisor should forward reports or FIs to the Records Division 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 Division 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 Division or Property Unit, but should be copies of, or references to, retained documents such as copies of reports, field interview (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.

(e) Temporary files and gang write-ups that are booked as evidence in a criminal case shall be retained until adjudication of the case and all appeals are exhausted.

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 or entered in an authorized criminal intelligence system, as applicable.

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
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 Training Sergeant 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 Investigations 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.

422.8 TRAINING
The Training Sergeant 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 Training Sergeant 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).
Watch Commanders

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 or Sergeant usually heads each watch.

423.2 DESIGNATION AS ACTING WATCH COMMANDER
When a Lieutenant is unavailable for duty as Watch Commander, in most instances a sergeant or corporal shall be designated as acting Watch Commander.
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 Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state and national law enforcement databases, and to ensure effective electronic communications between department members and the Communications Center.

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.

424.2.1 EMERGENCY ACTIVATION OF MDC
If the emergency alert is depressed on the MDC, the dispatcher will call the unit and ask if they are 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, 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 sergeant 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 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

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

424.5 RESTRICTED ACCESS AND USE
MDC use is subject to the Information Technology Use and Protected Information policies.
Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

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

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

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

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

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.

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

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

(a) All contacts or activity shall be documented at the time of the contact or as soon as practical. Mere friendly conversation with a person does not need documentation unless the contact turns adversarial or confrontational.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.
424.6.1 STATUS CHANGES
All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

424.6.2 EMERGENCY ACTIVATION
If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

424.7 EQUIPMENT CONSIDERATIONS

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

424.7.2 BOMB CALLS
When investigating reports of possible bombs, members should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.
Body Worn Cameras

425.1 POLICY
Officers who have been issued a body worn video camera system shall wear it and use it as set forth in this policy.

425.2 PURPOSE AND SCOPE
The Lodi Police Department recognizes that video recording of contacts between Department personnel and the public provides an objective record of these events and that the use of a recording system complements field personnel in the performance of their duties by providing a video record of enforcement and investigative field contacts which can enhance criminal prosecutions and limit civil liability. A video recording of an event or contact also enables the delivery of timely, relevant and appropriate training to maximize safety for LPD personnel and improve the delivery of police services to the community. While recordings obtained from video recorders provide an objective record of events, it is understood that video recordings do not necessarily reflect the experience or state of mind of the individual officer(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved officer. Specifically, it is understood that the recording device will capture information that may not have been heard and/or observed by the involved officer and that the involved officer may see and hear information that may not be captured on video.

425.3 RECORDING
Officers are prohibited from accessing video records other than as specified in this policy and from utilizing Department issued Body Worn Cameras (BWC) for personal use. Officers shall not use personally owned video recording devices while on duty. Officers shall make the recordings and/or recording device available upon supervisor request.

Only officers who have completed approved training will be allowed to operate the BWC. All video recordings made while working as an employee of the Lodi Police Department in any capacity are property of the Department and subject to review by the Department and its agents. Recordings shall not be used for the purpose of ridiculing or embarrassing any employee. Employees shall not obtain or convert any recordings obtained during the course and scope of their duties for personal use. The following are specifically prohibited:

• Making personal copies of official recordings;

• Re-recording of videos with secondary personal recording devices such as a video camera, cell phone or other device to record or capture video and/or audio recordings;

• Posting of video and/or audio to any non-Department sponsored social networking or other website;

• Posting of BWC recordings on any Department sponsored site without express permission from the Chief of Police or his designee (any video posted on a Department sponsored social media
Body Worn Cameras

or other web, or otherwise released to the public, may waive the City’s ability to subsequently exempt such information from public disclosure; and

• Sharing or distributing any video and/or audio with any persons or entities, including other Department or City employees.

BWC shall not be used to record non-work related personal activity. BWC will not be activated in places where a reasonable expectation of privacy exists, such as workplace locker rooms, dressing rooms, or restrooms unless as otherwise specified in this policy. No type of recording device may be intentionally activated to record the conversations of fellow employees or superiors without their knowledge.

Officers should not record undercover officers or confidential informants, absent supervisor approval under limited circumstances. When possible, officers should avoid recording exposed private areas of the body.

425.4 ACTIVATION OF THE RECORDER

Officers shall position their BWC to facilitate optimum recording field of view. Officers shall activate their BWC as soon as practical upon encountering the below types of events. However, at no time should an officer jeopardize his/her safety, or the safety of any other officer, to activate a BWC.

Guidelines for activation of BWC – Officers are expected to record the following types of interactions including, but not limited to:

(a) Arrests and detentions, or situations where an officer reasonably believes they may affect an arrest or detention (to include traffic stops and consensual encounters made with the intent to develop reasonable suspicion to detain);

(b) Officers assisting in an arrest or detention situation;

(c) Confrontational interactions with citizens;

(d) Vehicle and foot pursuits;

(e) Forced entries, search warrants and warrantless searches (including vehicles);

1. When entry is made with or without a warrant, all officers should activate their BWC prior to making entry and continue recording until the scene has been secured. Once the location is secure, and no other circumstances warrant recording, officers may deactivate their BWC.

(f) Suspect interrogations (including Miranda advisement) and witness interviews;

(g) Interviews of victims and witnesses.

(h) K9 deployments, (e.g. cover officers, perimeter officers, etc.); and

(i) During prisoner transport and booking.

Video recording of individuals who are picketing, engaged in peaceful protest or First Amendment protected speech will be avoided unless the officer believes a violation of criminal law is occurring, may occur, or if the officer interacts with a participant or third party to the event. If an officer believes
Body Worn Cameras

that it is necessary to activate the BWC in this situation, they shall continue recording uninterrupted
until the officer leaves the event and is no longer in contact with any of the participants.

Officers shall activate their BWC as soon as practical upon encountering the above types of
events. When an officer is unable to activate their camera at the beginning of the event or
contact, they shall report the circumstances to a supervisor as soon as practical, and document
the reason the BWC was not used in their police report. The documentation shall also explain the
reason the BWC was activated at the time it was.

**Additional considerations for recordings**

At no time should an officer jeopardize his/her safety, or the safety of any other officer, in order
to activate a BWC.

Officers have no obligation to advise a citizen he or she is being recorded and may exercise
discretion in deciding whether or not to voluntarily make such disclosure. However, officers shall
disclose the fact that they are recording if the person being recorded directly asks. Generally,
officers should not cease recording solely based on the request or demand of a citizen.

**Informal Community Interactions (Public Encounters)** – Informal community interactions differ
from “consensual encounters” officers may make in an effort to develop reasonable suspicion
to detain or probable cause for arrest. To strengthen relationships between police and citizens,
officers may use discretion regarding the recording of informal, non-enforcement related
interactions with members of the community. In the event a public encounter becomes adversarial,
officers should activate their BWC as soon as practical to do so without compromising their safety
or the safety of others.

**Victims and Witnesses of Crime** – Officers should generally record interviews of crime victims
and witnesses. Officers have no obligation to advise a victim or witness that he or she is being
recorded. However, officers shall disclose the fact they they are recording if the person being
recorded directly asks. When a victim or witness requests they not be recorded, officers may
consider their request (See section 425.5 for provisions of Penal Code 632).

In cases where a victim or witness requests they not be recorded, and the officer agrees not to
record, officers should record their request prior to turning the BWC off. When an officer is already
recording, he/she shall record their explanation for turning the BWC off prior to doing so.

• **Witnesses** - In the event a crime witness or a member of the community wishes to report or
discuss criminal activity anonymously, officers have the discretion to not record.

• **Victims** - Officers should record interviews of crime victims, unless otherwise requested by the
victim. Upon request by the victim, officers have the discretion to not record the interview. Officers
may offer to avert their BWC to capture only audio during the interview, when doing so would
facilitate obtaining the victim’s recorded statement.

• **Domestic Violence Victims** – Officers should record interviews of domestic violence
victims to facilitate future prosecution efforts and discourage later recanting of
Body Worn Cameras

statements. Officers should also record interviews with children who witness domestic violence, when the child is willing.

- Child Abuse and Sexual Assault Victims—Officers should not video record interviews of victims, witnesses, or parents of child abuse or sexual assault during field investigations. Unless the victim or the parent of a child victim objects, an audio only recording should be made of the initial interview.

Hospital or Medical Facilities - Officers shall be aware of patients' rights to privacy when in hospital and medical settings. However, the BWC should be activated if a situation arises which requires police action, but the officer should consider medical privacy and other sensitive information in determining the duration and scope of the recording.

Private Residences - Private Citizens have a reasonable expectation of privacy and guarantee against unreasonable searches and seizures of their persons, houses, papers, and effects as provided in the United States and California constitutions. However, officers may record video of these places and things during the course of their law enforcement duties when they are lawfully present in a location by consent, warrant, exigent circumstances, or other recognized warrant exception. Officers may also record anything that is within plain view of any location from which the officer is lawfully present.

Privileged Communications - Officers shall be aware of privileged communications that are subject to California Evidence Code section 900 et seq, and shall avoid recording such communications unless such privilege is explicitly waived or officers are concerned that a crime is occurring or may occur. Privileged communications include the attorney-client, physician-patient, psychotherapist-patient, and clergy-penitent privileges.

425.5 KNOWLEDGE OF RECORDING
PC §632 prohibits intentionally recording or listening, by means of an electric device, to the confidential communication of a party without the consent of all parties to the communication. Confidential communications include any communications carried on in circumstances as may reasonably indicate that any party to the communication desires it to be confined to the parties thereto. PC §632 excludes communications made in a public gathering or in any legislative, judicial, executive or administrative proceeding open to the public, or in any other circumstance in which the parties to the communication may reasonably expect that the communication may be overheard or recorded. PC §633 also generally exempts law enforcement from this prohibition during the course of a criminal investigation. Any sworn officer may surreptitiously record conversations during the normal course of duty for a criminal investigation in which the sworn officer reasonably believes that such a recording will be beneficial to the investigation.

(a) Any sworn officer contacting an individual suspected of violating any law or during the course of any official law enforcement related activity shall be presumed to be engaged in a criminal investigation. This presumption shall not apply to contacts with other sworn officers conducted solely for administrative purposes.
(b) Any individual contacted by a sworn officer wearing a plainly visible mounted recording device (BWC) will be deemed to have knowledge that such a contact is being recorded.

425.6 REVIEW AND RELEASE OF RECORDINGS
BWC recordings will be administratively reviewed randomly and may be used during investigations related to use of force, officer involved shootings, complaints, Pitchess motions, and pursuits.

The release of video captured by the BWC to any third party will be processed in a manner consistent with applicable law, current discovery request practices, and the provisions of LPD Policy §805. When criminal charges are being sought in a case, all related recordings will be provided to the District Attorney's office upon request.

The system coordinator will conduct periodic, random audits to ensure the BWC system is operating properly and the BWC is being utilized in accordance with this policy.

425.7 BODY CAMERA OPERATING PROCEDURES
Officers who have been issued a BWC shall wear it at all times the officer may become involved in an enforcement situation. Officers shall position the BWC to facilitate an optimum recording field of view. BWC may only be worn in center of upper chest area with Department authorized mounting systems. Officers working plain clothes or special assignments shall, when it is not practical or safe to comply with mandatory wearing requirements, have the discretion to determine the proper wear and placement of the BWC so as to facilitate an optimum recording field of view.

The AXON body camera (BWC) has two operating modes:

A. NORMAL (BUFFERING) - When the BWC is switched to the ON position, the AXON system will be in the buffering mode. When buffering begins:
   1. The operation LED on the controller will blink green.
   2. The BWC will be passively capturing video without audio. Buffered recordings will not be stored to permanent memory until the event mode is activated.

B. EVENT - To record an incident to permanent memory and capture audio, officers will need to activate the event mode by double-pressing the event button.
   1. Upon activating the event mode, the BWC will automatically store the 30 seconds of “buffered” video that directly precedes activation of event mode. (The buffered video will not contain audio.)
   2. The BWC will then record both audio and video.
   3. The BWC will indicate that it is recording in event mode by beeping twice upon activation and every 2 minutes thereafter and the operation LED on top of the controller will blink red.

The BWC shall be in the ON position and in buffering mode while officers are on duty. Officers may turn the BWC system to the OFF position in the following circumstances

1. When out of service at his/her personal residence during an authorized break.
Body Worn Cameras

2. While out of service at police headquarters.

Only officers who have completed approved training will be allowed to carry and operate a BWC. Officers will inspect the BWC for any physical damage and to ensure the device is in working order at the beginning of their shift. Any malfunctions, missing equipment or damage shall be immediately reported to their supervisor and via email to (axoncamera@lodi.gov) before the end of shift.

In order to preserve the evidentiary record, as a standard practice, officers should record events from beginning to end without interrupting or pausing the audio or video. However, officers may temporarily suspend the audio recording of the BWC in limited circumstances when necessary to protect the privacy of other officers, employees, or members of the public. Officers shall exercise discretion and sound judgment in deciding when to suspend audio recording. Examples of situations that may justify the suspension of audio recording include, but are not limited to the following: conversations with other officers or supervisors relating to tactical decisions and strategies, disciplinary matters, instruction and training, personnel matters, interpretations of law, and privileged communications with legal counsel or clergy; and other instances when necessary to protect the privacy rights of members of the public, such as recording in medical facilities or places of employment, confidential informants, situations involving protected speech, or when located in close proximity to private conversations between others. Officers shall resume audio recording as soon as the need for privacy has ended or as soon as safe and practical.

An officer may turn the BWC off and stop recording in audio and video only in limited circumstance when he/she has left the scene of the recorded event, there is no reasonable expectation that a recordable event will occur while the BWC is turned off, and other officers are present to record any suspects, witnesses, or citizens at the scene of the incident. The intention to stop the recording will be noted by the officer verbally before switching the device off. When the need to stop recording has ended, the BWC recording is expected to resume.

In general, once the BWC is activated, officers should continue recording in full audio and video until the incident has concluded and the officer has ended his or her contact with the subject(s) of the recording and returned to his or her vehicle, or delivered the subject(s) to a detention facility. Continuous recording from the initial activation of the BWC until physical separation from the subject protects the officer from allegations that the officer engaged in misconduct during the lapse in recording.

425.8 DOCUMENTATION OF RECORDINGS

Recordings from BWC uploaded to Evidence.com will be individually identified by ID, Category, and Title. This identifying information shall be entered utilizing a Department issued PCD or desktop computer (AXON Mobile Application) that allows officers to view, but not alter, video recordings captured by the BWC. Officers shall tag recorded incidents with identifying information.
upon conclusion of the recorded incident or as soon as practical. Officers shall have all recordings individually identified (tagged) before the end of their shift unless they have supervisor approval.

### ID Description Box

The event number, or case number when issued, shall be used to identify the recording by placing this information in the ID description box. The identifying event or case number shall be entered using the following format: Event – E16-1234, Case – 16-1234 (case number, no zeros, with dash), Citation - Use Citation number.

### Category

In addition to attaching an event or case number to recordings, officers shall assign a video Category to facilitate proper retention of the video. All recordings will be retained according to the following retention schedule which is incorporated into the City of Lodi Records Management Program and Policy:

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>RETENTION DURATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>01-ALAF/Area Check GOA</td>
<td>1 week</td>
</tr>
<tr>
<td>02-Training/Accidental</td>
<td>1 week</td>
</tr>
<tr>
<td>03-Citizen Contact</td>
<td>53 weeks</td>
</tr>
<tr>
<td>04-Suspicious Contact, Detention</td>
<td>53 weeks</td>
</tr>
<tr>
<td>05-Traffic Stop</td>
<td>53 weeks</td>
</tr>
<tr>
<td>06-DUI</td>
<td>53 weeks</td>
</tr>
<tr>
<td>07-Misdemeanor Arrests</td>
<td>53 weeks</td>
</tr>
<tr>
<td>08-Investigations or Evidence Collection</td>
<td>157 weeks</td>
</tr>
<tr>
<td>09-Pursuits</td>
<td>157 weeks</td>
</tr>
<tr>
<td>10-Felony Arrests and Domestic Violence</td>
<td>261 weeks</td>
</tr>
<tr>
<td>11-Other Major Crime</td>
<td>261 weeks</td>
</tr>
<tr>
<td>12-Use of Force Incident</td>
<td>261 weeks</td>
</tr>
<tr>
<td>13- Homicide/Sex Crime//Susp Cir MP</td>
<td>Until manually deleted</td>
</tr>
<tr>
<td>14- Critical Review (OIS - custody death)</td>
<td>Until manually deleted</td>
</tr>
<tr>
<td>15- Pending Review</td>
<td>Until manually deleted</td>
</tr>
<tr>
<td>Uncategorized</td>
<td>Until manually deleted</td>
</tr>
</tbody>
</table>

### Title Description Box

Officers should provide a Title to facilitate simplified searching of files [i.e. – by location (First and Elm) or by subject (arrest of suspect John Doe), etc.].

### Documentation

Officers shall document in the CAD notes or in the police report or on the back of a citation to indicate a recording related to the incident was uploaded to Evidence.com. Officers should
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also document in the disposition section of their written reports that a recording was made. BWC recordings will not be used in lieu of Crime Scene Investigation photographic or video-graphic documentation.

425.9 REVIEW AND USE OF RECORDINGS
Officers should review recordings to assist with their investigation, prior to the completion of their report. Recorded statements shall be summarized and documented within the narrative of the applicable report. Only official Department devices should be used to review BWC recordings.

Once uploaded to Evidence.com, sworn personnel may view their own recordings by logging onto Evidence.com. Personnel that view videos outside of assigned working hours must document the reason for access in the “NOTES” section prior to viewing any data. Access to videos uploaded to Evidence.com is controlled by the system administrator. An audit trail of individuals accessing, viewing or downloading videos via Evidence.com will be automatically generated by the system and is accessible by logging into Evidence.com.

Critical Incidents
The Lodi Police Department acknowledges that BWC recordings taken during critical incidents do not necessarily reflect the full extent of the nature of the event or the experience, analysis, training, threat assessment, or state of mind of the individual officers(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved officer. Specifically, it is understood that the BWC will capture information that may not have been heard and/or observed by the involved officer and that officers may see and hear events that are not captured by the BWC. Officers involved in critical incidents should notify the responding supervisor of any related recordings. In the event a critical incident is recorded and immediate retrieval of a recording is required, a supervisor shall secure the BWC as soon as possible and maintain chain of custody. The detectives investigating the case shall coordinate the download or electronic transfer, minimizing those involved with the chain of custody. Officers, either as a subject or witness, who are involved in any significant use of force incident or collision causing injuries will be permitted to review their BWC recordings prior to providing a statement or written report. In such cases where the involved officer(s) will view a video recording of the incident, they shall be provided the following advisement:

"In this case, there is video evidence that you will have an opportunity to view before you have given your initial statement. Video evidence has limitations and may depict the events differently than you recall, and may not depict all of the events as seen or heard by you. Video has a limited field of view and may not capture events normally seen by the human eye. The "frame rate" of video may limit the camera's ability to capture movements normally seen by the human eye. Lighting as seen on the video may be different than what is seen by the human eye. Videos are a two dimensional medium and may not capture depth, distance or positional orientation as well as the human eye. "The video is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident."

Circumstances for Administrative Review

BWC recordings will be administratively reviewed randomly and may be used during investigations related to use of force, officer involved shootings, complaints, and pursuits. When BWC recordings are administratively reviewed, use of profanity by officers will be considered within the overall context of the incident, as well as accepted training and practices. However, officers remain prohibited from engaging in discourteous, disrespectful or discriminatory treatment of the public per LPD Standards of Conduct Policy 324.

Use in Training

Any video used for official training purposes requires approval by the Chief or designee. In no event will BWC recordings be used for training, or be otherwise used or shown, if it would result in ridicule or embarrassment of an officer(s), except when required as part of a formal investigation or legal proceeding. In the event that BWC recordings are intended to be used for training purposes, the involved officer(s) will first be consulted. If he/she objects to the use of the recording, such objection shall be submitted to the Investigations Lieutenant. The Investigations Lieutenant shall weigh the value of the video for training against the officer(s) objections and basis for the objection. When the Investigations Lieutenant refuses to grant the request of the involved officer(s), the matter shall be heard by the Chief of Police or designee, prior to utilizing the recording.

Field Debriefings

Supervisors intending to use a BWC recording as part of an informal debriefing or critique session shall first consult with the recorded officer(s). When the officer(s) objects to use of the BWC recording under these circumstances, it will not be used or shown.

425.10 REQUEST FOR DELETION OF ACCIDENTAL BODY CAMERA RECORDINGS

In the event of an accidental or sensitive personal recording using the BWC, where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the file be deleted by submitting an email request to the Department’s system coordinator at axoncamera@lodi.gov. The system coordinator will send authorized deletion requests to the system administrator. The administrator will review the file and recommend approval or denial of the request. In cases where the administrator denies the request to delete, an appeal may be submitted to the Chief of Police, or designee, for deletion authorization. In all cases of deletion requests, a determination should be made within 7 calendar days.

425.11 UPLOADING TO EVIDENCE.COM

At the end of their shift, officers shall place the BWC and AXON Flex Controller into the designated docking station (Evidence Transfer Manager) for simultaneously charging and uploading of recordings. Officers should not remove the BWC and related equipment from the (ETM) docking station until the video files are completely uploaded and battery fully charged.

Officers assigned to General and Special Investigations Units and the AB 109 task force and who on are call may take home the BWC and Axon Flex Controller with supervisor permission,
Body Worn Cameras

but they are required to ensure that the device is charged and that recordings are uploaded in accordance with this policy. Motor officers may also take their assigned BWC home with the same requirements for charging and uploading.

Crime scene or evidentiary photos or recordings taken with a Department issued cell phone or other recording device will be uploaded to Evidence.com. A brief description of the evidence shall be included in the "Title" section of the Axon capture app to facilitate ease of locating the items by LPD and the District Attorney's office. A notation of "Photos uploaded to Evidence.com" will be included at the end of the investigation report.

Printed photos, photos on a CD or FET photos will be booked as evidence following Department booking procedures.

425.12 SYSTEM COORDINATOR AND ADMINISTRATOR

The system administrator will be the Office of Professional Standards Sergeant. The system administrator will have oversight responsibilities including, but not limited to, the following:

- Ensure recordings of evidentiary value are secure and retained according to the Department’s retention schedule;
- Ensure all other files are maintained in accordance with the Department’s retention schedule;
- Operation and user administration of the BWC system and Evidence.com;
- System evaluation;
- Ongoing review of related Department policies and procedures;
- Assessment and recommendations for modification of Department policies, procedures, and practices associated with video recording;
- Training; and
- Coordination with IT regarding system related issues.

On an annual basis, or sooner if needed, the system administrator and coordinator will meet with POA leadership, and the Chief of Police or designee, to evaluate the effectiveness of Department recording procedures and equipment.

425.13 RELEASE OF OFFICIAL VIDEO TO THIRD PARTIES

The release of video captured by the BWC to any third party will be processed in a manner consistent with applicable law, current discovery request practices and the provisions of LPD Policy § 805 (Records Maintenance and Release). When criminal charges are being sought in a case, all related recordings will be provided to the District Attorney’s and City Attorney’s office upon request.

Non-Departmental Requests:
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All non-departmental requests for a BWC file shall be accepted and processed in accordance with federal, state, and local statutes and Departmental policy (court cases, subpoenas, public records act, etc.) as set forth in the Records Maintenance and Release Policy (LPD Policy 805).

Media inquiries and/or requests shall be received by the Office of Professional Standards and processed in accordance with current release policies and applicable State law.

A video or audio recording that relates to a critical incident may be withheld only as follows in accordance with AB 748, CA Gov't Code 6254:

1. During an active criminal or administrative investigation, disclosure of a recording related to a critical incident may be delayed no longer than 45 calendar days after the date the agency knew or reasonably should have known about the incident, if, based on the facts and circumstances depicted in the recording, disclosure would substantially interfere with the investigation, such as by endangered the safety of a witness or a confidential source. If disclosure is delayed, the agency shall provide the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation and the estimated date for disclosure.

2. After 45 calendar days from the date the agency knew or reasonably should have known about the incident, and up to one year from that date, the agency may continue to delay disclosure of a recording if the agency demonstrates that disclosure would substantially interfere with the investigation.

3. After one year from the date the agency knew or reasonably should have known about the incident, the agency may continue to delay disclosure of a recording only if the agency demonstrates by clear and convincing evidence that disclosure would substantially interfere with the investigation. If disclosure is delayed, the agency shall promptly provide in writing to the requester the specific basis for the agency's determination that the interest in preventing interference with an active investigation outweighs the public interest in disclosure and provide the estimated date for the disclosure. The agency shall reassess withholding and notify the requester every 30 days.

4. The agency shall disclose a withheld recording promptly when the basis for withholding is resolved.

5. If the agency demonstrates, on the facts of the particular case, that the public interest in withholding a video or audio recording clearly outweighs the public interest in disclosure because the release of the recording would, based on the facts and circumstances depicted in the recording, violate the reasonable expectation of privacy of a subject depicted in the recording, the agency shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served by withholding the recording.

6. The agency may use redaction technology, including blurring or distorting images or audio, to obscure those specific portions of the recording that protect the privacy interest of those depicted in the recording. The redaction shall not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording and the recording shall not otherwise be edited or altered.
Body Worn Cameras

7. If the agency demonstrates that the reasonable expectation of privacy of a subject depicted in a recording cannot be adequately protected through redaction, the agency may withhold the recording from the public.

8. Recordings, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following:
   • The subject of the recording whose privacy is to be protected, or his or her authorized representative.
   • If the subject is a minor, the parent or legal guardian of the subject whose privacy is to be protected.
   • If the subject whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased subject whose privacy is to be protected.
   • If disclosure pursuant to privacy concerns would substantially interfere with an active criminal or administrative investigation, the agency shall provide in writing to the requester the specific basis for the agency's determination that disclosure would substantially interfere with the investigation. Thereafter, the recording may be withheld by the agency for 45 calendar days, and subject to extensions outlined in Lexipol policy section 425.13 (3).

9. For purposes of this section, a video or audio recording relates to a critical incident if it depicts any of the following incidents:
   • An incident involving the discharge of a firearm at a person by a peace officer or custodial officer.
   • An incident in which the use of force by a peace officer or custodial officer against a person resulted in death or in great bodily injury.

10. The Chief of Police, or his designee, has the discretion to provide greater public access to video or audio recordings than the minimum standards set forth in AB 748 and CA Gov't Code 6254.

The Office of Professional Standards will insure that any restricted information contained in the BWC file is redacted prior to release. Any changes or redaction made to the original file will be saved and information of what was actually released and the reasons for redaction will be made to the copied file and saved in AXON storage system.

When practical, personnel will be advised, prior to any release of video under the California Public Records Act, AB 748, CA Gov't Code 6254, and guidelines consistent with Department policy.

Copies of BWC files will be marked as such and identified with the date of release, the purpose of the release, who the file was sent to, the releasing officer information, and the agency/organization the file was released to. The copied file will also be saved within the AXON video storage system and identified as a copy of the original.

The Chief of Police has the authority to authorize the release of any video to third parties prior to the completion of a criminal investigation in certain circumstances. These include, but are not
limited to, public assistance in identifying suspects or persons of interest or to prevent or minimize public unrest due to police activity.

425.14AUDIT RESPONSIBILITIES
The system coordinator will conduct periodic, random audits to ensure the BWC system is operating properly (turning it on, muting, etc.) and the BWC is being utilized in accordance with this policy. Minor infractions regarding the use of BWC and related equipment should be viewed as training opportunities rather than a means to take disciplinary action.

425.14.1BWC AUDIT GUIDELINES
The sergeant in charge of the Office of Professional Standards (or other sworn designee) may conduct a monthly random audit to ensure the BWC system is operating properly (turning it on, muting, etc.) and the BWC is being utilized in accordance with this policy. The audits will be conducted in the following manner:

- Each monthly audit will consist of no more than ten (10) videos.
- The officers involved in the monthly audit will be chosen at random. This process may be conducted by the coordinator’s random choosing off a list, by a computer system, or by any other means which produces a random selection.
- The audit may be based on a similar type of incident (traffic stop, burglaries, petty thefts, etc.) or from a randomly chosen incident the officer recorded within the past 12 months.
- The POA president will also be added to the monthly audit e-mail that details who was audited.
- Once the monthly audit is finished, a Makenote will be completed for each officer to document the concluded audit. Should there be the need for further investigation on an audited video, it is understood that a Makenote does not need to be completed pending the outcome of the reviewed incident.

It is the purpose of this policy that minor infractions regarding the use of BWC and related equipment should be viewed as training opportunities rather than a means to take disciplinary actions. It is understood that the purpose of this policy is not to search for or discovery of other violations of policy and law, and further understood that discovery of such violations can trigger an independent administrative or criminal investigation.

The random audits are meant to review every officer three times through the calendar year.

425.15RECORDING PREPARATION
When an interview is to be recorded and time and opportunity permit, the recording officer shall:

• Test the BWCrecoing device/equipment to ensure it is functioning and ready to record prior to commencing the interview or recording;

• Make a statement at the beginning of the recording to identify:
  
  o The date and time interview or recording;
Body Worn Cameras

- The location of the interview or recording;
- The identities of all parties involved in or present at the interview or recording; and
- Any other pertinent identifying information, such as phone numbers called during recorded phone conversations; informant numbers when name identities cannot be used, etc.

Describe the time of and reason for any temporary stoppage of the recording and include the fact all parties had knowledge of the stoppage; and

Record the date and time the BWC recording was ended at the conclusion of each interview.

When circumstances do not permit compliance with the above guidelines (i.e., spontaneous recordings) as much of the information as possible should be included at the end of the recording to identify the conversation. Whenever possible, officers should ensure the BWC recorded properly before the interviewed person is excused.

425.16 DETECTIVE RESPONSIBILITIES
Detectives will be provided an Evidence.com account so that they may access recordings related to their specific investigations. Detective responsibilities include, but are not limited to the following:

- When criminal charges are being filed in a case and related BWC recording(s) exist, the follow up detective should review the recording(s) prior to providing them to the District Attorney’s office.
  - All BWC recordings related to a case must be submitted to the DA’s office for filing, regardless of apparent relevance upon request.

- When a detective determines the BWC recording may have evidentiary value to either the prosecution or defense in a specific case, he/she shall ensure the recording is properly classified for retention in compliance with this procedure.

- The detective will ensure that the District Attorney’s office is provided access to the applicable BWC recordings through Evidence.com.

- When the criminal matter has resolved and the BWC recording is of no prosecutorial evidentiary value, it shall be retained pursuant to the Department’s video retention schedule as set forth herein.

- When reviewing videos, make an entry in the Evidence.com NOTES section documenting the reason for his/her review.

425.17 TERMINOLOGY
- AXON Flex Controller - Enables control of the AXON camera (BWC) through simple commands to place the camera in the various operational modes;

- AXON Mobile Application – A mobile application installed on Department issued tablets that allow officers to view, but not alter, video recordings captured by the AXON camera. The application also allows officers to attach meta-data such as a video title, incident case number, and a video retention category to the video file;
Body Worn Cameras

- Evidence.com - An on-line web-based media storage facility which stores digitally encrypted video recordings. Accessible to authorized personnel, based upon their security clearance, also maintains an audit trail of user activity;

- Evidence Transfer Manager (ETM) - A docking station which simultaneously recharges the AXON Controller and uploads all data captured on the AXON camera (BWC) to Evidence.com;

- Normal (Buffering) Mode - The mode of operation in which the AXON camera (BWC) continuously loops video without an audio component for 30 seconds;

- Event Mode - The mode of operation in which the AXON camera (BWC) captures the buffered video and is actively recording both audio and video. When the AXON is switched to event mode, it will automatically record the previous 30 seconds of video (without audio);

- AXON System Administrator (Office of Professional Standards Sergeant) – Oversees and manages administrative issues related to AXON camera (BWC) systems;

- AXON System Coordinator (Investigations Lieutenant) – Responsible for BWC and ETM equipment, video storage, and training related to Evidence.com accounts and AXON cameras BWC).
Portable Audio/Video Recorders

426.1 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 Lodi Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

426.2 POLICY
The Lodi 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.

426.3 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.

426.4 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 the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably 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. Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable.

When using a portable recorder, the assigned member shall record his/her name, LPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user’s unique identification and the date and time of each recording.
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.

426.4.1 SUPERVISOR RESPONSIBILITIES
Supervisors should take custody of a portable audio/video recording device as soon as practicable when the device may have captured an incident involving the use of force, an officer-involved shooting or death or other serious incident, and ensure the data is downloaded (Penal Code § 832.18).

426.5 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.

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 the Communications Center
(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.

426.5.1 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.
Portable Audio/Video Recorders

426.5.2 CESSATION OF RECORDING
Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her 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).

426.5.3 EXPLOSIVE DEVICE
Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

426.6 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 acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

426.6.1 PROHIBITED USE OF BIOMETRIC SURVEILLANCE SYSTEM
The installation, activation, or use of biometric surveillance systems, including facial recognition, in connection with portable recorders is prohibited (Penal Code § 832.19).

426.7 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.

426.8 REVIEW OF RECORDED MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-Involved Shootings and Deaths Policy for guidance in those cases). 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 or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance in accordance with the BWC auditing guidelines.

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 Records Maintenance and Release 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.

426.8.1 BWC AUDITING GUIDELINES

The sergeant in charge of the Office of Professional Standards (or other sworn designee) may conduct a monthly random audit to ensure the BWC system is operating properly (turning it on, muting, etc.) and the BWC is being utilized in accordance with this policy. The audits will be conducted in the following manner:

- Each monthly audit will consist of no more than ten (10) videos.
Portable Audio/Video Recorders

- The officers involved in the monthly audit will be chosen at random. This process may be conducted by the coordinator’s random choosing off a list, by a computer system, or by any other means which produces a random selection.

- The audit may be based on a similar type of incident (traffic stop, burglaries, petty thefts, etc.) or from a randomly chosen incident the officer recorded within the past 12 months.

- The POA president will also be added to the monthly audit e-mail that details who was audited.

- Once the monthly audit is finished, a Makenote will be completed for each officer to document the concluded audit. Should there be the need for further investigation on an audited video, it is understood that a Makenote does not need to be completed pending the outcome of the reviewed incident.

It is the purpose of this policy that minor infractions regarding the use of BWC and related equipment should be viewed as training opportunities rather than a means to take disciplinary actions. It is understood that the purpose of this policy is not to search for or discovery of other violations of policy and law, and further understood that discovery of such violations can trigger an independent administrative or criminal investigation.

The random audits are meant to review every officer three times through the calendar year.

426.9  COORDINATOR
The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable audio/video recording devices and the storage of recordings, including (Penal Code § 832.18):

(a) Establishing a system for downloading, storing and security of recordings.
(b) Designating persons responsible for downloading recorded data.
(c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.
(d) Establishing a system for tagging and categorizing data according to the type of incident captured.
(e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.
(f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.
(g) Maintaining logs of access and deletions of recordings.

426.10  RETENTION OF RECORDINGS
Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

(a) Incidents involving use of force by an officer
(b) Officer-involved shootings
(c) Incidents that lead to the detention or arrest of an individual
(d) Recordings relevant to a formal or informal complaint against an officer or the Lodi Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization’s records retention schedule as outlined in Lexipol Policy section 425.8, but in no event for a period less than 180 days. Alarms and area checks with no subject contact, and training and accidental recordings are exempt from the minimum 180 day retention requirement.

All recordings will be downloaded to evidence.com no later than the end of the officer’s shift. Recordings booked into evidence will be burned to a CD and noted in the officer’s report.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

426.10.1 RELEASE OF AUDIO/VIDEO RECORDINGS
Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.
Bicycle Patrol Unit

428.1 PURPOSE AND SCOPE
The Lodi Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

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

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

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or the Watch Commander.

Bicycles may be used for plainclothes operations.

428.3 SELECTION OF PERSONNEL
The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Operations Commander or his/her designee.

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

- Organizing bicycle patrol training.
- Inspecting and maintaining inventory of patrol bicycles and program equipment.
- Scheduling maintenance and repairs.
- Evaluating performance of bicycle officers.
- Coordinating activities with the Operations
- Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

428.4 TRAINING
Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
Bicycle Patrol Unit

- Operational tactics using bicycles.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

428.5 UNIFORMS AND EQUIPMENT

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

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

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts are permitted when worn under the uniform shirt.

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

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

428.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in color with a "POLICE" decal affixed to each side of the crossbar or the bike's saddlebag.

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, they should advise the bicycle patrol supervisor as soon as practical.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle patrol supervisor, or in the event of an emergency.
Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

428.7 OFFICER RESPONSIBILITY

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

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

(a) In response to an emergency call.
(b) While engaged in rescue operations.
(c) In the immediate pursuit of an actual or suspected violator of the law.
Foot Pursuits

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

429.2 DECISION TO PURSUE
The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual's involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.
(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.
(c) A canine search.
(d) Thermal imaging or other sensing technology.
(e) Air support.
(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.
429.3 GENERAL GUIDELINES
When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory
(b) The officer is acting alone.
(c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.
(d) The officer is unsure of his/her location and direction of travel.
(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.
(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.
(g) The officer loses radio contact with the dispatcher or with assisting or backup officers.
(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.
(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.
(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.
(k) The officer loses possession of his/her firearm or other essential equipment.
(l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.
(m) The suspect’s location is no longer definitely known.
(n) The identity of the suspect is established or other information exists that will allow for the suspect’s apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.
(o) The officer’s ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.
Foot Pursuits

429.4 RESPONSIBILITIES IN FOOT PURSUITS

429.4.1 INITIATING OFFICER RESPONSIBILITIES
Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel
(b) Call sign identifier
(c) Reason for the foot pursuit, such as the crime classification
(d) Number of suspects and description, to include name if known
(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

429.4.2 ASSISTING OFFICER RESPONSIBILITIES
Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

429.4.3 SUPERVISOR RESPONSIBILITIES
Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.
Foot Pursuits

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect. Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

429.4.4 THE COMMUNICATIONS CENTER RESPONSIBILITIES
Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

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

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

(a) Date and time of the foot pursuit.
(b) Initial reason and circumstances surrounding the foot pursuit.
(c) Course and approximate distance of the foot pursuit.
(d) Alleged offenses.
(e) Involved vehicles and officers.
(f) Whether a suspect was apprehended as well as the means and methods used.
   1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.
(g) Arrestee information, if applicable.
(h) Any injuries and/or medical treatment.
(i) Any property or equipment damage.
(j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.
In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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

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

430.1 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 Lodi Police Department recognizes that members of the homeless community are often in need of special protection and services. The Lodi 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.

430.1.1 POLICY
It is the policy of the Lodi 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.

430.2 COMMUNITY LIAISON OFFICER
The Chief of Police will designate a member of this department to act as the Community Liaison Officer. The responsibilities of the Community Liaison Officer include the following:

(a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
(b) Meet with social services and representatives of other organizations that render assistance to the homeless.
(c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
   1. Proper posting of notices of trespass and clean-up operations.
   2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
(e) Be present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.
430.3 FIELD CONTACTS
Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

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

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

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Adult Abuse Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

430.4 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 Community Liaison Officer. When practicable, requests by the public for clean-up of
a homeless encampment should be referred to the Community 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 Community 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 Community Liaison Officer to address the matter.

430.5 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.

430.6 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.
Automated License Plate Readers (ALPRs) Usage and Privacy Policy

431.1 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 and to ensure that the collection, use, maintenance, sharing, and dissemination of ALPR information is consistent with respect for individuals' privacy and civil liberties. This usage and privacy policy shall be available to the public in writing, and posted conspicuously on the department website.

431.2 ADMINISTRATION
The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Lodi Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to gather information related to active warrants, homeland security, electronic surveillance, suspect interdiction and stolen property recovery.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Investigations Lieutenant or designee. The Investigations Lieutenant or designee will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

431.2.1 ALPR ADMINISTRATOR
The Investigations Lieutenant or designee shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(e) The title and name of the current designee in overseeing the ALPR operation.

(f) Working with the Custodian of Records on the retention and destruction of ALPR data.

(g) Ensuring this policy and related procedures are conspicuously posted on the department’s website.
431.3 OPERATIONS
Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.

(f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

431.4 DATA COLLECTION AND RETENTION
The Investigations Lieutenant or designee responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the City’s established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

431.5 ACCOUNTABILITY
All data will be closely safeguarded and protected by both procedural and technological means. The Lodi Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):
Automated License Plate Readers (ALPRs) Usage and Privacy Policy

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

(b) Members of the department approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

431.6 POLICY
The policy of the Lodi Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

431.7 ACCESS AND RELEASE OF ALPR DATA
A record of the following information shall be maintained when ALPR data is accessed (Civil Code § 1798.90.52):

(a) The date and time the information is accessed.

(b) The license plate number or other data elements used to query the ALPR system.

(c) The username of the person who accesses the information, and, as applicable, the organization or entity with whom the person is affiliated.

(d) The purpose for accessing the information.

The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request to the department for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Investigations Lieutenant or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.
Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy and California Public Records Act (Gov Code § 6254).

431.8 TRAINING
The Training Sergeant should ensure that members of the department receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).
Public Recording of Law Enforcement Activity

432.1 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.

432.2 POLICY
The Lodi 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.

432.3 RECORDING LAW ENFORCEMENT ACTIVITY
Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

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

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or
behavior to be unlawful. Accompanying the warnings should be clear directions on what an individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

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

432.5 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.

432.6 SEIZING RECORDINGS AS EVIDENCE
Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the
Public Recording of Law Enforcement Activity

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

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

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

433.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

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

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

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

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

433.5 FIRST RESPONDERS
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 with reasonable 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.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) 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 conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

1. Prior to making contact, and whenever possible and reasonable, 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).

(e) Take into account the person’s mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person’s actions or stated intentions.
(k) If circumstances reasonably permit, consider and employ alternatives to force.

433.6 DE-ESCALATION

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

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

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

Responding officers generally should not:

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

433.7 INCIDENT ORIENTATION

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

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.
433.8 SUPERVISOR RESPONSIBILITIES
A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

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

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

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

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

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

433.10 NON-SWORN INTERACTION WITH PEOPLE IN CRISIS
Non-sworn members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

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

If a person’s behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.
433.11 EVALUATION
The Sergeant designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

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

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

434.1 PURPOSE AND SCOPE
This policy provides guidance for responding to public assemblies or demonstrations.

434.2 POLICY
The Lodi 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.

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

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

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

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

Officers should not:

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

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

434.3.1 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.

434.4 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.

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

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

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

- 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).

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

The operational plan will minimally provide for:

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

(t) Parameters for the use of body-worn cameras and other portable recording devices.

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

434.6 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.

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

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

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.

434.8 ARRESTS
The Lodi 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).

434.9 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).

434.10 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.
434.11 POST EVENT
The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

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

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

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

434.12 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.
Medical Aid and Response

435.1 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.

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

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

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

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

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

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

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

Members should not direct EMS personnel whether to transport the person for treatment.
Medical Aid and Response

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

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

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

Members should not provide emergency escort for medical transport or civilian vehicles.

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

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

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

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

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

435.6 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.

435.7 AIR AMBULANCE
Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are
Medical Aid and Response

victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

The Operations Bureau Commander should develop guidelines for air ambulance landings or enter into local operating agreements for the use of air ambulances, as applicable. In creating those guidelines, the Department should identify:

- Responsibility and authority for designating a landing zone and determining the size of the landing zone.
- Responsibility for securing the area and maintaining that security once the landing zone is identified.
- Consideration of the air ambulance provider’s minimum standards for proximity to vertical obstructions and surface composition (e.g., dirt, gravel, pavement, concrete, grass).
- Consideration of the air ambulance provider’s minimum standards for horizontal clearance from structures, fences, power poles, antennas or roadways.
- Responsibility for notifying the appropriate highway or transportation agencies if a roadway is selected as a landing zone.
- Procedures for ground personnel to communicate with flight personnel during the operation.

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

Members should follow these cautions when near an air ambulance:

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

435.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

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

435.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles 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 equipment manager who is responsible for ensuring appropriate maintenance.
Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

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

435.8.2   AED REPORTING
Any member using an AED will complete an incident report detailing its use.

435.8.3   AED TRAINING AND MAINTENANCE
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 100021; 22 CCR 100022; 22 CCR 100029).

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

435.9   ADMINISTRATION OF OPIOID OVERDOSE MEDICATION
Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

435.9.1   OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES
Members who are qualified to administer opioid overdose medication, such as naloxone, should handle, store and administer the medication consistent with their training. Members should check the medication and associated administration equipment at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication or unserviceable administration equipment should be removed from service and given to the OPS Sergeant.

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

435.9.2   OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication should detail its use in an appropriate report.

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

435.9.3   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 100019 and any applicable POST standards (Civil Code § 1714.22).
435.9.4 DESTRUCTION OF OPIOID OVERDOSE MEDICATION
The OPS Sergeant shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

435.9.5 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).

435.10 ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS
The Operations Bureau Commander may authorize the acquisition of epinephrine auto-injectors for use by Department members as provided by Health and Safety Code § 1797.197a. The OPS 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 100019).

435.10.1 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 the Communications Center as soon as possible and request response by EMS (Health and Safety Code § 1797.197a(b)).

435.10.2 EPINEPHRINE AUTO-INJECTOR REPORTING
Any member who administers an epinephrine auto-injector should detail its use in an appropriate report.

The OPS 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 § 1797.197a(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)).

435.10.3 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 100019.
Medical Aid and Response

435.11 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 100016; 22 CCR 100022).

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

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

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

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

436.1 PURPOSE
This procedure establishes guidelines and regulations for trained Lodi Police Department officers to administer Intranasal Naloxone.

436.2 SUMMARY
Naloxone (Narcan) to person(s) suspected of experiencing opioid-related overdose. It is the policy of the Lodi Police Department that employees who administer Naloxone shall be properly trained in its use and deployment according to the law and guidelines in this procedure. In 2014, Senate Bill 1438 tasked the California Emergency Medical Services Authority with adopting training and standards for all prehospital emergency medical care personnel, including peace officers, with the use and administration of Naloxone Hydrochloride to treat opioid overdoses to reduce fatalities. Peace officers who administer Naloxone are protected from civil and criminal liability if they "act with reasonable care and in good faith" (California Health and Safety Code 1797.197 and Civil Code 1714.22). Naloxone is now in the Public Safety First Responder optional scope of practice under the California Code of Regulations, Title 22, Division 9 Prehospital Emergency Medical Services, Chapter 1.5 First Aid and CPR Standards and Training for Public Safety Personnel, specifically section 100019(f).

436.3 DEFINITIONS
Opioids - A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress activity in the central nervous system; these will reduce pain, induce sleep and in overdose will cause people to stop breathing. First responders often encounter opiates in the form of Morphine, Methadone, Codeine, Heroin, Fentanyl, Oxycodone, and Hydrocodone.

Naloxone - Prescription medications that can be used to reverse depressed breathing and improve alertness. Specifically, it displaces opiates from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks, including Narcan.

436.4 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION
Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member and (Civil Code 1714.22 and CCR 100019):

(a) When trained and tested to demonstrate competence following initial instruction.
(b) When authorized by the medical director of the LEMSA.
(c) In accordance with California Peace Officers Standards and Training (POST) standards.
**436.5 OPIOID OVERDOSE USER RESPONSIBILITIES**

Members who are qualified to administer opioid overdose medication, such as naloxone, shall handle, store and administer the medication consistent with their training. Members shall check the medication at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication shall be removed from service and given to the department's equipment sergeant.

Any member who administers an opioid overdose medication shall contact the Communications Center as soon as possible and request response by EMS personnel. The Watch Commander or Field Supervisor will also be notified as soon as practical.

**436.6 OPIOID OVERDOSE MEDICATION TRAINING**

The department Training Sergeant will ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated with the local Emergency Medical Services Agency and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code 1714.22).

**436.7 REPORTING REQUIREMENTS**

Officers who administer Intranasal Naloxone (Narcan) to a person shall complete an incident report documenting the reasons for administering Narcan to the person and the results of such administration. The officer shall also notify their supervisor as soon as practical. The Narcan Use Form shall also be completed as an attachment to the incident report by the administering officer.

See attachment: LPD 400_Narcan Use Form (1).pdf
Civil Disputes

437.1 PURPOSE AND SCOPE
This policy provides members of the Lodi 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.

437.2 POLICY
The Lodi 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.

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

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

(a) Civil disputes tend to be confrontational and members should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Members should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Members shall not provide legal advice, however, when appropriate, members should inform the parties when they are at risk of violating criminal laws.

(d) Members are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Members should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.
Civil Disputes

437.4 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.

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

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

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

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

437.5 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.

437.6 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.
Suspicious Activity Reporting

438.1 PURPOSE AND SCOPE
This policy provides guidelines for reporting and investigating suspicious and criminal activity.

438.1.1 DEFINITIONS
Definitions related to this policy include:

Involved party - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

Suspicious activity - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. 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 should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., “dry run,” creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.

Suspicious Activity Report (SAR) - An incident report used to document suspicious activity.

438.2 POLICY
The Lodi Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

438.3 RESPONSIBILITIES
The Terrorism Liaison Officer (TLO) and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

The responsibilities of the Terrorism Liaison officer(s) include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.
Suspicious Activity Reporting

(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

438.4 REPORTING AND INVESTIGATION
Any department member receiving information regarding suspicious activity should take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any non-sworn member who receives such information should ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member should prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

438.5 HANDLING INFORMATION
The Records Bureau will forward copies of SARs, in a timely manner, to the following:

- Investigations supervisor
- Crime Analysis Unit
- Other authorized designees
Aircraft Accidents

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

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

440.1.1 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.

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

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

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

440.4 INJURIES AND CASUALTIES
Members should address emergency medical issues and provide care as a first priority.

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

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

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

(a) Fire department
(b) Appropriate airport tower
(c) Emergency medical services (EMS)

440.6 CONTROLLING ACCESS AND SCENE AUTHORITY
Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

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

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

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

440.8 DOCUMENTATION
All aircraft accidents occurring within the City of Lodi 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 LPD 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.

440.8.1 WRECKAGE
When reasonably safe, members should:
(a) Obtain the aircraft registration number (N number) and note the type of aircraft.
(b) Attempt to ascertain the number of casualties.
(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.
   1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).
(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.
(e) Acquire copies of any recordings from security cameras that may have captured the incident.

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

440.9 MEDIA RELATIONS
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
Aircraft Accidents

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.
Chapter 5 - Traffic Detail
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 Lodi Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource 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 requests from the public, 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:
Traffic Function and Responsibility

500.3.1 WARNINGS
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).
Traffic Function and Responsibility

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.

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 investigation units 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 maintained by the individual employee. Before going into service each employee shall ensure their high-visibility vest is serviceable and accessible for use.

The equipment manager should be promptly notified whenever a member's high visibility vest is no longer serviceable and is in need of replacement.
Traffic Collision Reporting

501.1 PURPOSE AND SCOPE
The Lodi 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 the Traffic Bureau for approval and data entry into the Records Management System.

501.4 REPORTING SITUATIONS
For the purposes of this section, an injury collision is defined as a collision where one of the involved parties is transported by ambulance to a medical facility.

The term serious injury is defined as any injury that may result in a fatality.

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 on private property or upon a roadway or highway within the City of Lodi limits wherein any damage or injury results. Any collision occurring outside the city limits of Lodi shall be investigated by the appropriate law enforcement agency. Whenever there is damage to a police department vehicle, a Vehicle Damage Log entry shall be completed by the appropriate supervisor.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor. A Blue Team report shall be initiated by the supervisor when a police department vehicle is involved in a collision.

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 Lodi Police Department resulting in a serious injury or fatality, the Traffic Sergeant or the Watch Commander, may notify the California Highway Patrol for assistance. If on duty the County Protocol Team should be notified.

501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS
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.
Traffic Collision Reporting

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 misdemeanor or felony Vehicle Code violation. A “CAD” entry may be created at the discretion of any supervisor for any minor collision on private property not resulting in death or injury to any person, hit and run or a misdemeanor or felony Vehicle Code violation. Non-injury hit and run collisions with no suspect information or evidence that would aid in the prosecution can be handled as a CAD entry.

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 to any persons involved in the collision.
(b) When there is an identifiable misdemeanor or felony violation of the Vehicle Code.

The following types of vehicle collisions should be recorded as a "CAD" entry only. Make sure to include basic information for party(ies) involved and vehicle information.

a. Non-injury private property collisions unless it involves a hit and run or a DUI. Non-injury hit and run collisions with no suspect information or evidence that would aid in the prosecution can be handled as a CAD entry.

b. Delayed non-injury collision reports (counter and phone reports).

c. Collisions occurring on a public roadway where there is property damage only.

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 Bureau. 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.
Vehicle Towing and Release

502.1 PURPOSE AND SCOPE
This policy provides the procedures for towing a vehicle by or at the direction of the Lodi Police Department. Nothing in this policy shall require the Department to tow a vehicle.

502.2 STORAGE AND IMPOUNDS
When circumstances permit, for example when towing a vehicle for parking or registration 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, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

502.2.1 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) and note pre-existing condition of the vehicle. 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.

502.2.2 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 Communication 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 rotational tow for the City of Lodi. The officer will then store the vehicle using a CHP Form 180.

502.2.3 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).
Vehicle Towing and Release

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:

- 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.

502.2.4 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.

502.2.5 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.

502.2.6 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.
502.2.7 RECORDS/DISPATCH RESPONSIBILITIES
Dispatch 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).

Approved storage forms shall be forwarded to the Records Bureau 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 first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); 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, writing, or by telephone within 10 days of the date appearing on the notice.

502.3 TOWING SERVICES
The City of Lodi periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used 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 of vehicles obstructing traffic in violation of state or local regulations.

502.3.1 "NO PREFERENCE" OR "ROTATION" TOW SERVICES
Upon proper application, the department may approve qualified towing services to be called when a citizen needs towing but has "no preference" as to which service to call. The Department shall establish a list of qualified tow vendors and assign them to the "no preference" calls on a rotation basis.

Any complaint alleging a violation of the agreement or other misconduct by a "No Preference" operator shall be referred to the Traffic lieutenant or sergeant for investigation. The department may periodically review the performance of each authorized "No Preference" operator.
Vehicle Towing and Release

The Police Department will assist citizens by calling any towing company desired. If the citizen has no preference and requests that an officer call a towing company, one of the authorized firms shall be called in rotation.

All officers are specifically prohibited from directly or indirectly soliciting for or recommending any garage or tow service.

502.4 VEHICLE INVENTORY
All property in a stored or impounded vehicle shall be inventoried 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.

502.5 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.

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.

502.6 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.
Vehicle Towing and Release

2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.


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.

502.7 IMPOUND STORAGE FOR EVIDENCE
Any vehicle that is impounded for investigative purposes shall be done by the authorized tow operator. The officer impounding the vehicle shall make arrangements that evidence is preserved and the chain of custody is followed. It is preferable to store these vehicles in an inside storage area.

The impounding officer shall notify the appropriate investigative unit of the evidence impound.

The vehicle shall be released from the evidence impound as soon as practical, but only after all viable evidence has been obtained.

502.8 NEIGHBORHOOD PARKED VEHICLE TOWS
This policy describes how personnel should proceed when considering towing a vehicle parked in a neighborhood pursuant to parking complaints, self-initiated activity or enforcement actions. A balanced, reasonable protocol prevents frequent complaints, poor customer service and damaged community relations.

502.8.1 FIELD PERSONNEL RESPONSIBILITIES
Department personnel who are responsible for towing neighborhood parked vehicles should balance the needs of the community with the letter of the law. Reasonable efforts should be made to warn citizens of potential violations which justify towing and storing vehicles prior to towing the vehicle.
502.8.2 REASONABLE PROTOCOL

When personnel respond to complaints of abandoned vehicles, vehicles parked without movement for over 72 hours, unregistered vehicles or illegally parked vehicles, they shall complete one or more of the following steps intended to give adequate notice before towing the vehicle:

- Contact the registered owner if the registered owner's address is within the immediate vicinity of the parked vehicle. Non-sworn employees or volunteers are not required to make personal contact if confrontation seems likely.

- If contemplating a tow for registration expired over six months, effort should be taken to determine if any application is in process and consider this application when deciding to tow.

- Apply an appropriately completed “72 Hour” notice to the vehicle.

- Issue an appropriate parking citation to the vehicle.

Any of these steps taken shall be noted in a CAD event which identifies the vehicle and the action(s) taken. Steps should be taken to show evidence that a vehicle has not been moved if a 72 hour violation is alleged (ie. chalk marks, photographs or other measures). Any history of the above actions with the same vehicle by different personnel will satisfy this directive.

502.8.3 SUPERVISOR RESPONSIBILITIES

Field Supervisors may override this directive if mitigating circumstances justify a stronger response.
Vehicle Impound Hearings

503.1 PURPOSE AND SCOPE
This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

503.2 STORED OR IMPOUND HEARING
When a vehicle is stored or impounded by any member of the Lodi 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); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

503.2.1 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 Watch Commander 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)).

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 registered or legal owner will be directed to file a reimbursement
claim with the City of Lodi.
Impaired Driving

504.1 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).

504.2 POLICY
The Lodi 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.

504.3 INVESTIGATIONS
Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

504.4 FIELD TESTS
The Traffic Sergeant should identify the primary field sobriety tests (FSTs) and any approved alternate tests for officers to use when investigating violations of DUI laws.

504.5 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 the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

504.5.1 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 his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is
incapable, or states that he/she 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)).

504.5.2 BREATH SAMPLES
The Traffic Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

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 Traffic Sergeant.

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)).

504.5.3 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 he/she 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.

If an arrestee cannot submit to a blood draw because he/she has a bleeding disorder or has taken medication that inhibits coagulation, he/she 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.
Impaired Driving

504.5.4 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).

504.5.5 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, he/she 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 his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

504.5.6 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 his/her 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).

504.6 REFUSALS
When an arrestee 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- and/or video-record the admonishment when it is 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)).

504.6.1 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.

504.6.2 FORCED BLOOD SAMPLE
If an arrestee indicates by word or action that he/she will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.

(b) 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.

(c) Advise the person of his/her 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.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) 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.

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.

(g) 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.

504.6.3 STATUTORY NOTIFICATIONS UPON REFUSAL
Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).
504.7 RECORDS BUREAU 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.

504.8 ADMINISTRATIVE HEARINGS
The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

504.9 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.

504.10 ARREST AND INVESTIGATION

504.10.1 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 accident.
(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 him/herself or damage property unless immediately arrested.
(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

504.10.2 OFFICER RESPONSIBILITIES
The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(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.
Impaired Driving

(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.
Traffic Citations

505.1 PURPOSE AND SCOPE
This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

505.2 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 Traffic Division shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

505.3 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)).

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. The citation dismissal shall then be forwarded to the Operations Bureau Commander for review.

505.4 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 or Watch Commander to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Bureau.

505.5 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 3 copies of the completed amendment form. The citation and amendment forms shall be forwarded to the Records Bureau. The Records Bureau shall send the amendment to the court having jurisdiction and to the recipient of the citation.

505.6 DISPOSITION OF TRAFFIC CITATIONS
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.
Traffic Citations

Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Bureau.

505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE
Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

505.7.1 APPEAL STAGES
Appeals may be pursued sequentially at three different levels:

(a) A person may request an initial review of the notice by the Lodi Police Department. The Traffic Lieutenant or the Traffic Sergeant shall 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.

(b) If the appellant is dissatisfied with the results of the initial review, the person may request an administrative hearing. The City of Lodi Risk Services Manager will conduct the administrative hearing. The hearing may be presented in person or by written application.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, they may file an appeal to be heard by the superior court pursuant to Vehicle Code section 40230(a).

505.7.2 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).

(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).

505.7.3 COSTS
(a) There is no cost for an administrative review.

(b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).
Traffic Citations

(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.

505.8 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.
Disabled Vehicles

506.1 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.

506.2 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.

506.3 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 departmental resources, and the vulnerability of the disabled motorist.

506.3.1 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 and assisting stranded motorists in changing a flat tire is not considered a mechanical repair.

506.3.2 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.

506.3.3 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 transport him/her to a safe area to await pickup.

506.4 PUBLIC ACCESS TO THIS POLICY
This written policy is available upon request.
72-Hour Parking Violations

507.1 PURPOSE AND SCOPE
This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Lodi City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

507.2 MARKING VEHICLES
Vehicles suspected of being in violation of the City of Lodi 72-Hour Parking Ordinance shall be marked and noted on the Lodi Police Department "Abandoned Auto Investigative Sheet". No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the "Abandoned Auto Investigation Sheet". 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 attached to the vehicle at least 72 hours prior to removal.

All "Abandoned Auto Investigation Sheets" will be entered into the marked vehicle log by the Partners unit.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and an "Abandoned Auto Investigation Sheet" completed and kept in the Partners office.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

507.2.1 MARKED VEHICLE FILE
The Partners Unit shall be responsible for maintaining the Marked Vehicle Logs.

507.2.2 VEHICLE STORAGE
Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Bureau immediately following the storage of the vehicle. It shall be the responsibility of the Records Bureau 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).
Chapter 6 - Investigation Operations
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 Lodi 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 INITIAL INVESTIGATION

600.3.1 OFFICER RESPONSIBILITIES
An officer responsible for an initial investigation shall complete no less than the following:

(a) 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.

(b) 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.

(c) 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.

600.3.2 NON-SWORN MEMBER RESPONSIBILITIES
A non-sworn 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 action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

600.4 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.

600.4.1 AUDIO/VIDEO RECORDINGS
Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the Investigations supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

600.4.2 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.
Investigation and Prosecution

(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.

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).

600.5 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted or requested.

(f) 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 Adult Abuse policies may also require an arrest or submittal of a case to a prosecutor.

600.6 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.

600.7 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 his/her own equipment, the member should note the dates, times and locations of the information and report the discovery to his/her 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. 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).

600.7.1 ACCESS RESTRICTIONS
Information that can be accessed from any department computer, without the need of an account, password, email address, alias or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any Internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party’s account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any Internet source should be evaluated for its validity, authenticity, accuracy and reliability. Corroborative evidence should be sought and documented in the related investigative report.

Any information collected in furtherance of an investigation through an Internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.7.2 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.
600.8 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 Bureau Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.
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 Adult Abuse 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 Lodi 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 REPORTING
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.

601.5 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 Investigations 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:

(a) Members who are first responders. Training should include:
   1. Initial response to sexual assaults.
   2. Legal issues.
   3. Victim advocacy.
   4. Victim’s response to trauma.
   5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

(b) 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 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 Investigations supervisor.

Classification of a sexual assault case as unfounded requires the Investigations 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 that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.8 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.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim’s rights provisions, as outlined in the Victim and Witness Assistance Policy.

601.8.1 VICTIM RIGHTS
Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

(a) Advise the victim in writing of the right to have a victim advocate and a support person of the victim’s choosing present at any interview or contact by law enforcement, any other rights of a sexual assault victim pursuant to Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

(b) 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).

1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).

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).

601.8.2 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
Sexual Assault Investigations

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).

Except as authorized by law, members of this department shall not publicly disclose the name of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293).

601.9 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, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately.

601.9.1 COLLECTION AND TESTING REQUIREMENTS
Members investigating 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). SAFE 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 shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

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).
Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.9.2 DNA TEST RESULTS
A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

(a) Upon receipt of a written request from a sexual assault victim or the victim’s authorized designee, members investigating sexual assault cases shall 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.

(b) 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 SAFE kit or other crime scene evidence from their case.

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 DOJ 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 DOJ Databank of case evidence.

(c) 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.
Sexual Assault Investigations

601.9.3 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.

601.9.4 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT
The Property Unit supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).
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.

602.1.1 DEFINITIONS
Definitions related to this policy include:

Fiscal agent - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Lodi Police Department seizes property for forfeiture or when the Lodi Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

Property subject to forfeiture - The following may be subject to forfeiture:

(a) Property related to a narcotics offense, which includes (Health and Safety Code § 11470; Health and Safety Code § 11470.1):

1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.

2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.

3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.

4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.

5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.
Asset Forfeiture

(b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.

2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY
The Lodi 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 Lodi 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
Property may be seized for forfeiture as provided in this policy.

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:

(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 consider contacting 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 of $400.00 or less 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).

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) Cash seizures will be booked into evidence on its own property form with no other seized items or evidence listed on the form. The words, "Seized Subject to Forfeiture", will be included in the comments section of the property form. The forfeiture reviewer will immediately be notified via e-mail of the seized cash and a notation will be made of such notification in the crime report.

(d) Forward the original seizure forms and related reports to the forfeiture reviewer 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 forfeiture reviewer.

602.5 MAINTAINING SEIZED PROPERTY
The Property 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.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property, except cash, 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) Cash received for forfeiture is retained in a separate City account pending final forfeiture review. Cash will then be distributed pursuant to court order or returned to the person with ownership interest.

(e) Property received for forfeiture is not used unless the forfeiture action has been completed.

602.6 FORFEITURE REVIEWER
The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.
(d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.

2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).

3. A space for the signature of the person from whom cash or property is being seized.

4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.

2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.

3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).

4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).

5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.

6. Any cash received is deposited with the fiscal agent.
Asset Forfeiture

7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.

8. Current minimum forfeiture thresholds are communicated appropriately to officers.

9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to the department’s regular inventory is in accordance with all applicable laws and consistent with the department’s use and disposition of similar property.

(k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Heath and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).

(m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds $5,000.00 (Health and Safety Code § 11471.5).

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

602.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer’s employment or salary depend upon the level of seizures or forfeitures he/she achieves (Heath and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

602.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Lodi Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds
absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of $40,000 or more.

602.8 CLAIM INVESTIGATIONS
An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).
Informants

603.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS
Definitions related to this policy include:

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Lodi Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Lodi Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY
The Lodi Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL
Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS
The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians
(b) The juvenile’s attorney, if any
(c) The court in which the juvenile’s case is being handled, if applicable (Penal Code § 701.5)
(d) The Chief of Police or the authorized designee
Informants

603.3.3 INFORMANT AGREEMENTS
All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

603.4 INFORMANT INTEGRITY
To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Bureau Commander, Special Investigations Unit supervisor or their authorized designees.
   1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Lodi Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.
   1. Members shall not become intimately involved with an informant.
   2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Special Investigations Unit supervisor.
   3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Special Investigations Unit supervisor.
   1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS
The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be
Informants

unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.
(b) The informant behaves in a way that may endanger the safety of an officer.
(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.
(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.
(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.
(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.
(g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES
Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Special Investigations Unit. The Special Investigations Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Bureau Commander, Special Investigations Unit supervisor or their authorized designees.

The Investigation Bureau Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Special Investigations Unit supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.
Informants

603.5.1 FILE SYSTEM PROCEDURE
A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases
(b) Date of birth
(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features
(d) Photograph
(e) Current home address and telephone numbers
(f) Current employers, positions, addresses and telephone numbers
(g) Vehicles owned and registration information
(h) Places frequented
(i) Briefs of information provided by the informant and his/her subsequent reliability
   1. If an informant is determined to be unsuitable, the informant's file is to be marked “unsuitable” and notations included detailing the issues that caused this classification.
(j) Name of the officer initiating use of the informant
(k) Signed informant agreement
(l) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS
No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any 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 value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Special Investigations Unit supervisor will discuss the above factors with the Operations Bureau Commander and recommend the type and level of payment subject to approval by the Chief of Police.

603.6.1 PAYMENT PROCESS
Approved payments to an informant should be in cash using the following process:
Informants

(a) Payments of $500 and under may be paid in cash from a Special Investigations Unit buy/expense fund.
   1. The Special Investigations Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.
(b) Payments exceeding $500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.
   1. The check shall list the case numbers related to and supporting the payment.
   2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
   3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
   4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.
(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.
   1. The cash transfer form shall include the following:
      (a) Date
      (b) Payment amount
      (c) Lodi Police Department case number
      (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
   2. The cash transfer form shall be signed by the informant.
   3. The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS
Each informant receiving a cash payment shall be advised 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 informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the 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 informant’s file.
603.6.3 AUDIT OF PAYMENTS
The Special Investigations Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.
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 Lodi 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 FORM
The Investigation 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 and any related forms or reports should provide:

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.
Eyewitness Identification

(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 admonishment that the suspect may or may not be among those presented and that the witness is not obligated to make an identification.

(f) An admonishment to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(g) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

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.

Whenever feasible, the eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures (Penal Code § 859.7).

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.

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).
Eyewitness Identification

604.6.2 <B>DOCUMENTATION RELATED TO BLIND ADMINISTRATION</B>
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 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS
When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person 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 (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

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 member should contact the appropriate prosecuting attorney before proceeding.

604.7.1 OTHER SAFEGUARDS
Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that may validate or invalidate an eyewitness’ identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

604.8 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 show-up or one-on-one 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 member 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.
Eyewitness Identification

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, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up 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 subjects of the show-up one at a time.

(g) The person who is the subject of the show-up 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.

(h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.
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 Lodi Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY
The Lodi 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 Lodi 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.
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.
Unmanned Aerial System (UAS) Operations

606.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

606.1.1 DEFINITIONS
Definitions related to this policy include:

**Unmanned Aerial System (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

606.2 POLICY
Unmanned aerial systems may be utilized to enhance the department’s mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

606.3 PRIVACY
The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall adhere to FAA altitude regulations and shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR
The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.

Implementing a system for public notification of UAS deployment.

Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.

Developing a protocol for fully documenting all missions.

Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.

Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.

Facilitating law enforcement access to images and data captured by the UAS.

Recommending program enhancements, particularly regarding safety and information security.

Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

606.5 USE OF UAS
Only authorized operators who have completed the required training shall be permitted to operate the UAS.

Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in viewing areas only where there is no protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations, including night operations, flight planning, and altitude operations must comply with the Certificate of Waiver or Authorization issued to the Department by the FAA on February 21, 2018, or as the Certificate may from time to time be amended, supplemented or replaced by the FAA, or pursuant to 14 CFR Part 107 as applicable.

606.6 PROHIBITED USE
The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
Unmanned Aerial System (UAS) Operations

- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

606.7 RETENTION OF UAS DATA
Data collected by the UAS shall be retained as provided in the established records retention schedule.
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 Lodi 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 OPERATIONS DIRECTOR
The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director 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 and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

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 and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a 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 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.

(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
Warrant Service

- 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. The director should ensure that members of the Lodi Police Department are utilized appropriately. Any concerns regarding the requested use of Lodi 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 Lodi 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 Lodi Police Department when assisting outside agencies or serving a warrant outside Lodi 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 News Media Relations Policy.

607.12 TRAINING
The Training Sergeant should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.
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 Lodi 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 INCIDENT COMMANDER
The Chief of Police will designate a member of this department to be the incident commander.

The incident commander 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 incident commander will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The incident commander will also have the responsibility for coordinating operations that are categorized as high risk.

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.

The officer should gather available information that includes, but is not limited to:
Operations Planning and Deconfliction

(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 and/or the incident commander.

The supervisor and/or incident commander shall 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 incident commander determines that the operation is high risk, the incident commander should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. (SWAT)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance
8. Canines
9. Field Evidence Technician
10. Forensic specialists
11. Specialized mapping for larger or complex locations

   (b) Contact the appropriate department members or other agencies as warranted to begin preparation.
   (c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.
   (d) 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 incident commander 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:

   (a) Operation goals, objectives and strategies.
   (b) 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)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties and children

(c) 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.

(d) 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.

(e) Whether deconfliction submissions are current and all involved individuals, groups and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals and other people who might be at the location in accordance with the Child Abuse, Adult Abuse, Child and Dependent Adult Safety and Animal Control policies.

(k) Communications plan

(l) 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.
(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants’ understanding of the operations plan.

(b) 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.

(c) The incident commander shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the incident commander 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.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the incident commander 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 SWAT PARTICIPATION

If the incident commander determines that SWAT participation is appropriate, the incident commander and the SWAT supervisor shall work together to develop a written plan. The SWAT 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 SWAT 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 News 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 SWAT debriefing.
608.11 TRAINING
The Training Sergeant should ensure officers and SWAT 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.
Chapter 7 - Equipment
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 DEPARTMENTAL 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 submitted in memo form to the employee's immediate supervisor. The supervisor may require the loss or damage be documented in a police report.

The supervisor shall forward the memo/report to the appropriate Bureau Commander.

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.

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 Bureau Commander.
Personal Communication Devices

701.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of mobile phones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY
The Lodi Police Department allows members to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, members are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the member and the member’s PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Members who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

Members shall report any damage, loss or theft of their issued PCD to their supervisor as soon as practical.

701.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)
No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD at work or for work-related business constitutes specific consent for access for department purposes.

701.4 DEPARTMENT-ISSUED PCD
Depending on a member’s assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-
Personal Communication Devices

duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause. Based on the member's specific unit or assignment, such as SWAT, EOD, Investigations, etc., the member may be required to carry the department issued PCD and respond to communications while off duty.

Members issued a PCD will maintain the PCD in a department issued case or in a personally owned case approved by the department's equipment coordinator. Personally owned cases shall not be of a color or design that is extravagant, gaudy, or offensive. Logos, slogans, and designs are not permitted. The American flag, officer's name and badge number or LPD badge are authorized designs on the case.

The case must be impact resistant or designed to protect the PCD from dropping or impact. Examples of acceptable case brands include but are not limited to: Otterbox, Pelican or LifeProof.

701.5 PERSONALLY OWNED PCD
Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Carrying a personally owned PCD is optional.

(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.

(c) The PCD and any associated services shall be purchased, used and maintained solely at the member’s expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Members will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication. When a member uses an individually owned PCD during the course and scope of employment, it is subject to subpoena by a court and the member may have to disclose personal records of communication during that time period.

(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

(f) Extended or frequent use of any PCD while on duty for personal use that interferes with the member's work may result in discipline and members are responsible for reimbursing the department for any charges incurred as a result of personal use of a department issued PCD.

(g) Employees are required to maintain a working landline or cell phone at which they can be reached at. This requirement to maintain a working phone is in addition to any department
Personal Communication Devices

issued PCD. Employees shall immediately notify the department secretary upon changing their telephone contact information within 24 hours of the change.

Except with prior express authorization from their supervisor, members are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If a member is in an authorized status that allows for appropriate compensation consistent with policy or existing memorandum of understanding or collective bargaining agreements, or if the member has prior express authorization from his/her supervisor, the member may engage in business-related communications. Should members engage in such approved off-duty communications or work, members entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Members who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

701.6 USE OF PCD
The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) A department issued PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). While members may use personally owned PCD's for personal business during authorized breaks, such usage should be limited as much as practical to areas where the call will not be seen or heard by the public. Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(c) Members may use a department issued PCD to communicate with other personnel in situations where the use of radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(d) Members are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(e) Members will not access social networking sites on department issued PCD’s for any purpose that is not official department business.

(f) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.
701.7 SUPERVISOR RESPONSIBILITIES
The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that members under their command are provided appropriate training on the
use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt
corrective action if a member is observed or reported to be improperly using a PCD.

701.8 USE WHILE DRIVING
The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and
present a negative image to the public. Officers operating emergency vehicles should restrict the
use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle
at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall
not use a PCD while driving unless the device is specifically designed and configured to allow
hands-free use. In an emergency, a wireless phone may be used to place an emergency call
to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code §
23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

701.9 OFFICIAL USE
Members are reminded that PCDs are not secure devices and conversations may be intercepted
or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information
is not inadvertently transmitted.
Vehicle Maintenance

702.1 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.

702.2 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.

702.2.1 DAMAGE OR POOR PERFORMANCE
Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

702.2.2 SEVERE USE
Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

702.2.3 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.

702.3 VEHICLE EQUIPMENT
Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

702.3.1 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
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit
- Box of protective gloves
- 1 Spike strip
Vehicle Maintenance

- 1 Fire extinguisher
- 1 Emergency blanket

702.3.2 UNMARKED VEHICLES
An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 1 First aid kit
- Fire extinguisher

702.4 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall be refueled at an authorized location prior to the end of the officer’s shift unless approved by a supervisor.

702.5 WASHING OF VEHICLES
All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

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.

702.5.1 PROPERTY IN VEHICLES
All items taken as evidence or for safekeeping shall be booked into property by the end of the officer’s shift.

702.6 PROFESSIONAL STAFF AND VOLUNTEER USE OF VEHICLES
Professional staff and volunteers using marked vehicles shall ensure all weapons are removed from vehicles before going into service. They shall also prominently display the "out of service" placards on the vehicles at all times. Professional staff and volunteers shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.
Vehicle Use

703.1 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 Lodi to provide assigned take-home vehicles.

703.2 POLICY
The Lodi 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.

703.3 USE OF VEHICLES
Any member of the department operating a City/department vehicle shall maintain a valid California driver's license for the operation of that vehicle. While operating a City or department vehicle the member shall comply with all applicable Federal, State and local laws and ordinances regarding vehicle operation. Members are personally responsible for any parking and/or traffic fines incurred by the member during the operation of the City vehicle. A member may request reimbursement for the paying of any parking fine unavoidably incurred in the performance of assigned duties.

703.3.1 SHIFT ASSIGNED VEHICLES
The Watch Commander shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

703.3.2 OTHER USE OF VEHICLES
Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the appropriate supervisor.

703.3.3 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.

703.3.4 SECURITY AND UNATTENDED VEHICLES
Unattended vehicles should be locked and secured at all times. 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, equipment charging). 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.

703.3.5 MDC
Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify the Communications Center. While logging into CAD and RMS, the MDC shall be docked in the patrol care mount. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

703.3.6 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.

All officers will insure that the GPS system in their patrol vehicle is functioning properly when they log onto the vehicle's MDT. At no time shall an officer adjust the setting of the GPS functions in the GPS program without supervisor approval or at the direction of a City of Lodi ISD employee.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available. If the GPS is not functioning properly, the officer will notify the supervisor of the problem and an ISD work order shall be created.

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.
Vehicle Use

703.3.7 KEYS
Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member’s chain of command.

703.3.8 AUTHORIZED PASSENGERS
Members operating department vehicles may, at their discretion, transport non city employees in a city vehicle, or as required in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.9 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.

703.3.10 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. Privately owned motorcycles shall be parked in designated areas.

703.3.11 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.

703.3.12 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.

703.4 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. Members assigned to a special assignment position shall select vehicles according to the provisions of their current MOU.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.
Vehicle Use

703.4.1 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, and in accordance with their respective MOU. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

703.4.2 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 Lodi City limits.
(d) Vehicles will be locked when not attended.
(e) 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.

703.4.3 ASSIGNED VEHICLES
Assignment of take-home vehicles shall be based on the location of the member’s residence, the nature of the member’s duties, job description and essential functions, and employment or appointment status. Members who reside outside the City of Lodi may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member’s tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal, non-City employee transports, unless special circumstances exist and the Chief of Police or a Division Commander gives authorization.
(b) Vehicles may be used to transport the member to and from the member’s residence for work-related purposes. The vehicle may also be used for short stops at grocery or other stores on the way to or from work.
(c) Vehicles will not be used when off-duty except:
   (a) In circumstances when a member has been placed on call by the Chief of Police or Division Commanders and there is a high probability that the member will be called back to duty.
Vehicle Use

(b) When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.

(c) When the member has received permission from the Chief of Police or Division Commanders.

(d) When the vehicle is being used by the Chief of Police, Division Commanders or members who are in on-call administrative positions.

(a) Due to the Division Commander's on call status, the City requires they have transportation readily available for use during their employment with the City. Division Commanders shall be allowed use of said vehicle for personal use up to one hour away from the Lodi Police Department in order to accommodate a call to duty.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty. The Chief of Police and Division Commanders are exempt from this requirement.

(e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation and within 60 minutes of the City limits.

(f) Unattended vehicles are to be locked and secured at all times.

1. 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, equipment charging).

2. All weapons shall be secured while the vehicle is unattended.

3. All department identification, portable radios and equipment should be secured.

(g) If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member’s residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week. If the member's leave time exceeds a one week period, the assigned vehicle shall be parked at the department.

(i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Lodi Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life, serious property damage exists or radio communications with Lodi PD or the local jurisdiction exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).
Officers may render public assistance when it is deemed prudent.

703.4.5 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. Should an issue arise, complete a vehicle repair slip and turn it in.
(b) If a vehicle needs to be downed for a repair, notify the Fleet Lieutenant so he can ensure the repair/maintenance is completed.
(c) It is the member’s responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.
(d) All scheduled vehicle maintenance shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.
(e) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.
(f) 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.
(g) All weapons shall be removed from any vehicle left for maintenance.
(h) 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.

703.5 DAMAGE, ABUSE AND MISUSE
When any department 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 the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported to the member’s immediate supervisor during the shift in which the damage was discovered.

703.6 TOLL ROAD USAGE
Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

(a) Members operating department vehicles 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) 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.

703.7 ATTIRE AND APPEARANCE
When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity.
Cash Handling, Security and Management

704.1 PURPOSE AND SCOPE
This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

704.2 POLICY
It is the policy of the Lodi Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

704.3 ROUTINE CASH HANDLING
Those who handle cash as part of their property or Special Investigations Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

704.4 OTHER CASH HANDLING
Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.
Chapter 8 - Services
Crime Analysis

800.1 PURPOSE AND SCOPE
Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES
Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

800.3 CRIME ANALYSIS FACTORS
The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

800.4 CRIME ANALYSIS DISSEMINATION
For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.
the Communications Center

801.1 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.

801.2 POLICY
It is the policy of the Lodi 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, department members and Lodi Fire Department members in the field.

801.3 THE COMMUNICATIONS CENTER SECURITY
The communications function is vital and central to all emergency service operations. The safety and security of the Communications Center, its members and its equipment must be a high priority.

Access to the Communications Center shall be limited to the Communications Center members, the Watch Commander, command staff and department members with a specific business-related purpose or other persons or groups with an authorized escort unless they have been cleared for unescorted access.

801.4 STANDARD RADIO COMMUNICATIONS
The guidelines for the proper use of radio communications include the following:

- To conserve airtime and permit all parties to transmit information, it is imperative that messages be kept as brief as possible.
- Profanity is not allowed and is forbidden by the Federal Communications Commission Regulations.
- The primary reasons for having a Departmental Radio Code are clarity and brevity. In all situations where the established code properly conveys the message, the Department Radio Code should be used. In order to be understood when transmitting a message, the following rules should be adhered to:
  - Choose words that are distinct and clear in sound and that convey a definite meaning. Avoid the use of police jargon and slang.
  - Avoid emotion, humor, or excessive emphasis.
  - Radio transmissions should be brief and to the point. Telephones should be used for all other lengthy messages.
the Communications Center

- All messages should be impersonal. Use of names, nicknames, and messages not involving public safety business are improper and unprofessional. Terms of "please" and "thank you" are not necessary.
- Extraneous information concerning the status or result of a call shall not be transmitted. If additional information is needed by Dispatch, they may be advised when the officer returns to the station, or a cell phone may be used.
- When asked for a fill-in on a transmission, give only that portion of the message requested and do not repeat the whole message.

801.4.1 RADIO CODES
The Lodi Police Department uses a combination of the standard "9" Code and Standard English language.

- Code 1: Respond at the earliest convenience or as soon as other responsibilities of higher priority permit. No emergency or serious problem is involved, and all traffic laws and regulations are to be observed by the responding unit. Normally, most radio messages are Code 1.
- Code 2: Respond as soon as possible, temporarily suspending all other activities of a non-emergency nature. Urgency, rather than emergency are denoted by this code. Examples of such conditions would be an officer's need for additional equipment or a supervisor for an immediate conference. A backup unit would normally fall under Code 2 classification. Neither red light nor siren is authorized, and all traffic laws and regulations are to be observed.
- Code 3: Respond immediately in emergency status. The use of red lights and siren is recommended, and the unit may proceed as an emergency vehicle in accordance with the provisions of the California Vehicle Code Section 21055. A Code 3 response is justified when there is a serious public hazard, for the preservation of life, and for response to crimes of violence.
- Code 4: No further assistance required.

801.5 RESPONSIBILITIES

801.5.1 DISPATCH SUPERVISOR
The Dispatch Supervisor is directly responsible to the Technical Services Lieutenant.

The responsibilities of the Dispatch Supervisor include, but are not limited to:

(a) Overseeing the efficient and effective operation of the Communications Center in coordination with other supervisors.
(b) Scheduling and maintaining dispatcher time records.
(c) Supervising, training and evaluating dispatchers.
(d) 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.

(e) Processing requests for copies of the Communications Center information for release.

(f) Maintaining the Communications Center database systems.

(g) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

(h) Maintaining a current contact list of City personnel to be notified in the event of a utility service emergency.

**801.5.2 ADDITIONAL PROCEDURES**

The Dispatch Supervisor should establish procedures for:

(a) Recording all telephone and radio communications and playback issues.

(b) Storage and retention of recordings.

(c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

(d) Availability of current information for dispatchers (e.g., Watch Commander contact, rosters, member tracking methods, member contact, maps, emergency providers, tactical dispatch plans).

(e) Assignment of field members and safety check intervals.

(f) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(g) Protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(h) Protection of radio transmission lines, antennas and power sources for the Communications Center (e.g., security cameras, fences).

(i) Handling misdirected, silent and hang-up calls.

(j) Handling private security alarms, if applicable.

(k) Radio interoperability issues.

**801.5.3 DISPATCHERS**

Dispatchers report to the Dispatch Supervisor. The responsibilities of the dispatcher include, but are not limited to:

(a) 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).

(b) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(c) Inquiry and entry of information through the Communications Center, department and other law enforcement database systems (CLETS, DMV, NCIC, etc.).

(d) Monitoring department video surveillance systems.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(f) 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.

801.6 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 and other City employees.

801.6.1 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 Watch Commander shall be notified of pending emergency calls for service when officers are unavailable for dispatch.

801.6.2 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.

801.7 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.
(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 Dispatch Supervisor and/or Watch Commander 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.

801.7.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE
Lodi Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.
801.7.2 RADIO IDENTIFICATION
Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

801.8 DOCUMENTATION
It shall be the responsibility of the Communications Center to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Event number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of officers assigned as primary and backup.
- Time of dispatch.
- Time of the responding member’s arrival.
- Time of member’s return to service.
- Disposition or status of reported incident.

801.9 CONFIDENTIALITY
Information that becomes available through the Communications Center may be confidential or sensitive in nature. All members of the Communications Center shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.
801.10 TRAINING AND CERTIFICATION
Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).
Property and Evidence

802.1 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.

802.2 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 the following types of property:

- 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 and where the owner cannot be readily identified or contacted.

802.3 PROPERTY HANDLING
Any employee who first comes into possession of any property shall retain such property in his/her 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.

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.

802.3.1 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 form describing each item of property separately, listing all serial numbers, owner’s name, finder’s name, and other identifying information or markings.

(b) Mark each item of evidence with the booking employee’s initials and the date booked using the appropriate method so as not to deface or damage the value of the property.

(c) Complete an evidence/property tag and attach it to each package or envelope in which the property is stored.
(d) Place the case number on the upper right hand corner of the bag.
(e) When the property is too large to be placed in a locker, the item may be retained in the large item submission area. Submit the completed property record into a numbered locker indicating the location of the property.
(f) The evidence submission log shall also be completed.

802.3.2 NARCOTICS AND DANGEROUS DRUGS
All narcotics and dangerous drugs shall be booked separately using a separate property record. Paraphernalia as defined by Health and Safety Code § 11364 shall also be booked separately.

The officer seizing the narcotics and dangerous drugs shall place them in the designated locker.

802.3.3 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. Fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into the fireworks box located near the back lot of the police department. Only EOD members will place items into the explosives locker in the back lot of the police department. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Property Officer is responsible for informing an EOD member on a regular basis, any fireworks or signaling devices that are not retained as evidence.

802.3.4 EXCEPTIONAL HANDLING
Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking.
(b) License plates found not to be stolen or connected with a known crime shall be booked into property with a case number.
(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The bicycle or bicycle frame shall be placed in the bicycle storage area until a Property Officer can log the property.
(d) All cash submissions shall be counted in the presence of another employee and the envelope initialed by the booking officer and the second employee. All cash submissions over $1,000.00 U.S. currency shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. All monies shall be booked into evidence.
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.

802.3.5 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.

The Property Officer shall ensure that the Communications Center is notified of the relinquished firearm for purposes of updating the Automated Firearms System and the disposition of the firearm for purposes of notifying the California Department of Justice (DOJ) (See the Records Bureau Policy).

802.4 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

802.4.1 PACKAGING CONTAINER
Employees shall package all property, except narcotics and dangerous drugs in a suitable container available for its size. Knife boxes should be used to package knives. Syringes and needles shall be disposed of in a sharps container.

A property tag shall be securely attached to the outside of all items or group of items packaged together.
802.4.2 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 in a locker. Prior to packaging and if the quantity allows, a presumptive test should be made on all suspected narcotics. If conducted, the results of this test shall be included in the officer’s report.

Narcotics and dangerous drugs shall be packaged in an envelope of appropriate size available in the property booking area. If Department of Justice testing is required, the drugs must be packaged in a Bureau of Forensic Sciences envelope. The booking officer shall seal the envelope with cellophane evidence tape and their initials should cover the evidence tape. Narcotics and dangerous drugs shall not be packaged with other property.

The chain of evidence shall be recorded on the BFS envelope.

The evidence submission shall be completed.

802.5 RECORDING OF PROPERTY
The Property Officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored in the property module software.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and in the property module software.

Any changes in the location of property held by the Lodi Police Department shall be noted in the property module software.

802.6 PROPERTY CONTROL
Each time the Property Officer receives property or releases property to another person, he/she shall enter this information in the property module software. Officers desiring property for court shall contact the Property Officer at least one day prior to the court day.

802.6.1 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.

Request for analysis for items other than narcotics or drugs shall be completed on the BFS forms and submitted to the Property Officer. This request may be filled out any time after booking of the property or evidence.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY
The transporting employee will check the evidence out of property, and complete chain of custody information on the evidence envelope.

The Property Officer releasing the evidence must complete the required information in the property module.
Property and Evidence

The laboratory forms will be transported with the property to the examining laboratory.

Upon return of the evidence from the laboratory, the officer or employee will record the delivery date on the envelope and indicate the locker in which the item was placed on the evidence submission log.

The original copy of the laboratory form will be scanned into the property module by the Property Officer in order to document the chain of custody.

802.6.3   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 the property module software, stating the date, time and to whom released. Officers or employees will complete the chain of custody information on the evidence envelope.

The Property Officer 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 the property module software, indicating date, time, and the person who returned the property.

802.6.4   AUTHORITY TO RELEASE PROPERTY
The Investigations Division shall authorize the disposition or release of all evidence related to homicide, sexual assault, and other cases with potential DNA evidence. The disposition of other property coming into the care and custody of the department will be determined by the Property Officer.

802.6.5   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 release form, listing the name and address of the person to whom the property is to be released and the specific item(s) to be released. Release of all property shall be documented in the property module software.

With the exception of firearms and other property specifically regulated by statute, found property shall be held for a minimum of 90 days. Property taken for safekeeping shall be held for a minimum of 60 days. During such period, property personnel shall attempt to contact the rightful owner by 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 the property module software.
A Property Officer 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 in the property module software.

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.

The Property Officer 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 items are 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).

802.6.6 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)).

802.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS
The Property Officer is responsible for the storage, control and destruction of narcotics, dangerous
drugs, and paraphernalia. The destruction can only take place after the Property Officer obtains
a signed court order authorizing the destruction of the items (11473 P.C. and 11473.5 P.C.).

802.6.8 RELEASE OF FIREARM 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, the Property Officer shall return the weapon to the
owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met unless the
firearm is determined to be stolen, evidence in a criminal investigation or the individual is otherwise
prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 33855).

802.6.9 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS
Firearms and other deadly weapons confiscated 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.

802.6.10 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 and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, he/she is 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 Lodi Police Department determines him/her 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).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

802.6.11 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.

802.7 DISPOSITION OF PROPERTY
All property not held for evidence in a pending criminal investigation or proceeding, and held for six months 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.

802.7.1 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 § 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)

802.7.2 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).

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.

802.7.3 RETENTION OF BIOLOGICAL EVIDENCE
The Property Unit officer 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 Bureau 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 Unit officer, or until...
Property and Evidence

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 retained in the appropriate file. 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 Bureau supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the District Attorney or their designee.

Biological evidence from an unsolved sexual assault should not be disposed of prior to expiration of the statute of limitations. Even after expiration of an applicable statute of limitations, the Investigation Bureau supervisor and the District Attorney should be consulted and the sexual assault victim should be notified.

802.8 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a quarterly basis, the supervisor of the evidence custodian 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 shall be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the Department shall be conducted by a Bureau 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 by an individual not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

(e) Whenever a change is made in personnel, the property room keyed entry doors shall be rekeyed. The alarm code shall also be changed.
Records Division

803.1 PURPOSE AND SCOPE
This policy establishes the guidelines for the operational functions of the Lodi Police Department records division. The policy addresses department file access and internal requests for case reports.

803.2 POLICY
It is the policy of the Lodi Police Department to maintain department records securely, professionally, and efficiently.

803.2.1 RELEASE OF ARREST REPORTS TO EMPLOYERS
Requests made by non-sworn employers or by the City of Lodi departments for employee arrest reports shall be referred to the Technical Services Lieutenant. Information released under this section shall be consistent with the provisions of Labor Code Section 432.7.

803.3 DETERMINATION OF FACTUAL INNOCENCE
In any case where a person has been arrested by officers of the Lodi 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 Investigations Lieutenant. The Investigations Lieutenant 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 Investigations Lieutenant should forward the petition to the Services Division commander and the City Attorney for review. After such review and consultation with the City Attorney, the Services Division commander and the Investigations Lieutenant shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Investigations Lieutenant shall ensure that the arrest record and petition are sealed for later destruction and the required notifications are made to the California Department of Justice and other law enforcement agencies (Penal Code § 851.8).

The Investigations Lieutenant 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.

803.4 ARREST WITHOUT FILING OF ACCUSATORY PLEADING
The Technical Services Lieutenant 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 Department of Justice is notified.

803.5 FILE ACCESS AND SECURITY
The security of files in the records division must be a high priority and shall be maintained as mandated by state or federal law. All case reports including, but not limited to, initial, supplemental, follow-up, evidence and any other reports related to a police department case, including field interview (FI) cards, criminal history records and publicly accessible logs, shall be maintained in a secure area within the records division, accessible only by authorized members of the records division. Access to case reports or files when records division staff is not available may be obtained through the Watch Commander.

The records division will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

803.6 ORIGINAL CASE REPORTS
Generally, original case reports shall not be removed from the records division. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor. All original case reports removed from the records division shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the records division.

All original case reports to be removed from the records division shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the records division. The photocopied report shall be shredded upon return of the original report to the file.

803.7 CONFIDENTIALITY
Records division staff has access to information that may be confidential or sensitive in nature. Records division 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 division procedure manual.
Policy
804
Lodi Police Department
Lodi PD Policy Manual

Restoration of Firearm Serial Numbers

804.1 PURPOSE AND SCOPE
The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

804.2 PROCEDURE
Any firearm coming into the possession of the Lodi Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

804.2.1 PRELIMINARY FIREARM EXAMINATION
(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.
(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.
(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.
(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

804.2.2 PROPERTY BOOKING PROCEDURE
Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property section of the report that serial numbers have been removed or obliterated.
804.2.3 OFFICER RESPONSIBILITY
The Property Officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

804.2.4 DOCUMENTATION
Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released. This report must include a record of the manner in which and/or from whom the firearm was received and any special handling or processing requests for that firearm.

804.2.5 FIREARM TRACE
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Officer will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

804.3 BULLET AND CASING IDENTIFICATION
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.
Records Maintenance and Release

805.1 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.

805.2 POLICY
The Lodi Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 6250 et seq.).

805.3 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 bureau 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 § 6253).

(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 § 6253).

(g) Determining how the department’s website may be used to post public records in accordance with Government Code § 6253.

(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 § 6253.10 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 § 6270.5) is publicly available upon request and posted in a prominent location on the Department’s website.
805.4 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.

805.4.1 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 request that reasonably describes each record sought and paying any associated fees (Government Code § 6253).

The processing of requests for any record is subject to the following (Government Code § 6253):

(a) The Department is not required to create records that do not exist.

(b) 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 § 6254.30).

(c) 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 § 6253.1).

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.

(d) 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 § 6253.9).

(e) 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 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.

(f) 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 (Government Code § 6255). The written response shall also include the names, titles or positions of each person responsible for the denial.

805.5 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 § 6254.29).

(c) Personnel records, medical records, and similar records which would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 6254; 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 to any arrested person or to any person who may be a defendant in a criminal action shall not be disclosed, unless it is required by law (Government Code § 6254; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, 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, or both, pursuant to the requirements and time frames of Family Code § 6228.

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 § 6254.4.5.

(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 § 6254).

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 § 6254(f).

(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, 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 § 6254).

(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 § 6254).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 6254.25).

(n) Records relating to the security of the department’s electronic technology systems (Government Code § 6254.19).

(o) A record of a civilian 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)(8)).
Records Maintenance and Release

(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 § 6254).

(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).

805.6 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.

805.7 RELEASED RECORDS TO BE MARKED
Each page of any written record released pursuant to this policy should be watermarked or 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.

805.8 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.
805.8.1 SEALED JUVENILE ARREST RECORDS
Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Supervisor should ensure 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).

805.9 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:

- Social Security number
- 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
- 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
- Medical information
- Health insurance information
- A username or email address, in combination with a password or security question and answer that permits access to an online account
- Information or data collected by Automated License Plate Reader (ALPR) technology
- Unique biometric data

805.9.1 FORM OF NOTICE
(a) 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 Lodi Police Department.
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.

(b) The notice may also include information about what the Lodi 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).

(c) 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 Lodi 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.

805.9.2 MANNER OF NOTICE

(a) 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:
   (a) Email notice when the Department has an email address for the subject person.
   (b) 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.
(b) 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.

805.10 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 § 6254(f)(4)).

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 § 6254(f)(4)).

The Custodian of Records should work as appropriate with the Chief of Police or the Office of Professional Standards 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.

805.10.1 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:

(a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.

(b) 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.

(c) 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 § 6254(f)(4)).

805.10.2 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 § 6254(f)(4)):

(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.

(b) 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.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

805.10.3 REDACTION
If the Custodian of Records, in consultation with the Chief of Police or 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 § 6254(f)(4)).

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 § 6254(f)(4)).

805.10.4 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 § 6254(f)(4)):

(a) The person in the recording whose privacy is to be protected, or his/her 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 § 6254(f)(4)).

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 § 6254(f)(4)(A)).
Protected Information

806.1 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 Lodi 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.

806.1.1 DEFINITIONS
Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Lodi 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.

806.2 POLICY
Members of the Lodi 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.

806.3 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 Vehicle (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.

(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.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.
806.4 ACCESS TO PROTECTED INFORMATION
Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Lodi 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.

806.4.1 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).

806.5 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).

806.5.1 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).

806.5.2 TRANSMISSION GUIDELINES
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.
In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual’s combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

**806.6 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:

- Developing and maintaining security practices, procedures and training.
- Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.
- Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.
- Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

**806.6.1 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 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).

**806.7 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.
806.8 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).
Animal Control

808.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

808.2 ANIMAL CONTROL RESPONSIBILITIES
Animal control services are generally the primary responsibility of Animal Control and include:

(a) Animal-related matters during periods when Animal Control is available.
(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.
(c) Follow-up on animal-related calls, such as locating owners of injured animals.

808.3 MEMBER RESPONSIBILITIES
Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.
(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.
(c) An animal is creating a traffic hazard.
(d) An animal is seriously injured.
(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.
   1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
   2. With the owner’s consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
   3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.
**Animal Control**

808.4 **DECEASED ANIMALS**
When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

808.5 **INJURED ANIMALS**
When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

808.5.1 **VETERINARY CARE**
The injured animal should be taken to a veterinarian as follows:

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.

(b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.

(c) An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Animal Control is not available, the information will be forwarded to animal control for follow-up by the responsible member.

808.5.2 **INJURED WILDLIFE**
Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

808.5.3 **RESCUE OF ANIMALS IN VEHICLES**
If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

(a) Make a reasonable effort to locate the owner before entering the vehicle.

(b) Take steps to minimize damage to the vehicle.
Animal Control

(c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.
(d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.
(e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.
(f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

808.6 CITATIONS
It should be at the discretion of the handling officer or the Field Supervisor as to the need for, or advisability of, the issuance of a citation for a violation.

808.7 POST-ARREST PROCEDURES
The arresting officer should make a reasonable effort to ensure that animals or pets under a person’s care will be provided with adequate care when that person is arrested. This is only required when there is no person to provide care and the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animals.

Relatives or neighbors may be contacted, with the owner’s consent, to care for the animals. If no persons can be found or the owner does not consent, the appropriate animal control authority should be notified.

808.8 POLICY
It is the policy of the Lodi Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

808.9 ANIMAL CRUELTY COMPLAINTS
Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

(a) An investigation should be conducted on all reports of animal cruelty.
(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

808.10 ANIMAL BITE REPORTS
Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.
808.11 STRAY DOGS
If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

808.12 DANGEROUS ANIMALS
In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

808.13 PUBLIC NUISANCE CALLS RELATING TO ANIMALS
Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

808.14 DESTRUCTION OF ANIMALS
When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.
Chapter 9 - Custody
Organizational Structure

900.1 PURPOSE
To define the organizational structure of the Lodi City Jail and the duties and responsibilities of department personnel.

900.2 ORGANIZATION, DUTIES, AND RESPONSIBILITIES
The following terms and definitions shall be utilized when referencing the Lodi City Jail organization and responsibilities.

FACILITY ADMINISTRATOR
The Chief of Police shall be the facility administrator officially charged by law with the administration of the Lodi City Jail.

FACILITY MANAGER
The Services Bureau Captain shall serve as the Jail Commander and is responsible for the general operation of the jail facility. This may be accomplished through the issuance of policies, procedures, rules, and regulations affecting the operation of the jail.

FACILITY COORDINATOR
The Technical Services Division Lieutenant shall serve as the Jail Coordinator and is responsible for the general operation of the jail facility. He/she will monitor and evaluate the operations within the jail to ensure compliance with local procedures and the laws and standards established by the state, the maintenance of manuals and procedures, equipment maintenance, monitoring of jail supplies, budgetary recommendations, onsite inspections, and employee performance.

WATCH COMMANDERS
The Watch Commander is the Patrol Lieutenant, Sergeant or Corporal in charge of a shift and is responsible for the management of all jail operations during their shift. They shall routinely monitor jail operations and provide direct supervision of jail personnel. The Watch Commander has the ultimate supervisory responsibility for ensuring compliance with all laws, rules, procedures and regulations affecting the jail, bookings and care of prisoners.

FACILITY SUPERVISOR
Dispatch Supervisors are Facility Supervisors who provide first line supervision in the jail facility. They assist in monitoring jail operations and are responsible for the training and scheduling of Jailers. They also assist the Facility Coordinator and Watch Commanders as directed.

JAILERS
The Jailers are civilian employees assigned to work as a responsible agent of the jail facility as a collateral duty of dispatch. They will ensure the security of the jail and the prisoners within it.
They will ensure the protection of the rights and property of individuals confined in the jail. They are responsible for the following:

(a) Assisting officers from this and other agencies in properly booking prisoners.
(b) The care and feeding of prisoners.
(c) Movement of prisoners within the jail facility.
(d) Shackling and/or handcuffing of prisoners in preparation for court.
(e) Jail and prisoner inspections pursuant to California Code of Regulations Title 15, article 3, section 1027 and article 5, section 1056.
(f) Release of prisoners and property.
(g) Inspecting of files and documents as necessary.
(h) Review of files and documents as necessary.
(i) Other tasks as assigned.
Jail Term Definitions

901.1 DEFINITIONS
The following definitions shall apply when used in the context of the Lodi Police Department Manual - Custody Section

ARRESTEE
A person deprived of his/her liberty by legal authority for the purpose of detaining persons to answer a criminal charge or civil demand.

BOOKING CELL
Temporary prisoner receiving cell used to hold persons under arrest, prior to or during the booking process or prior to release.

CALIFORNIA CODE OF REGULATION
The governing regulations regarding jail facilities, referred to as “C.C.R.”

CELL
An area behind locked doors in which prisoners are confined for habitation.

SOBERING CELL
An unfurnished cell with a padded floor where intoxicated prisoners are held for a maximum of six hours.

DUTY
The action required by one’s position.

EMERGENCY
Any significant disruption of normal jail facility procedures, policies, or activities caused by riot, fire, earthquake, flood, attack, strike, or other similar disturbance.

INMATE
A person incarcerated in the Lodi Police Department Jail Facility. For purposes of this manual, inmate and prisoner are synonymous.

ISOLATION
Status assigned a prisoner as the result of violating facility rules or procedures which consists of confinement in a cell separate from other jail prisoners.

MAY
Is permissible

MINIMUM JAIL STANDARDS
Jail Term Definitions

Minimum jail standards refers to minimum standards for local detention facilities issued by the California Board of Corrections in Title 15 of the California Code of Regulations, Articles 1 through 14.

PERSONNEL
“Member” and “employee” shall be used synonymously to include Lodi Police Department employees, sworn and professional staff.

PRISONER
A person incarcerated at the Lodi Police Department Jail Facility. For purposes of this manual, prisoner and inmate are synonymous.

RESPONSIBILITY
The obligation to answer for an act done, and to repair any injury it may have caused.

SAFETY CELL
An individual cell with special modifications used to house prisoners who display behavior which results in the destruction of property within the jail facility or reveals intent to cause physical harm to self or others.

SEGREGATION
The separation of individuals or groups from a larger group.

SHALL
Is mandatory

WILL
Is mandatory
Training

902.1 PURPOSE
To establish a policy of training for jail operations and jail management personnel assigned to Lodi City Jail.

902.2 REFERENCES
California Code of Regulations Title 15, Article 3 Section 1020 and 1023, California Penal Code Section 6030.

902.3 PROCEDURES
Jail personnel shall receive training in compliance with Title 15 of the California Code of Regulations under the State of California’s Standards and Training for Corrections Program (STC). This training shall include, at a minimum, the following:

A. Newly hired Jailers shall participate in jail operations training known as the “Corrections Officer Core Course” within one year of being hired.

B. Jailers and Facility Supervisors shall receive 24 hours of STC certified update training annually.

C. Facility Supervisors shall participate in 80 hours of basic supervision training.

D. The Facility Supervisors and Lead Dispatcher shall receive a minimum of 24 hours of STC certified jail management training. Such training shall include, but not be limited to:

1. Fiscal and personnel management
2. Administrative and logistical support management
3. Correctional program development
4. Jail planning
5. Legal problems in jail administration
6. Community Relations
7. Emergency procedures and planning
8. Recognition and special handling of inmates with medical and mental health problems and/or developmental disabilities.
Staffing Plan

903.1 PURPOSE
To establish a jail staffing plan to provide for intermittent visual supervision of all inmates housed in the Lodi City Jail.

903.2 REFERENCE
California Code of Regulations Title 15, Article 3 Section 1027 and Article 5 section 1056.

903.3 PROCEDURES
The Lodi City Jail shall have a minimum of one Jailer on duty at any time when the facility is in operation, to permit the intermittent, direct visual supervision of persons in custody and to ensure the implementation of the programs and activities as required.

(a) Routine jail safety checks shall be accomplished by direct visual observation of the inmate every half-hour in accordance with Title 15, Article 3 Section 1027 which requires that jail safety checks be conducted “at least hourly”. Documentation of the jail check shall be logged on the Lodi Police Department Jail Log, at the time the jail check is made. Entry to log shall include the time, jailer’s initials and number of inmates that are in-custody.

(b) When inmates are housed in the sobering cells, jail checks shall be conducted no less than every half-hour and documented in accordance with Title 15, Article 5 Section 1056. Documentation shall be done on the Lodi Police Department Sobering Cell Log. The entry shall include the time of the check, the inmate’s status (e.g. drowsy, aware, combative, etc.), observations and Jailer’s initials. Jailers shall also document the date/time the inmate is removed from the sobering cell.

(c) These checks shall be made from the inner jail hallway just outside each cell. The checks shall include a brief visual observation of the jail cell for the presence of contraband, vandalism, plumbing problems, etc. Jail checks shall not be made from within the control room area, as this will not allow for proper direct visual observation of the prisoner(s) and cell conditions.

(d) Whenever one or more female prisoners are in custody, there shall be at least one female employee who shall be immediately available and readily accessible to those prisoners. (P.C. 4021 (a) ).

(e) The primary function of the Jailer on duty is the humane care and custody of inmates housed in the Lodi City Jail.
Fire Safety, Planning and Suppression

904.1 PURPOSE
To establish effective fire safety procedures within the Lodi City Jail.

904.2 REFERENCES
California Code of Regulations Title 15, Article 3 Sections 1028, 1032.

904.3 PROCEDURES
Fire safety includes, but not limited to:
   (a) Fire Prevention
   (b) Fire Suppression
   (c) Evacuation
   (d) Training
   (e) Reporting
   (f) Staffing

904.3.1 FIRE PREVENTION
   (a) Flammable liquids will not be stored in or near the jail. Papers, magazines, or other items will be limited and will not be allowed to accumulate within the jail.
   (b) No smoking is permitted in the jail facility.
   (c) Prisoners shall not possess or have access to matches, cigarette lighters or any instrument capable of producing a flame. All prisoners shall be thoroughly searched before being placed into a cell.
   (d) The on-duty jailer is responsible for inspecting the jail facility for any hazardous conditions at the time she/he makes their jail checks.
   (e) All jailers and supervisors are to be familiar with the location and use of fire extinguishers in the jail facility.
   (f) Inspections shall be conducted by facility staff on a monthly basis on the Lodi Police Department Monthly Fire Inspection Checklist, and retained for a period of 2 years, by the Facility Supervisor.
   (g) The Facility Coordinator shall ensure that evacuation and emergency response drills are exercised no less than once every six months.
   (h) The Facility Coordinator shall consult with local fire department personnel no less than once each calendar year regarding fire inspections and fire suppression recommendations. They will jointly inspect the jail facility.
904.3.2 FIRE SUPPRESSION AND EVACUATION
1. In the event the jailer discovers a fire or smoke hazard in the jail, or the jail fire alarm is activated due to the presence of fire or smoke, the following procedures will be followed:

   (a) Immediately determine the extent and location of the hazard.

   (b) Notify Lodi Fire advising them of the zone and/or the nature of the emergency. Air to all police units the alarm and/or nature of the emergency and that Lodi Fire has been notified.

   (c) Activate radio protocol procedure for a Code 900.

   (d) Secure acknowledgement of a Supervisor or the Watch Commander.

   (e) Assign police units to both the Jail Sally Port entrance and exit doors (doors 1 and 3 respectively). In the event the vehicle sally port automatic doors become disabled, fire and police personnel may use door eleven (11) to enter the jail area from the rear parking lot.

   (f) The location of the emergency will dictate where fire department personnel will enter the jail.

   (g) Fire personnel will attempt to extinguish the fire without releasing prisoners, but if prisoners are in danger they will be released from their cells and directed to another part of the jail or evacuated via either the jail sally port entrance or exit door, depending on which is most practical for use at that time. Prisoners may be escorted out of the jail via the jail lobby, vehicle sally port or through door eleven (11) into the back parking lot. These evacuation points would be dependent on which is the most practical. Prisoners may additionally be escorted out of the jail into the vehicle sally port and out through door ten (10) into the secured area behind the Lodi Superior Court.

   (h) Fire personnel will direct prisoners to the available exit. Jailers and patrol officers will direct prisoners to patrol cars for holding purposes.

   (i) In the event of a fire in the jail the Watch Commander is to immediately respond to the jail to determine the extent of the hazard and appropriate response. The Watch Commander will coordinate all emergency activities, including the evacuation of prisoners, direction of field units to the station to receive prisoners and the calling of medical personnel as necessary. The Watch Commander shall take those steps necessary to ensure the safety, welfare, and security of all prisoners in custody at the time of the occurrence. The Watch Commander shall also cause the Chief of Police and Services Bureau Captain to be notified in the event of fire.

   (j) The fire department has the primary responsibility for suppression of the fire within or near the jail. However, the use of fire extinguishers by jail personnel may be necessary. The safety of inmates must by considered first.

904.3.3 TRAINING
1. All personnel performing duties within the jail will be trained in the following:

   (a) Location of jail keys and emergency keys.

   (b) Location and use of fire extinguishers.
Fire Safety, Planning and Suppression

(c) Location and use of various exits from the jail.
(d) Function of alarm panel.
(e) Function of jail electronic control panel.

904.3.4 REPORTING
All fires, including extinguished fires, will be reported immediately to the fire department. An incident report will be written on all fires, attempts to set fires, and fire hazards.

904.3.5 STAFFING
Whenever there is an inmate in custody, there shall be at least one person on duty at all times who meets the training standards established by the State Fire Marshal for general fire and life safety which relate specifically to the facility.
Emergency Procedures

905.1 PURPOSE
(a) To establish procedures to be followed during emergencies that threatens the safety of individuals or property within the Lodi City Jail. Emergencies include, but are not limited to, fire, flood, earthquake, explosion, or chemical spill. These guidelines are not intended to be exhaustive in nature or a menu for every anticipated emergency, which may occur in a Type I (pre-sentenced) Jail facility. Good judgment based on training, experience, common sense and the actual situation encountered, will require situational analysis and independent decision making.

905.2 REFERENCES
California Code of Regulations Title 15, Article 3 Sections 1028, 1032 and Lodi Police Department Policy and Procedures Manual.

905.3 PROCEDURE
If an emergency should occur within or near the jail, the Watch Commander and, if appropriate, the Fire Department will be notified immediately.

(a) In the event of an emergency in the jail, one dispatcher will remain in the communications center to summon and direct assistance. THE COMMUNICATIONS CENTER WILL NOT BE LEFT UNATTENDED.

(b) All individuals assigned to jail duties in this facility shall become familiar with these procedures and the locations of all keys, fire hoses and extinguishers available in the event of an emergency.

(c) KEYS: The cells in the Lodi City Jail are keyed identically and can be opened using the “AHM” key or electronically from the control panel. The AHM key has been issued to all jail staff. In the event of a failure of the electronics system, there is a complete set of keys in the jail control area. This set of keys contains a jail master key which can be used to open all cells and jail access doors. Also contained on that set of keys is a key which can be used to lock/unlock door two (2) in the event of a power failure disabling that door and a key to the secured area behind the Lodi Superior Court. Any loss or damage to jail keys will be reported to the Watch commander immediately.

(d) EMERGENCY ACCESS: Emergency entry to the jail and processing area can be made by having the dispatcher open the sally port doors (doors 1 and 2 or door 3) electronically, or by obtaining the spare set of keys from the Jail Control Center and entering through a jail sally port door with the key.

(e) EVACUATION OF INMATES: The decision to evacuate inmates will be determined by the circumstances surrounding the emergency. If the safety of the inmates is threatened and it is reasonable to believe they would be safer outside the jail, then they should be evacuated. This decision will normally be made by the Watch Commander on duty but when the time and circumstances dictate, the jailer on duty may make the decision. The safety and security of the inmate, staff, and community, must be considered.
(f) **EVACUATION ROUTES:** The type and location of the emergency must be considered in determining the evacuation route. The following routes are available: 1. Doors two (2) and one (1) to exit into the vehicle sally port. There, exit can be made via the rear electric door or via door eleven (11) in the event the electronics system is disabled. If the inmates are evacuated through door eleven (11) they will be loaded into patrol cars in the back parking lot as necessary. 2. Door three (3) and door seven (7) into the jail lobby area. There, exit can be made from the building as necessary. 3. Door two (2) and one (1) to exit into the vehicle sally port. There, exit can be made through door ten (10) to proceed into the secured Lodi Superior Court holding area. This area is completely secured and may be used to temporarily hold prisoners until other arrangements can be made. A key to open the secured area has been obtained and is stored on the emergency key ring in the jail control area.

(g) **EMERGENCY HOUSING AND SECURITY OF PRISONERS:** In the event it becomes necessary to remove prisoners from the jail facility due to a minor fire or other circumstances that require the jail to be vacated, prisoners will be temporarily secured in patrol cars. A jailer and a minimum of one police officer shall supervise the prisoners. In the event of a larger fire or incident, which would render the jail facility uninhabitable, the following procedures will be initiated: 1. Prisoners shall be initially secured in available patrol cars, or, if available, a Sheriff's van. 2. The Watch Commander will make arrangements to move prisoners to the San Joaquin County Jail, or if available, the Lodi Superior Court holding cells may be utilized for a short duration. 3. Prisoners will not be placed back into the jail until it is deemed safe for occupation by the Lodi Fire Department. 4. During a period of vacancy, booking of an arrestee will be done at the San Joaquin County Jail if the booking area is unavailable.

(h) **PRISONER DISTURBANCES:** In the event a prisoner causes a disturbance which threatens their safety, the safety of other prisoners or the safety of personnel in the jail, the Watch Commander will respond to the jail to assess the severity of the situation and determine the appropriate response. 1. If the occurrence is of a minor nature and can be resolved through cell transfers, isolation, or other actions, then the situation shall be considered closed. 2. If the occurrence is of a more serious nature, the situation shall be handled as a criminal investigation. The Watch Commander shall take those steps to isolate and contain the disturbance and cause a criminal investigation to be initiated. 3. In the case of a serious injury or death, the Watch Commander shall notify the Chief of Police, the Services Bureau Captain, and the Technical Services Division Lieutenant, for further information. Refer to the Medical Procedure and Prisoner Death sections of this manual for further details and instruction.

(i) **TAKING OF HOSTAGES:** In any case where a prisoner has taken another person hostage, the employee discovering the occurrence shall immediately notify the Watch Commander. The Watch Commander shall assess the situation and take those steps necessary to ensure the safety of employees and prisoners. The Watch Commander shall summon resources necessary and notify the Chief of Police and the Services Bureau Captain.

(j) **ESCAPE:** When the jailer or other employee becomes aware of a prisoner having escaped from the jail, the Watch Commander shall be notified immediately. The prisoner’s identification and description shall be transmitted to all field units. The
Watch Commander shall coordinate all efforts to locate the escaped prisoner and summon personnel necessary to accomplish this objective. The Watch Commander shall notify the Chief of Police and the Support Services Division Commander. A crime report shall be completed.

(k) **MASS ARREST:** In a situation where multiple persons are arrested and brought into the jail, the Watch Commander shall be summoned to assess the situation. The Watch Commander, with the assistance of the jailer, shall ensure that each subject arrested is identified prior to being placed in a designated detention area. Arrangements for housing the prisoners shall be coordinated through the Watch Commander. The consideration of all alternatives to housing prisoners, including, but not limited to Own Recognizance release, 849b1 PC, 827.1 PC, transportation to the San Joaquin County Jail and local mutual aid, shall be explored as resources.

(l) **NATURAL DISASTERS:** In the event of an earthquake, flood or other natural disaster, the jailer shall immediately check the welfare of all prisoners. The Watch Commander and the jailer shall physically inspect the integrity of the jail structure and assess any damage to the facility or injuries to prisoners. If the event is minor and damage or injuries are sustained, the event shall be summarized on the daily shift report. If the event is major and it is determined the jail facility is not safe; the Evacuation plan outlined in this manual shall be utilized.

(m) **INCIDENT REPORTS:** An incident report will be completed for an emergency in the jail within 24 hrs.

(n) **EMERGENCY POWER EQUIPMENT:** The emergency power system for the Lodi City Jail is a two stage system. The first system is a battery backup called a Uninterruptable Power Supply, which is able to sustain power for the dispatch/jail area for approximately 30 minutes, prior to the generator assuming power for the dispatch/jail. The emergency power equipment is inspected and serviced bi-annually, and tested the first Wednesday of every month.
Population Accounting

906.1 PURPOSE
To establish procedures to maintain an inmate accounting system which reflects the daily average population per month of unsentenced inmates by the categories of male and female.

906.2 REFERENCES
California Code of Regulations Title 15, Article 4 Section 1040.

906.3 PROCEDURES
Jailer shall make timely and accurate entries onto the booking log and jail inspection log.

(a) A prisoner population accounting system reflecting the daily population and monthly average of prisoners by categories of male, female, and juveniles shall be maintained in compliance with the requirements of the California Department of Justice, Bureau of criminal statistics.
Inmate Records

907.1 PURPOSE
To establish procedures for the maintenance of individual inmate records.

907.2 REFERENCES
California Code of Regulations Title 15, Article 4 Section 1041.

907.3 PROCEDURES
Individual inmate records, including but not limited to, the booking sheet, the prisoner process records (movement within the facility), the jail property receipt, court orders, medical orders issued by a physician, non medical information regarding disabilities and other limitations, medication records, fingerprint cards and release forms such as 849b1 PC, 849b2 PC, 853.6 PC and Judge’s Own Recognizance forms shall be maintained on each arrestee booked at the Lodi City Jail.

(a) Individuals booked into the jail will be issued a MNI number. This number will remain permanently issued to the inmate and assigned whenever they are booked in the Lodi City Jail. All pertinent data relating to the prisoner as mandated in this manual shall be filed under this number.

(b) Individuals booked into the Lodi City Jail shall be assigned a “booking number”, which will be recorded on the booking sheet and on the prisoner’s property record. A new booking number will be assigned to the individual for each time they are booked. This number is automatically generated by the CAD/RMS system.
Jail Incident Reports

908.1 PURPOSE
To establish procedures for documenting and reporting unusual situations that may occur within the jail or during the processing or incarceration of persons arrested by Lodi Police Department personnel.

908.2 REFERENCES
California Code of Regulations Title 15, Article 4 Section 1044.

908.3 PROCEDURES
A Lodi Police Department report will be prepared for every incident in the jail resulting in physical harm or serious threat of physical harm to any employee, prisoner, or other person, and when there is damage done to the jail facility. The incident report shall be completed within 24 hours of the occurrence.

1. Reports will include, but not limited to, the following type of events:
   (a) Death or injury to an inmate or police personnel.
   (b) Fire, explosion or other emergency.
   (c) Escape or attempted escape.
   (d) Loss, theft, or damage to property, including property of inmates, department personnel or city property.
   (e) Any unusual event that the reporting official feels should be brought to the attention of the department.
   (f) Exposure to any Communicable Disease (revised 11-19-15)

2. The Watch Commander, or another employee at his direction, shall prepare a report, documenting the incident. Such reports shall include:
   (a) Date and time of occurrence
   (b) Names of persons involved
   (c) Description of the incident
   (d) Actions taken

3. At the direction of the Watch Commander, involved employees shall prepare supplemental reports detailing their involvement.

4. A case number will be assigned to the report and the report will be forwarded immediately to the Watch Commander for review and approval.

5. Copies of any supporting documentation will be attached to the report. This may include booking sheets, medical forms, property receipts, jail inspection logs or any other document pertaining to the event.
Public Information Plan

909.1 PURPOSE
To outline the plan for the dissemination of information to the public, news media and governmental agencies.

909.2 REFERENCES
California Government Code Section 6254 (f) (1), California Code of Regulations Title 15, Article 4 Section 1045, and California Penal Code Section 13300(b).

909.3 PROCEDURE
A copy of “California Code of Regulations Title 15”, which governs the establishment and operation of Local Detention Facilities and shall be kept in the Facility Supervisor’s office and shall be made available for review to the public and to inmates upon request.

1. Authorized personnel shall make available to the public and the press the following information on adult persons arrested by and currently in custody by this department:
   (a) Full name
   (b) City of Residence
   (c) Physical description
   (d) Date and time of arrest
   (e) Date and time of booking
   (f) Location of arrest
   (g) Factual circumstances of the arrest
   (h) Amount of bail
   (i) Time and manner of release or location where the arrestee is being held
   (j) All charges, including outstanding warrants from other jurisdictions and parole and probation holds

2. Nothing in this section shall be construed to allow or permit the release of any personal information regarding juvenile offenders to the press or general public.

3. Information regarding arrested persons may be given by the following personnel:
   (a) The Chief of Police
   (b) Division Captain
   (c) Watch Commander
   (d) Field Supervisor
   (e) Jailer/Dispatcher
   (f) Records Unit personnel
(g) Investigative personnel
(h) Arresting officer

4. All requests for information related to the Department’s policies, practices and procedures are to be referred to the Watch Commander. No statement of the Department’s policies, practices and procedures will be authorized for release without prior approval having been obtained from the Watch Commander. Nothing shall be released that may jeopardize the security or safe operation of the facility.
Receiving Prisoners

910.1 PURPOSE
To outline the procedures for delivering to and receiving prisoners at the Lodi City Jail.

910.2 REFERENCES
California Penal Code 853.6(l), California Code of Regulations Title 15, Article 3 Section 1029.

910.3 PROCEDURE
The arresting/transporting officer will deliver the arrestee to the booking area and will remain with the arrestee until the booking form is completed, the prisoner has been properly searched by both the Officer and the Jailer and the prisoner’s property has been removed.

A. Prisoners will be booked as soon as possible upon arrival at the jail facility. At no time shall the process exceed three hours. The Jailer will ensure that booking forms are accurately completed.

B. No person detained in the Lodi City Jail will be released until the booking process is completed. Booking refers to the total process involved in handling an arrested person.

C. If during the booking process a prisoner complains of illness or injuries, or is visibly sick or injured, the Watch Commander will be summoned. The Watch Commander will assess the prisoner’s condition and determine if the prisoner requires medical attention.

D. If an inmate refuses to take their medication, the Watch Commander shall be notified and the refusal shall be documented on the prisoner activity log.
Booking Process

911.1 PURPOSE
To identify the forms and outline the procedures used in the Lodi City Jail for the Booking and processing of prisoners.

911.2 PROCEDURE
1. The computer generated Lodi Police Department booking form will be completed by the officer.
2. A “Master Name Index” (MNI) number and an “Arrest” number will be assigned. The arrest number will also be written to the prisoner’s property record.
3. The Jailer will complete the Prisoner custody Record. When the prisoner’s property has been inventoried; the prisoner will verify the inventory and sign the form. A copy will be provided to the prisoner. All subsequent property transactions will be logged and signed by the jailer making the transaction.
4. The prisoner shall be fingerprinted and photographed by the Jailer.

911.2.1 PROPERTY INVENTORY
The following procedures will be followed to ensure proper accounting for prisoners’ property:
1. All personal property and other property, which may be used as a weapon, such as a belt or weighted shoes, will be removed. No shoes of any kind will be allowed in the Sobering Cell and only soft-soled shoes without laces will be allowed in any other cellblock of the Lodi City Jail.
2. The Watch Commander has the discretion to allow a prisoner to retain certain property while in the jail. This might include, but is not limited to, eye glasses and jewelry that is too difficult to remove.
3. All property will be removed from an arrestee and logged on the Property Record. Property required for examination or evaluation as evidence shall be removed from the prisoner’s property. It shall be logged in the property transaction section of the Property Record and booked into the Property and Evidence Section.
4. The property of all prisoners shall be bagged and deposited in a property locker in the booking area. The prisoner’s name and arrest number shall be placed on the bag and the locker number noted in the appropriate space on the Property Record.
5. Small and/or valuable items including money, checks and jewelry shall be sealed in a small envelope, marked with the arrestee’s name and arrest number and placed inside the prisoner’s bag of property.
6. Amounts of cash over $500.00 will be recounted, and verified by a second employee and the Prisoner Property Record co-signed by the second employee. Amounts of $1,000.00 or more will also be recounted and co-signed by the second employee. The money will then be placed in LPD’s money envelope, appropriately documented and signed by the jailers and placed in safekeeping locker # 29 in the jail locker area. The
Booking Process

locker will be secured with the padlock and will be secured until it is to be released. The key to the locker can be obtained from the Watch Commander or the Dispatch Supervisor.

7. If a prisoner is too intoxicated to verify or sign their property inventory at booking, a second employee will verify the inventory and co-sign the inventory form.

8. No illegal drugs, stolen property, illegal weapons, firearms or other contraband will be booked into a prisoner’s property. Knives or other sharp objects not accepted at the County Jail will not be booked into a prisoner’s property in the event he/she is later transferred to the County Jail.

9. Large personal items, such as suitcases, backpacks, bags or boxes of items will not be accepted at booking. It will be the arresting officer’s responsibility to book those items into safekeeping.

911.3 HOLDS AND RELEASES

(a) Pursuant to 853.6 PC, the booking officer shall, upon approval of the Watch Commander, complete the “Hold” portion of the booking form on misdemeanor arrestees who should not be released on a citation.

(b) Pursuant to 849(b) PC, any officer, with approval of the Watch Commander, shall complete an 849(b) Release without Charges form, and provide the prisoner with a copy of the form before the prisoner is released.

911.4 BAIL BONDS

Verify all information on the Affidavit.

Bail bonds name / representative and license number.

Court case number

Ask Bondsman why they are surrendering the subject. If it is because the subject failed to appear in court, then:

1. Confirm with the bondsman if a warrant was issued for the subject. If there is a warrant, run a warrant check.

2. If a “hit” is found, print the “hit”.

3. Call for an officer to book the subject.

If the depositer(s) who posted the bail no longer wants to be responsible for the bond:

1. Call an officer in to take custody of the subject.

2. "Re-activate" the booking on the same charges (if possible).

3. Add the charge of 1300 PC or 1301 PC.

4. Attach the Affidavit or Surrender and a warrant if there is one.
Booking Process

If there is a warrant, follow warrant guidelines.

If the subject bails without a bail bondsman, the Courts will only accept a cashier check or cash. Cashier check must be made out to San Joaquin County Superior Court.

911.5 STRIP SEARCHES AT BOOKING
(a) Reasonable suspicion that the detainee has contraband or a weapon on his person must exist.
(b) Prior to the search, written approval for the search must be given by the shift supervisor, utilizing the strip search authorization form.
(c) Regardless of when the strip search is conducted, or the charges, each and every strip search must be conducted with a reasonable amount of privacy afforded to the detainee.

911.6 TRANSLATOR
If a translator is needed during any portion of the booking process the jailer will dial our translator line (Voiance) and ask for the language of choice. The jailer will place the call on speaker phone so that the translator can hear both parties. (updated 102817)
Inmate Classification

912.1 PURPOSE
To outline the procedures to be followed to determine housing classifications and segregation of inmates within the Lodi City Jail.

912.2 REFERENCES
California Code of Regulations, Title 15, Article 5 Sections 1050, 1051, 1053, 1056 and Article 3 Sections 1207, 1209.

912.3 PROCEDURES
The Jailer shall have the responsibility for the classification and segregation of inmates. Classification and segregation shall be based upon information received from the arresting or transporting officers, prior booking forms, or their observations.

During the booking process the jailer shall complete the Lodi Police Department Medical Receiving-Screening form and is responsible for prisoner classification and housing assignments.

912.4 SECURITY CLASSIFICATIONS
Prisoners shall be classified as follows:

1. Maximum Security: A prisoner who poses a real and present threat to jail security or the safety of employees, prisoners, or others in the jail. Maximum security prisoners shall be isolated from other prisoners by being placed in a locked cell by themselves.

2. Medium Security: A prisoner who poses a possible threat to jail security or the safety of employees, prisoners or others in the jail.

3. Minimum Security: A prisoner who does not pose a threat to jail security or the safety of employees, prisoners or others in the jail.

912.4.1 MANDATORY SEGREGATIONS
(a) Male and Female prisoners must be separated.
(b) Sentenced prisoners must be separated from unsentenced inmates.
(c) Persons held as witnesses or under civil process must be separated from inmates held on criminal process.
(d) Juveniles in the jail must be separated by “sight and sound” from adult prisoners. Minors and adult prisoners may be in the same room or area during the booking process if a jailer maintains constant “side by side” presence with either the minor or the adult prisoner to prevent any communication between the minor and the adult. When juveniles are detained in a jail cell, the cell door should be closed and the security glass may be hazed to provide the maximum privacy possible. Juveniles must be in constant auditory contact with the jailer at all times while they are being detained in the jail.
(e) Juveniles detained under the provisions described in section 601 and sections 300 of the Welfare and Institutions Code shall not be detained in any portion of the jail facility.

912.4.2 CELL ASSIGNMENTS
Generally, cell assignments will not be used to segregate prisoners by classification in the jail. Cells are designed to be used interchangeably, although some segregation can be accomplished through use of the security glass hazing and cell placement. Prisoners who pose a real and present threat to jail security or the safety of employees, prisoners or others in the jail should be isolated from other prisoners by being placed in a locked cell by themselves. Under no circumstances will male and female prisoners be placed in the same cell.

(a) Sobering Cells will be used to house intoxicated prisoners. As soon as the prisoner is capable, they shall be released or placed in another cell. Watch Commander approval is required to keep a prisoner in the sobering cell longer than six hours and those prisoners should undergo a medical examination. Watch Commander approval is also required as well for placement of any intoxicated prisoner in any cell other than a sobering cell.

(b) General Population Cells are used to house prisoners, male or female, who are not intoxicated.

(c) Safety Cell is to be used for temporary placement only of prisoners who meet the criteria as specified in section B(1), of this policy.

912.4.3 MEDICAL SEGREGATIONS
When it is determined that a prisoner has a communicable disease or special medical problem, the booking officer will document the conditions on the booking form and immediately notify the Watch Commander.

Any prisoner that states they have a communicable disease, including but not limited to tuberculosis, hepatitis, sexually transmitted disease, influenza, gastroenteritis, AIDS, or displays any symptoms of these diseases, will be separated from the rest of the population and transferred to the San Joaquin County Jail or an appropriate medical facility as soon as possible. The San Joaquin County Public Health Department will be notified immediately of any persons that are taken into custody by this agency that falls under this category.

912.4.4 MENTALLY DISORDERED INMATES
All mentally disordered prisoners of demonstrated or known diminished mental capacity are to be provided segregated facilities. The Jailer is responsible for determining from the prisoner and the arresting officer whether special treatment conditions exist. In all cases involving mentally disordered or diminished mental capacity prisoners, Jailers shall immediately notify the Watch Commander who will ensure that a proper (5150 W&I) evaluation of the prisoner’s condition is made as soon as practical. If the prisoner’s condition warrants confinement in a medical or mental health facility, the Watch Commander will ensure that the prisoner is transported to San Joaquin County Mental Health facility or other approved mental health treatment center. Statutory authorization for such a transfer is Penal Code Section 4011.6.
It is the responsibility of the Jailer on duty to maintain adequate surveillance of all prisoners in custody during the shift. Any abnormal behavior or changes in behavior shall be immediately reported to the Watch Commander. Jail personnel are especially cautioned to maintain awareness for symptoms of withdrawal, hallucinations, or depression.

912.4.5 DEVELOPMENTALLY DISABLED INMATES
Upon obtaining identification of a prisoner who is developmentally disabled, the jailer shall without delay contact the Watch Commander. If the Watch Commander approves the continued incarceration of a developmentally disabled person, the prisoner will be segregated from the other inmates for protection, and be treated in a nondiscriminatory manner. (revised 10/17/17) If this is not possible due to jail occupancy, the prisoner will be transported to the San Joaquin County Jail. The Jailer will be required to contact Valley Mountain Regional Center @ (209) 473-0951 (24hrs), prior to completing the booking. This is to ascertain if the inmate is currently being seen by Valley Mountain Regional Center. A pamphlet will also be issued to the inmate with references.

912.4.6 ADMINISTRATIVE SEGREGATIONS
Administrative segregation provides for those prisoners prone to escape, prone to assault employees or other prisoners who are likely to need protection from other prisoners. Administrative segregation shall consist of separate and secure housing and shall not involve the deprivation of privileges other than that necessary to provide adequate security for the prisoner, staff, and others in the jail. The jailer, with the Watch Commander’s approval may administratively segregate prisoners who are:

1. A threat to the safety and security of the facility or are a danger to themselves or others.
2. Prone to escape.
3. Rival gang members or individuals known to be hostile to each other.
4. Suspected conspirators or partners in crime, until the investigating officer determines segregation unnecessary.
5. Likely to be victimized by other prisoners.
7. Developmentally disabled or under the influence of alcohol or drugs.

912.4.7 SAFETY CELL
The Safety Cell shall be used to provide an alternative means of incarceration for those prisoners unacceptable for housing in other areas of the jail.

(a) The Safety Cell will be used to house those prisoners who display behavior, which results in the destruction of property within the jail facility or reveals intent to cause physical harm to self or others.
(b) The Safety Cell shall not be used for punishment or as a substitute for treatment.
(c) Placing a prisoner in the Safety Cell must be approved by the Watch Commander.
(d) Prisoners will not be kept in the Safety Cell longer than four (4) hours, (updated 10/18/17) and, as soon as it is safe to do so, the prisoner will be removed from the cell.

(e) Upon removing a prisoner from the Safety Cell the jailer shall confer with the Watch Commander to determine whether the prisoner may be housed in another cell within the jail facility or whether the prisoner should be transported to the County Jail or Mental Health Facility. The jailer shall additionally assess the prisoner's need for medical treatment and arrange for said treatment, as necessary.

(f) Jailers placing a prisoner in the Safety Cell shall ensure the prisoner is adequately clothed and if it is necessary to remove the prisoner's clothing, a paper jumpsuit will be provided for the prisoner to wear.

(g) Only one prisoner shall be placed in the Safety Cell at any time.

(h) The jailer shall ensure the prisoner housed in the Safety Cell has access to necessary foods and fluids. The jailer will assess the prisoner's need for foods, fluids and personal hygiene needs during every cell check.

(i) The jailer will be responsible for conducting cell checks of the Safety Cell twice every thirty (30) minutes. Intervals of the checks during the thirty (30) minutes should vary and not be on a scheduled routine.

(j) The jailer shall record the time of the cell checks and any pertinent observations of the prisoner's behavior on the Safety Cell Check Log.

912.5 SUPERVISOR RESPONSIBILITIES
The Jail Supervisor will review the Safety Cell Check Log for accuracy and completeness and forward it to the Technical Services Lieutenant.

The Technical Services Lieutenant shall review the Safety Cell Check Log and retain the log in file for at least two (2) years.

If the jail population makes it difficult to comply with this plan, the jailer will notify the Watch Commander who will take action to reduce the population or authorize temporary exceptions.
Use of Force/Restraint

913.1 POLICY
To establish procedures for the use of restraint devices on inmates in custody in the Lodi City Jail.

913.2 REFERENCES

913.3 PROCEDURES
Restraint devices, including hand and ankle cuffs, waist chains, padded belts and cuffs will be used when necessary to protect prisoners and staff in the jail. Any physical use of force deployed by jail staff will be in a manner consistent with Lodi Police Department Policy and Procedure Manual section 230.1. Use of force by jail staff will be reported to the Watch Commander as soon as practical. The Watch Commander will ensure that the use of force is properly documented. Restraints or use of force will not be employed as a form of punishment.

(a) All prisoners brought into the jail or booking area for initial intake shall be handcuffed with their hands behind their backs, unless physically impossible to do so. Prisoners who cannot be handcuffed shall be suitably restrained by the officer or other physical means.

(b) The Watch Commander may authorize the use of a waist chain or ankle cuffs (shackles), when reasonably necessary to restrain a prisoner who is violent and poses a threat to an employee or others in the jail.

(c) The Watch Commander may authorize the use of a waist chain or shackles when a prisoner who is an escape risk is to be transported out of the jail.

(d) The Watch Commander may approve the use of leather wrist, ankle, and waist restraints for the purpose of restraining any person who appears to be a danger to themselves or others, and/or exhibits destructive behavior. Any such person needing such restraints will be transported to either the County Jail or to the closest mental health facility.

(e) The Jailer will make direct visual observation of any prisoner in restraints at least twice every half-hour to ensure the prisoner’s well being. The times of the observations will be noted on the jail log.

(f) No prisoner should be kept in restraints for more than four hours.

(g) Prisoners will not be restrained in a “hog tie” fashion with handcuffs and shackles secured together behind the prisoner’s back.

(h) Any inmate known to be pregnant or in recovery after delivery shall not be restrained by use of leg irons, waist chains, or handcuffs behind the body.

Hydration and Sanitation Issues
Use of Force/Restraint

A restrained inmate will be offered water at least once every hour by jail personnel. Unbreakable or plastic cups will be used to give the inmate water.

1. If the inmate expresses a need to use the toilet, the Watch Commander will be notified and will respond to supervise the removal of the restraints. The restraints will then be removed or manipulated in such a manner so as to give the inmate the ability to use the toilet. An officer or jailer of the same sex as the inmate will maintain visual observation of the inmate while they are out of the restraints.

2. If at any time during this process, the inmate attempts to injure him/herself, staff or others, he/she will be immediately restrained until such time as the Watch Commander determines the inmate will cooperate with the toilet procedure.

3. A notation will be made on the inmate’s arrest sheet documenting any time hydration or sanitation needs are addressed by staff.

Exercising Extremities

The use of any device to restrain extremities carries with it a danger of restricting or cutting off circulation and compromising the health of the inmate. To ensure that circulatory problems (e.g. blood clots) do not develop in the extremities (arms and legs) of any inmate placed in restraints, staff will provide the restrained inmate an opportunity to exercise his/her extremities within the first two hours and at any other time as requested by the inmate.

1. Staff shall release one limb at a time allowing the inmate to extend the limb as fully straight as possible, ten times per limb or three minutes per limb, whichever comes first.

2. If at any time an inmate attempts to injure staff during this range of motion exercise, he/she will be immediately restrained. Additional attempts to permit range of motion exercises will occur at the next one hour period.

3. During the range of motion exercise, there shall be an assessment as to whether the restraining should continue. Each time a range of motion exercise procedure is conducted, jail staff shall note such activity on the inmate’s booking sheet.
Visitation

914.1 PURPOSE
To outline the procedures for the visitation of inmates housed in the Lodi City Jail.

914.2 REFERENCES
California Code of Regulations Title 15, Article 6 Section 1062 and 1068.

914.3 PROCEDURES
Visiting privileges will be facilitated at the jail when consistent with the security of the jail and safety of visitors, prisoners, and staff.

Visitation shall be generally conducted daily between the hours of 7:00 AM and 8:30 AM for a period of 15 minutes.

Visitors subject to security checks, including but not limited to pat down searches, verification of identity and warrant checks.

Minor children of the prisoner shall be eligible to visit their parent if they are in the company of a responsible adult.

No visits will be permitted if either the inmate or the visitor is assaultive or intoxicated.

Visitors who attempt to bring any item of contraband into the jail will be arrested and prosecuted per 4573 PC.

The Jailer or Watch Commander may approve special visits in unusual circumstances.

Visiting privileges may be canceled when circumstances warrant. Such circumstances include, but are not limited to, a shortage of jail staff to facilitate a visit, medical conditions, and emergency situations in the facility.

All visits will be recorded on the prisoner’s Booking Record, including the date, time and employee number of the Jailer allowing visitation.

Professional visits by attorneys, clergy, government representatives, doctors, and mental health workers may be conducted at any time as long as jail security is not compromised.

(a) Professional visitors may be required to present identification and credentials and may be subject to pat down searches.

(b) Jailers shall make every effort to ensure the rights of an inmate to have confidential consultation with his/her attorney as soon as possible after booking and processing.
Prisoner Mail and Correspondence

915.1 PURPOSE
To outline the rights and procedures governing prisoner mail, correspondence and voting.

915.2 REFERENCES
California Code of Regulations Title 15, Article 6 Sections 1063, 1068, and 1071

915.3 PROCEDURES
All prisoners will be allowed to send and receive an unlimited volume of mail according to the following procedures:

(a) **CORRESPONDENCE**: Outgoing correspondence shall be permitted on a daily basis at the prisoner’s expense. Inmates without funds are permitted two postage free letters per week to family and friends and unlimited postage free correspondence to his/her attorney and the courts.

(b) The Jail Supervisor, Watch Commander or other designated individual shall inspect all incoming and outgoing correspondence, except “CONFIDENTIAL” correspondence. “CONFIDENTIAL” correspondence is correspondence to or from:

   (a) An attorney or other legal representative.
   (b) State or Federal Courts.
   (c) Any holder of public office.
   (d) Board of Corrections
   (e) Management personnel of Lodi Police Department.

(c) Receiving incoming mail may not be practical due to the short length of confinement in a Type I facility. Any mail received for an inmate who has already been released from custody will be returned to the sender.

(d) Incoming “CONFIDENTIAL” mail will be opened in the presence of the inmate and then only for the purpose of inspecting for contraband. Outgoing “CONFIDENTIAL” mail will be placed in an envelope and sealed by the prisoner in the presence of a member of the jail staff.

(e) Paper, envelopes and pencil may be furnished for the purpose of writing letters. Pencils will be collected when the prisoner has finished their correspondence.

(f) Generally packages will be refused except when specific prior permission for the receipt has been granted by the Watch Commander for special reasons.

(g) **PRISONER VOTING**: The Lodi City Jail does not house inmate workers so an absentee ballot procedure has not been developed.
Inmate Activities

916.1 PURPOSE
(a) To establish programs and activities for inmates while housed in the Lodi City Jail.

916.2 REFERENCES
California Code of Regulations Title 15, Article 6 Sections 1066, 1067 and 1072.

916.3 PROCEDURES
A daily newspaper in general circulation will be available to prisoners. Spanish language
reading material will also be made available to inmates requesting a Spanish newspaper or other
periodical.

(a) Upon request, Jailers shall provide inmates with reading materials, including current
magazines and various paperback novels, and/or table games including playing cards
and checkers.

(b) The Jailer shall make a reasonable effort to allow inmates additional phone calls,
beyond what is required by 851.5 pc.

(c) The Jailer shall make a reasonable effort to accommodate visitation for religious
observance and/or counseling services for the inmate.

(d) As a Type I Facility the Lodi City Jail does not maintain an Inmate Welfare Fund.
Inmate Orientation

917.1 PURPOSE
To establish an orientation plan for inmates booked into the Lodi City Jail.

917.2 REFERENCES
California Code of Regulations, Title 15 Article 6 Section 1069.

917.3 PROCEDURES
When booked, a prisoner will receive a copy of their signed Prisoner Custody Record along with printed information on the rules and procedures of the Lodi City Jail.

The following information shall be provided to the prisoner:

BAIL: You may be released on bail or your written promise to appear. Bail may be posted in the form of cash, cashier check or a security bond, by yourself or by someone else on your behalf. If you are released on bail, or on your own recognizance, you are required to appear in court on the date and time specified. Failure to appear will result in a warrant being issued for your arrest, or other additional penalty. The jailer will inform you of the proper procedure.

On a warrant issued in another county, you have the right, upon demand, to be taken before a magistrate in this county for the purpose of being admitted to bail. If you wish to go to Court for this purpose, or do not know if you are arrested on an out-of-County warrant, contact the jailer.

If you are under the age of 18, no bail is allowed. You may be released on a promise to appear.

COURT APPEARANCE: You may ask the jailer when you are scheduled for Court.

TELEPHONE CALLS: Immediately after booking, you are entitled to three completed phone calls. Local calls are free. Long distance calls are collect or charge. Five minute time limit per call. If you are a parent with responsibilities for a minor child you have the right to two additional phone calls within the local dialing area, or at your own expense if outside the local area, for the purpose of arranging for the care of your minor child or children.

ATTORNEYS AND BAIL BONDSMEN: An attorney or bondsman may visit you upon your request or the request of a relative or friend.

VISITORS: Visitors are normally permitted prior to arraignment. Visiting hours are daily, 7:00am to 8:30am for 15 minute intervals. Minor children of the detainee, in the company of a responsible adult, shall be eligible for visitation. You are allowed one visit during the duration of your stay.

YOUR VEHICLE: If your vehicle has been stored or impounded, you are responsible for any towing and storage charges. Vehicles left in storage over 90 days without payment of charges are subject to sale for storage charges.

ILLNESS: If you need medical attention or mental health assistance, or are aware of another prisoner in need notify the jailer at once. The jailer will
explain this process at the time of booking.

**YOUR PROPERTY:** Immediately upon release, the jailer will release your property to you. Check your property with the receipt to make sure that all property has been accounted for.

**DAMAGE TO JAIL PROPERTY:** Every person who maliciously injures or destroys jail property, of the City of Lodi, is subject to a fine of $10,000 or imprisonment in the State Prison for up to 5 years, or by both fine and imprisonment. (Refer to Sections 448 (a), 606, and 4600 of the California State Penal Code).

**DISTURBING THE PEACE:** Loud profane or obscene language will not be tolerated. When this conduct offends the inmates or members of the Police Department, you may be prosecuted.

**CRIMES COMMITTED WHILE IN CUSTODY:** All criminal offenses committed by persons during their period of custody shall be prosecuted.

**HYGIENE/PERSONAL CARE ITEMS:** Detainees kept in this facility in excess of 16 hours shall be permitted to attend to personal hygiene (shower) upon request or when reasonably necessary for sanitation purposes. Shower and hygiene supplies, i.e. soap toothbrush, toothpaste, etc. shall be issued to detainees in compliance with policy and state law. The jailer shall monitor usage and retain possession of hygiene items after use.

**READING AND RECREATIONAL MATERIAL:** You may request reading or recreational material from the jailer, which will be provided as time permits. A daily newspaper and non-English publication will be provided as available.
Inmate Grievances

918.1 PURPOSE
To outline inmate grievances within the Lodi City Jail.

918.2 REFERENCES
California Code of Regulations Title 15, Article 6 Section 1073 and Lodi Police Department Policy & Procedures Manual, Policy # 200.3.

918.3 PROCEDURE
When an inmate wishes to file a grievance with this Department, the Watch Commander on duty will be notified. The Watch Commander will talk with the inmate to determine if the grievance can be resolved.

If the inmate desires to file a formal grievance, the inmate will be provided with pencil and paper to write a formal complaint and it will be processed as a citizen complaint pursuant to Policy # 200.3 of the Lodi Police Department Policy and Procedures Manual.
Inmate Discipline

919.1 PURPOSE
To establish a policy of discipline for inmates housed in the Lodi City Jail.

919.2 REFERENCES
California Code of Regulations, Title 15 Article Section 1080.

919.3 PROCEDURE
No discipline shall be administered to inmates housed in the Lodi City Jail.

In the event that an inmate’s behavior warrants disciplinary action, the inmate will be charged with a criminal offense, evaluated by medical/mental health personnel or transferred to the San Joaquin County Jail with the approval of the Watch Commander.
Medical Procedure Manual

920.1 PURPOSE
To establish guidelines, in conjunction with the local health authority, for a medical/mental health procedures manual in conformance with applicable state and federal law.

920.2 REFERENCES
California Code of Regulations Title 15, Article 11 Section 1206.

920.3 PROCEDURE
The Medical Procedures Manual shall include, but not be limited to the following:

(a) Summoning and application of proper medical aid.
(b) Contact and consultation with private physicians.
(c) Emergency and non-emergency medical and dental services, including transportation.
(d) Provision for medically required dental and medical prosthetics and eyeglasses.
(e) Notification of next kin or legal guardian in case of serious illness which may result in death.
(f) Provision for screening and care of pregnant and lactating women, including postpartum care, and other services mandated by statute.
(g) Screening, referral and care of mentally disordered and developmentally disabled inmates.
(h) Implementation of special medical programs.
(i) Management of inmates suspected of or confirmed to have communicable diseases.
(j) The procurement, storage, repackaging, labeling, dispensing, administration/delivery to inmates and disposal of pharmaceuticals.
(k) Use of non-physician personnel in providing medical care.
(l) Provision of medical diets.
(m) Patient confidentiality and its exceptions.
(n) The transfer of pertinent individualized health care information to the physician/health authority of another correctional system, medical facility or mental health facility upon the transfer of an inmate.
Medical Procedures

921.1 PURPOSE
To establish written medical procedures to ensure provision of emergency and basic health care services by a physician for inmates housed in the Lodi city Jail.

921.2 REFERENCES
California Code of Regulations Title 15, Article 11 Sections 1200, 1206, 1207, 1207.5, 1209, 1211, and 1214.

921.3 PROCEDURE
MEDICAL SCREENING: At time of intake, the jailer shall perform a medical screening on the inmate to determine if the inmate has any medical or mental health problems or developmental disabilities. This may be done by visual observation, questioning of the person arrested or review of any prior records on the inmate.

The jailer shall complete the medical screening form during the booking process. Any conditions requiring attention will be reported to the Watch Commander to ensure appropriate supervision and/or treatment may be arranged.

921.3.1 MEDICAL AID
If an arrestee is in need of immediate medical aid both the Lodi Fire Department and ambulance will be called to respond to the jail. In the event of a life threatening medical problem he/she will be transported to Lodi Memorial Hospital by ambulance. If the medical problem is not life threatening, he/she can be transported by a police officer, in a patrol vehicle.

(a) FIRST AID KIT: The first aid kit is located in the control area of the jail. The first aid kit shall be checked during the monthly inspection to ensure it contains adequate supplies. Cintas Corporation will be responsible for maintaining and inspecting the first aid kits a minimum of every 6 months.

(b) FIRST AID APPLICATION: First aid shall be administered by the jailer whenever he/she determines such first aid is necessary prior to the arrival of ambulance or fire personnel.

921.3.2 MENTAL HEALTH
If mental health problems are suspected, the Watch Commander will evaluate the situation and when necessary have San Joaquin County Mental Health notified. Mental Health will evaluate the prisoner and either clear them for incarceration or authorize transfer to a mental health facility.

The inmate may be cleared for incarceration or transferred to the appropriate treatment facility. When a Mental Health worker is consulted about a prisoner, the worker’s name and the action they took will be documented in the arrest report. All mentally disordered prisoners are to remain segregated from the rest of the jail population while detained in the Lodi City Jail.
Additionally, a mental health screening shall be conducted on women who have given birth within the past year and are charged with the murder or attempted murder of their infants. Inmates shall be referred for a mental health evaluation as necessary.

If the arrestee is suspected of being developmentally disabled, the booking employee shall notify the Watch Commander. The Jailer will be required to contact Valley Mountain Regional Center @ (209) 473-0951 (24hrs), prior to completing the booking. This is to ascertain if the inmate is currently being seen by Valley Mountain Regional Center. A pamphlet will also be issued to the inmate with references. If the Watch Commander approves the continued incarceration of a developmentally disabled person in the jail facility, that person shall be afforded segregated facilities.

921.3.3 TREATMENT
Any inmate who appears to be in need of dental, medical, mental health or developmental disability treatment shall have access to such treatment, to be determined by the Watch Commander.

(a) When dental, medical, mental health or developmental disability treatment is required or requested by an inmate, the Watch Commander will be notified. Inmates requiring dental attention shall be transferred to San Joaquin County Jail for treatment. Inmates that require medical attention will be transported to the Lodi Memorial Hospital for medical treatment. A mentally disordered inmate who appears to be a danger to him/herself or others, or who is gravely disabled, shall be transferred to the San Joaquin County mental health facility or another mental health facility designated by the County and approved by the State Department of Health Services for diagnosis and treatment.

(b) In the event a medical or mental health professional writes an individualized treatment plan for an inmate in custody in Lodi City Jail, that inmate shall be transferred to San Joaquin County Jail where such treatment may be obtained from licensed professional medical staff.

(c) Women who are pregnant or lactating shall be released on citation when possible. If they must remain in custody, they will be transferred to San Joaquin County Jail as soon as possible.

921.3.4 MEDICATION
Inmates that require medication but do not have it in their possession will be given the opportunity to contact someone who can bring the medication to the jail. If the medication cannot be obtained, or if an inmate requires special medication, the Watch Commander will determine if the inmate should be transported to the Lodi Memorial Hospital Emergency Room to be issued a prescription by the Emergency Room Physician, or if he/she should be transported to the San Joaquin County Jail. When it is necessary to administer routine medication to inmates in the Lodi City Jail, the following procedures will be followed:

(a) All medication shall be in a prescription bottle that identifies the prescribed patient’s name, the medication, dosage, frequency, length of time it is to be administered, and the prescribing doctor. If there is any suspicion that the medication is not the same as indicated on the bottle, the medication will not be administered without some
confirmation by qualified personnel. (It may be necessary to consult the Physician’s Desk Reference, call the patient’s doctor or contact the local hospital.)

(b) Upon being booked, the prisoner’s medication and content amount will be recorded in the prisoner’s Medication Record. When it is administered it will be documented in the prisoner’s Medication dispensing log, including who administered the medication, the dosage and the date and time it was administered.

(c) Positive identification of the inmate, by name and date of birth will be made to ensure that medication is given only to the inmate who should receive it.

(d) No inmate shall have access to medication other than what is prescribed to him/her and only when administered to him/her by the jailer on duty. A prisoner needing insulin shots will be allowed to administer his/her own insulin in the presence of a jailer. The prisoner’s medication will be the responsibility of the jailer.

(e) All inmate medication not requiring refrigeration shall be locked in the property lockers in the jail booking area. Medications requiring refrigeration shall be kept in the refrigerator in the jail kitchen. Medication kept in the refrigerator shall be kept in a closed, labeled sealed container. Insulin stored in the refrigerator shall be stored at 36-46 degrees or whatever temperature is specified on the prescription. The temperature shall be monitored daily by the Jailer whenever insulin is in the refrigerator. This will be done by checking the thermometer that is placed inside the refrigerator. A temperature log will be kept in a binder in the kitchen where the daily temperature will be logged, when medication is kept in the refrigerator. If the refrigerator is not working properly and the temperature is out of the proper range the jailer will notify maintenance to have it fixed or replaced. The medication/insulin will be moved to the refrigerator in the break room until the jail refrigerator is fixed.

(f) A physician’s signature shall be required within 8 hours of issue of verbal orders.

(g) Any prescription drugs obtained for an inmate after arrest shall be obtained through Smart Foods and charged to the Lodi Police Department. When it is necessary for this agency to obtain a prescription for an inmate, only the amount necessary to sustain that person for their stay will be obtained.

(h) Medications shall not be administered for more than seven days or past the date of the medication’s expiration date, whichever comes first, without the approval of a physician.

(i) Under no circumstances will a prisoner be given medication to be taken at a later time. The jailer must be certain that the inmate ingests the medication when given.

(j) Upon release of the prisoner, the releasing Jailer will record on the Medication Record to whom the medication was released, and the date and time released.

(k) Inmates that are on psychotropic medications shall be released on citations when possible. The Watch Commander shall be notified and shall have any inmate that must remain in custody transported to the San Joaquin County Jail as soon as possible, not to exceed six hours.

(l) Inmates who are on nitroglycerin shall be released on a citation when possible. The Watch Commander shall be notified and shall have the inmate that must remain in
custody transported to San Joaquin County Jail. If a subject is booked for public intoxication only, it will be at the discretion of the Watch Commander if the subject is transported to San Joaquin County Jail or held until he/she is sober enough to be released. If a subject is held the Jailer will do jail checks every 15 minutes until the subject is released.

(m) Medications that have reached their expiration date shall be disposed of via the Lodi Police Department’s Property and Evidence Section’s annual narcotics destruction.

(n) The jailer may furnish, at the prisoner’s request, non-prescription medications such as aspirin, acetametophin and ibuprofen. The Jailer must never suggest medications, as this amounts to prescribing medicine. The time, date and dosage shall be noted on the prisoner’s booking form. The dosage and frequency of the medication shall conform to all directions and warnings contained on the packaging.

921.3.5 SICK CALL
There is no regularly scheduled sick call at the Lodi City Jail. The jailer shall be alert to the conditions of the inmate as jail checks are made. The Watch Commander will be informed of prisoners reporting illness, complaint of pain, or requesting medical assistance and they will determine what action will be taken to obtain the treatment, including but not limited to being transported to the Lodi Memorial Hospital. When a prisoner is transported by ambulance and is NOT HANDCUFFED, an officer shall accompany the person in the ambulance. If they are HANDCUFFED, an officer will follow the ambulance to the hospital.

921.3.6 COMMUNICABLE DISEASES
Inmates with active or suspected of having active communicable diseases, including, but not limited to tuberculosis, sexually transmitted disease, influenza and AIDS shall be placed in a segregated cell and transferred to Lodi Memorial Hospital for diagnosis as soon as possible. This shall be done within 4 hours. Once medically cleared for incarceration, he/she will be transferred to San Joaquin County Jail.

Jailers/Police Officers shall use proper protective gear including, but not limited to, face mask (e.g., when inmates are coughing) and gloves (e.g., when inmates are bleeding), when handling inmates with active or suspected of having a communicable disease.

921.3.7 PROSTHETIC DEVICES
Prisoners shall be allowed to retain necessary orthopedic and prosthetic appliances while in custody if such devices are deemed necessary for the immediate health and well being of the arrestee, unless they would pose an immediate threat to security. The Watch Commander will determine if such a threat exists. All such devices shall be subject to searches for contraband.

Prisoners will not be allowed to keep crutches while they are confined in a cell. When moving a prisoner from one destination to another, such person will be provided with their crutches until they reach their destination, at which time the officer/jailer will take the crutches from them. Crutches will be appropriately tagged and stored in the property area.
Medical Procedures

Stretch bandages (ace bandages) are not a prosthetic device and will not be allowed into a cell. These bandages are a possible suicide tool and pose a security hazard.

921.3.8 EYEGLASSES
Inmates shall be allowed to retain eyeglasses while in custody unless they pose a threat to the safety of the inmate or jail security.

921.3.9 VERMIN CONTROL
When an inmate shows signs of, or states that he/she has lice, scabies or other vermin on his/her body, he/she will be transported to San Joaquin County Jail where medical staff and treatment is available. The inmate will be isolated from other inmates until such time as he/she can be transported or is no longer contagious.

Medications and instructions for handling the inmate and his clothing will be provided by the hospital.

After the inmate is cleared for incarceration he will be housed separately from other inmates. Jailers shall properly dispose of all contaminated items such as mattresses and blankets.

921.4 TRANSFER OF INFORMATION
Information regarding an inmate’s medical condition shall be deemed confidential, except that such information may be released to other health care providers or custodial staff coming into contact with or accepting responsibility of the inmate. Medical records obtained from a physician relating to fitness for incarceration, medical test results, prescribed medication pending medical appointments, significant health problems and other information that is necessary to provide for the continuity of health care shall be transferred to health care providers of another correctional facility with the inmate. When an inmate with a communicable disease or serious medical problem is transferred to another custodial facility or court holding area, the transporting officer will advise the receiving facility of that condition.

921.5 REFUSING MEDICAL ATTENTION
When a prisoner refuses medical attention a notation will be made on the Prisoner Custody Record, (LPD Form 458) stating that he refused treatment. If there are indications that an injury or illness is life threatening or incapacitating the Watch Commander shall be notified. The Watch Commander will obtain the prisoner’s signature on LPD Form #429, “Refusing Medical Help/Inmate’s Release” or will determine if a commitment per Section 5150 of the Welfare and Institutions code or other action is necessary.

921.6 INFORMED CONSENT
The responsibility for ensuring the informed consent of inmates for medical treatment lies with the medical facility that provides the treatment. If an inmate requests treatment, the Watch Commander will obtain the prisoner’s signature on LPD Form #429, releasing the Lodi Police
Department from any liability which may be incurred during the transportation, examination or treatment.

921.7 NOTIFICATION OF NEXT OF KIN
In the event of a serious illness which could result in death, the Watch Commander or facility manager shall ensure that the next of kin or legal guardian of the inmate is notified. A serious illness is one that requires an inmate’s hospitalization.

921.8 JAIL INCIDENT REPORTS
Any time a prisoner is injured while in custody or receives medical attention while in custody, the Watch Commander shall ensure that the Jailer or other appropriate employee writes an incident report/supplemental. A copy of any hospital diagnosis/treatment slip will be attached to the incident report/supplemental. All incident reports/supplementals will be completed within 24 hours of the incident.

921.9 SUMMONING MEDICAL AID
In the event emergency medical aid is required, both the Lodi Fire Department and the ambulance will be called to respond to the jail.

921.10 TRANSPORTATION TO MEDICAL FACILITY
The jailer shall note any transportation to and from a medical facility on the Prisoner Custody Record and on the back of the Jail Check Log, noting the transporting officers name/badge #, date and time of transport.

921.11 FIRST AID KIT
The first aid kits in the jail are for minimal first aid. Any significant problems will be handled by the Lodi Fire Department. Cintas Corporation will be responsible for maintaining and inspecting the first aid kits. They will be inspected a minimum of every 6 months. They shall also be checked monthly by staff during the monthly jail inspection to ensure there are adequate supplies.

921.12 PREGNANT FEMALE PRISONER
Per section 4023.6 of the Penal Code, any female prisoner who wants to determine whether she is pregnant may request the services of a physician of her choice. The prisoner will pay for all expenses. The rights provided for prisoners by this section shall be posted in at least one conspicuous place to which all female prisoners have access.
Detoxification Procedures

922.1 PURPOSE
To establish procedures for processing, housing and releasing persons arrested for public drunkenness.

922.2 REFERENCES
California Code of Regulations Title 15, Article 11 section 1213, California Penal Code Section 647(f), California Penal Code Section 849(b) (2), California Penal Code Section 836

922.3 PROCEDURE
Sobering procedures within the Lodi City Jail are normally limited to the secure housing of intoxicated subjects until they are sober enough to care for their safety and the safety of others. At such time they are either released from custody without charge per Section 849(b) (2) of the California Penal Code or released on a signed promise to appear in Court.

Persons arrested for public drunkenness must be screened for symptoms of illnesses or medical problems that may be mistaken for drunkenness. Medical treatment may be necessary in certain situations. Such situations could include but not be limited to:

(a) Obvious physical problems where there is an absence of an odor of an alcoholic beverage or other indications that the person may not have been consuming an alcoholic beverage.
(b) Violent reaction from mixing alcohol with medication. It may be necessary for the jailer to look for medical cards or medication in the arrestee’s possession or review prior arrest history.
(c) Acute withdrawal reactions such as violent shaking, or sweating/clammy skin.
(d) Lack of consciousness or inability to respond to verbal or physical communications.
(e) Erratic, heavy or labored breathing.

If there is a doubt about the health of the arrestee, the Jailer shall notify the Watch Commander who will make the determination of whether the prisoner should be taken to the hospital to be checked.

The sobering cells shall be used to hold adult offenders. Female prisoners will not be placed with male prisoners. Prisoners should not be kept in the detoxification cell over 6 hours. If an arrestee cannot be released or moved to another cell within 6 hours of arrest, the Jailer shall notify the Watch Commander to determine if medical personnel should check the prisoner.

Intermittent direct visual observations will be conducted by the Jailer no less than every half hour. The Jailer shall observe each person to ensure his or her medical condition is not deteriorating. The Jailer should encourage them to sleep on their sides in case they should vomit in their sleep. A sobering cell log will be initiated for each person held in the sobering cell. An entry will be made at each jail check. These logs will be maintained by the Jail Supervisor.
Detoxification Procedures

Unconscious arrestees shall not be placed in the sobering cells without medical clearance. If subjects are in need of a detoxification program they will be transported to County jail within 6 hours.
Suicide Prevention

923.1 PURPOSE
To establish a procedure in an attempt to identify persons that may have suicidal tendencies and to outline procedures for their processing, monitoring, confinement and release.

923.2 REFERENCES
California Code of Regulations Title 15, Article 11 Section 1219.

923.3 PROCEDURE
During the arrest and booking processes, officers and Jailers should be sensitive to indications that a prisoner might be suicidal so that preventive measures can be taken.

Employees shall observe and listen to prisoners for signs of emotional distress and possible suicidal tendencies. They should consider present emotional state, recent life events, and current behavior. Some characteristics to watch for include, but are not limited to:

(a) **EMOTIONAL STATE:** Tension, self-criticism, apathy, feelings of guilt, feelings of failure, being a burden to others, thoughts of self-punishment, despondency or euphoria.

(b) **SIGNIFICANT LIFE EVENTS (PAST AND PRESENT):** Recent death or injury to loved one, guilt or feelings that they contributed to death or injury, loss or fear of losing job, financial loss, money problems, divorce or fear of possible divorce, conflict with parent, children, spouse or others close to them.

(c) **BEHAVIORAL SYMPTOMS:** Crying spells or inability to cry, excessive use of alcohol/drugs (especially if this is not normal behavior), loss of appetite or interest in food, listlessness or even high activity level, excessive sleep, neglect of personal appearance, inattention or difficulty in concentration.

It is not always possible to identify subjects that may attempt suicide. One or more of the above symptoms may be present in many persons. However, when the arrestee seems to possess several of these conditions the jailer should attempt to find out as much about the inmate as possible by talking to them and listening to their responses. As more of the above variables are discovered the greater is the potential for suicide. If, after observing and evaluating the inmate, the jailer feels the inmate may be a possible suicide risk, the Watch Commander shall be notified immediately so that placement in another facility may be considered.

As most suicides occur in the first few hours of incarceration, the Watch Commander should consider transferring high-risk inmates to the county jail or a mental health facility. While awaiting transport, if the inmate must be housed, they should be housed with other inmates conforming to their classification and segregation, to encourage verbal interaction to help the inmate cope with the depression being felt.

**Documentation of Records:** Records belonging to persons who have attempted suicide or are highly suspected of being suicidal will be prominently marked to indicate that they are a possible
Suicide Prevention

suicide risk. This information should also be relayed to oncoming shifts and to county jail staff if the inmate is transferred.

**Reporting:** An in-house report will be generated for all suicides or attempted suicides. This report will be reviewed by the facility administrator.

**Training:** Training will be provided annually for all staff members on suicide prevention. In conjunction with training, a review of our medical screening form pertaining to suicide will be completed annually.
Death of Inmates

924.1 PURPOSE
To establish procedures to ensure the medical review of each in custody inmate death.

924.2 REFERENCES
California Code of Regulations Title 15, Article 4 Section 1046, and California Government Code section 12525.

924.3 PROCEDURE
The death of a prisoner in the Jail shall be fully and impartially investigated.

In the event of an inmate’s death, the Jailer shall immediately summon the Lodi Fire Department and the ambulance for assistance.

The Jailer shall immediately notify the Watch Commander.

The Watch Commander shall secure the scene of the death and implement the San Joaquin County Critical Incident Protocol and notify the Chief of Police, Operations Bureau Captain, the Services Bureau Captain and the Lieutenant acting as Facility Coordinator.

The San Joaquin County Coroner’s Office shall be contacted to conduct a medical review of the inmate’s death and notify the next of kin.

The Watch Commander shall designate personnel to conduct an investigation regarding the death of the prisoner. LPD personnel involved in the incident shall prepare supplemental police reports as directed.

Within 10 days of the inmate’s death, the Facility Coordinator shall complete the Department of Justice BCIA713, Death in Custody Reporting Form and the Federal CJ-11A Addendum. In addition shall notify the Attorney General’s office in writing. Notification may include, but not be limited to incident reports, BCIA713, coroner’s reports, death certificates and shall be submitted to:

        Department of Justice
        Statistical Data Center
        P.O. Box 903427
        Sacramento, CA  94203-4270
        Attn: Death in Custody Unit.

In addition, a full in-house review will be conducted within 30 days for all involved personnel with confidentiality. The review team shall include the facility administrator and/or the facility manager, the health administrator, the responsible physician and other health care and supervision staff who are relevant to the incident.
Death of Inmates

Copies of all reports sent to the Attorney General shall be placed in the deceased’s arrest file, and shall bear an endorsement indicating the date and the name of the employee sending such material.

All press releases and statements to the media about an inmate’s death will originate from the office of the Chief of Police.

If the deceased is a minor, the facility administrator shall provide a copy of the report submitted to the Attorney General, to the Board of Corrections. This report shall be submitted within 10 calendar days after the death.
Food Service Plan

925.1 PURPOSE
To establish procedures for the feeding of prisoners within the Lodi City Jail.

925.2 REFERENCES
California Code of Regulations Title 15, Article 12 Section 1241.

925.3 PROCEDURES
Food served to the prisoners of the Lodi City Jail will normally consist of pre-cooked frozen commercial dinners or pre-cooked commercially prepared entrees. In addition V8 juice, concentrated orange juice, and/or 1% milk will be served. Food items will be purchased through Sysco Foods.

925.4 MINIMUM DIETARY REQUIREMENTS
The minimum diet in a 24 hour period shall consist of the full number of servings specified from each of the four food groups:

1. Protein group - 3 servings of 14 grams each serving.
2. Milk group – 3 servings of 8-ounces/250 mg calcium for adults, 4 servings of 8-ounces/250 mg calcium for pregnant or lactating women.
3. Vegetable and Fruit group – 6 servings including one each of fresh fruit or vegetable; one serving with at least 30mg. Of Vitamin C; one serving with 2000 I.U. Vitamin A.
4. Grain group – 6 servings, including at least 3 from products made with 50-100% whole grains.

The jail menu will meet the minimum diet requirements by providing the inmate at each meal with the following number of servings from each food group.

1 Protein serving
3-4 Dairy servings
2 Vegetable-fruit servings (1 specialty)
2 Grain servings (1 whole grain)

925.5 MEAL TIMES
Meals shall be served three times in 24 hours, generally to be served as follows:

<table>
<thead>
<tr>
<th>Time</th>
<th>Meal</th>
</tr>
</thead>
<tbody>
<tr>
<td>0530-0730</td>
<td>Breakfasts</td>
</tr>
<tr>
<td>1100-1400</td>
<td>Lunch</td>
</tr>
<tr>
<td>1700-1900</td>
<td>Dinner</td>
</tr>
</tbody>
</table>
The jailer will enter the time of the feeding into the prisoner’s inmate log in the jail management system. Prisoners in the Detoxification Cell will not be fed.

925.6 FOOD HANDLING
Personnel with known communicable diseases shall not handle food.

All food handlers shall wear clean clothing and wash their hands before handling food and utensils.

All food handlers shall be trained in the proper procedures for handling and serving food by trained food handlers.

All food handlers will have ongoing training in proper safe food handling techniques.

All unused food will be discarded.

Cases of food are ordered monthly or on an as needed basis. All cases are marked with delivery date and stored in the Lodi City Jail’s larger freezer and thereafter rotated to a second freezer in the kitchen, according to delivery date. Rotation is oldest to newest.

925.7 EMERGENCY FOOD PLAN
Food will be bought at Save-Mart, with the Save-Mart credit card which is kept in the jail in case of an emergency.

If microwaves malfunction or need to be replaced, they will be purchased through Costco.
Kitchen Facilities, Sanitation and Food Storage

926.1 PURPOSE
To establish procedures for the sanitation of the food service and storage areas within the Lodi City Jail.

926.2 REFERENCES
California Code of Regulations Title 15, Article 11 Sections 1230 & 1245, and Health and Safety Code, Division 22, Chapter 11, Article 2.

926.3 PROCEDURE
The jailers are responsible for maintaining the freezer, refrigerator and microwave oven in a clean and sanitary condition at all times. All utensils washed in soap shall be rinsed in hot water exceeding 100 degrees Fahrenheit for 30 seconds and air-dried.

All food handlers shall wear clean clothing and wash their hands before handling food and utensils.

Personnel with known communicable diseases shall not handle food.

Each prisoner shall have the same amount and kind of food.

No disciplinary isolation diets shall be served to any inmate.

Any inmate requiring a special medical diet shall be transported to the San Joaquin County Jail.

Food shall be prepared and served by or under the immediate supervision of a regular staff employee.

Prisoners will be fed in their designated cell areas.

Any deficiency in condition or sanitation in the food preparation area shall be reported on LPD Form #168.

Jailers will account for and remove all meal trays, spoons, cups, etc., immediately after the conclusion of the meal period.

A Jail Supervisor shall be assigned to prepare a monthly cost report, including the number of meals served, cost per meal and total cost of food service. Material and equipment costs shall be reflected in the departmental Jail Operations Budget.

No inmates shall handle or serve food.

In the event of a power outage, Lodi Police Department is equipped with a back-up generator to restore power. In the event of a disaster or major incident and the back-up generator does not restore power, all inmates will be transported to San Joaquin County Jail. All perishable food that spoils or may be spoiled will be disposed of and replaced prior to housing any inmates in the jail.

1/8 teaspoon Clorox Bleach per cup of water will be used to clean, wash, rinse and sanitize, each juice container along with all multi-use dishes used in the Lodi City jail kitchen.
Prisoner Hygiene and Inmate Clothing

927.1 PURPOSE
To establish procedures and rules governing personal hygiene within the Lodi City Jail.

927.2 REFERENCES
California Code of Regulations Title 15, Article 13 Sections 1212, 1262, 1265 and 1266.

927.3 PROCEDURE
Inmates held awaiting arraignment or transfer will not be issued institutional clothing, but will normally be allowed to retain their personal clothing.

927.3.1 INMATE CLOTHING
The following are exceptions to this policy and will require the issue of disposable jump suits stored in the jail.

Personal clothing that is so filthy or infested that it could affect the health of the inmate or fellow inmates. These clothes will be placed in a sealed plastic bag with the inmate’s property.

Personal clothing that is so torn or in need of repair that it does not provide appropriate cover for the body.

Personal clothing that must be taken as evidence.

927.3.2 CLOTHING EXCHANGES
The jailer may arrange for clothing exchanges if a visitor brings in clean clothes during visiting hours. The jailer will thoroughly search the clothing brought to the jail for contraband. The inmate will remove the clothing he is wearing and return it to the jailer, who will give it to the visitor to take with him. The Lodi City Jail will not accept extra clothing for prisoners.

927.3.3 PERSONAL HYGIENE
The following items are available for issue to inmate(s) that have been in custody over 12 hours, but should not be issued between the hours of 2200-0600:

1. Toothbrush and Toothpaste
2. Comb
3. Towel and Soap
4. Safety Razor
5. Sanitary Napkins will be issued any time they are requested by female prisoners

These items are not to be shared amongst inmates.

Prisoners issued a personal care item (i.e. toothbrush and razor) shall not retain those items in their cell after use.
Prisoner Hygiene and Inmate Clothing

The jailer issuing the hygiene items shall note it on the jail log at the time given and the same jailer shall collect them and note the time.

After collecting the hygiene material, the jailer will inspect it to ensure nothing has been removed or altered so as to be used as a weapon.

Cups, paper plates, plastic eating utensils will all be accounted for by the feeding jailer and in no event shall be left over for the oncoming shift.

No items will be allowed to be hung from cell windows so as to obstruct the view of jailers checking on prisoner welfare.

927.3.4 SHOWERS
Inmates will be permitted to shower as soon as they are assigned to a cell unit. Normally, showers will be permitted between the hours of 0800 and 1800 hrs each day. Some inmates will be required to shower as soon as possible after booking and processing when it is deemed necessary for the health of the inmate or of others.

927.3.5 HAIR CARE
Haircuts and shaves will not normally be necessary due to the short time period inmates will stay in the Lodi City Jail.

Inmates that have been in custody for 24 hours will be allowed to shave. Normal schedule for shaving will be between the hours of 0800 and 1800 hrs each day.

Inmates will use safety razors provided by this department. Razors will be discarded after a single use and not shared amongst inmates.

927.3.6 VERMIN INFESTED INMATES
Any prisoner who shows signs of, or states he/she has lice, scabies or other body vermin will be transported to San Joaquin County Jail where medical staff and treatment is available.
Bedding and Linen

928.1 PURPOSE
To establish a procedure for the issue and exchange of clean bedding to each inmate housed in the Lodi City Jail.

928.2 REFERENCES
California Code of Regulations Title 15, Article 14 Sections 1270 and 1271.

928.3 PROCEDURE
Issue - Upon initial housing of the inmate, the jailer shall supply each inmate, who is expected to remain in custody overnight, with the following:

(a) One Mattress
(b) One Laundered Sheet
(c) One or more Laundered Blankets.

Exchange - Washable items such as sheets, blankets and towels shall be exchanged for clean replacement at least once a week. Soiled items may be exchanged for clean ones more often as necessary. These items shall be retrieved by the jailer upon the release of the prisoner, and placed in the laundry closet to be picked up by the laundry service.
Facility Sanitation, Safety and Maintenance

929.1 PURPOSE
To establish and implement a written plan for an acceptable level of cleanliness, repair and safety throughout the jail facility.

929.2 REFERENCES
California Code of Regulation Title 15, Article 15 Section 1280.

929.3 PROCEDURE
The jail facility shall be kept in a clean and safe condition at all times. No firearms or knives are permitted in the jail facility. Tasers will be permitted in the jail facility. This is to include Police, Fire, AMR and any other person entering the jail. The aforementioned equipment will be secured in the trunk of the patrol unit or locked in the provided lockers at jail door 1 and door 5. The exception to this is during tactical emergencies when use of force options, to include firearms is necessary.

929.3.1 SANITATION
Sanitation shall be the primary responsibility of the contract janitor service, which works directly under the Building & Maintenance Supervisor for the City of Lodi. They shall thoroughly sweep, mop and disinfect the empty cells, bunks, toilets and cellblock area each day of their work schedule.

(a) Sanitation will become the responsibility of the jailer on duty when the janitor service is not available.

(b) The jailer on duty shall immediately address biohazard spills. Body fluids shall be absorbed with an absorbent chemical, red bagged and properly disposed of. The area shall then be treated with a solution of 1 part bleach to 10 parts water.

929.3.2 SAFETY AND MAINTENANCE
The jailer will have primary responsibility for safety and maintenance within the Lodi City Jail. At the beginning of each shift the jailer will:

(a) Visually inspect each unoccupied cell for contraband in the cells, damage to the jail and cleanliness.

(b) Remove dirty linens and place in laundry closet; remove trash and any items left behind by the inmate upon his release.

(c) Check for damage or inoperative fixtures and report the need for repairs to a supervisor, and make a notation on the Jail Area Inspection Report.

(d) Inspect the booking and processing area to determine that there are sufficient supplies and that all equipment is in good operating condition. That the area is free of contraband, and maintained in a clean and orderly fashion.
929.3.3 INSPECTION
The Watch Commander/Dispatch Supervisor shall inspect the jail one or more times during their shift.
Juvenile Arrests

930.1 PURPOSE
To establish procedures for the processing of juveniles that are arrested and booked at the Lodi Police Department.

930.2 REFERENCES
California Code of Regulations Title 15, Article 8 Sections 1140 through 1151 and Welfare and Institutions Code sections 207, 210, 300, 601, and 602.

930.3 DEFINITIONS
A. "Temporary Custody" means that the minor is not at liberty to leave the law enforcement facility.

B. "Secure Detention" means that a minor is being held in temporary custody in a law enforcement facility, is locked in a room or enclosure, and/or is physically secured to a cuffing rail or other stationary object.

C. "Non-secure Custody" means that a minor's movement is controlled by the staff of the facility and that:
   1. The minor is under constant personal visual observation and supervision by staff of the law enforcement facility.
   2. The minor is not locked in a room or enclosure.
   3. The minor is not physically secured to a cuffing rail or other stationary object.

930.4 PROCEDURE
Non-Secure Custody: The following minors will not be confined in the Lodi City Jail:
   (a) Minors under the age of 14 years.
   (b) Minors, who come within section 300 of the Welfare and Institutions Code, (abused, neglected, etc.).
   (c) Minors, who come within section 601 of the Welfare and Institutions Code, (truancy, beyond parental control).
   (d) The minors in non-secure custody shall be under constant visual observation and supervision by staff. The minors shall be placed in an unlocked room or office facility in the police department and the minors shall not be physically secured to a cuffing rail or other stationary object.
   (e) The Non-Secured Detention will not exceed a maximum of six (6) hours,
   (f) The officer will document this detention on the Non-Secure detention log, which is maintained in the Watch Commanders office. These Logs, when completed, will be maintained by the Technical Services Division Lieutenant.
**Secured Detention** - A minor may be held in secure detention if they meet the following criteria:

- They are a violator described under 602 Welfare and Institutions Code.
- The minor is 14 year of age or older.
- There is a reasonable belief that the minor presents a serious security risk of harm to self or others.

In making the determination whether the minor presents a serious security risk of harm to self or others, the officer may take into account the following factors;

(a) Age, maturity, and delinquent history of the minor.
(b) Severity of the offense(s) for which the minor was taken into custody.
(c) Minor’s behavior, including the degree to which the minor appears to be cooperative or non-cooperative.
(d) The availability of staff to provide adequate supervision or protection of the minor.
(e) The age, types, and number of other individuals who are detained in the facility.

The juvenile will only be detained for a maximum of six (6) hours.

The minor will at all times be kept separate and segregated from all adults in custody.

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**930.5 PROCESSING OF JUVENILES**

The first time a juvenile is taken into custody for a criminal violation the juvenile will be fingerprinted and photographed.

(a) A booking will be completed on all juveniles placed into the jail. Juveniles not placed into the jail may be fingerprinted and photographed in the processing area of the jail and are not considered in secure custody.
(b) Every juvenile detained for a criminal violation will be given an automated “J-number” from the report writing system.
(c) The officer shall issue the juvenile a “MNI number” if one has not previously been issued.
(d) The arresting officer shall file an arrest report.
(e) If a juvenile is cited and released in the field on a felony charge, the officer shall complete a “Booking Required” and indicate the need for fingerprints and photos. At the date and time of the appearance with Juvenile Probation, the probation officer shall deliver the juvenile to a jailer for fingerprints and photographs.

**930.6 HOUSING JUVENILES IN THE JAIL**

When a juvenile is housed in the jail, the following requirements must be met:

(a) The juvenile may not be detained longer than six (6) hours.
Juvenile Arrests

(b) The temporary detention must be for the purpose of giving the officer time to investigate the case, or facilitate release or transfer of the juvenile.

(c) The juvenile may not be allowed to come into contact with adult inmates.

(d) The juvenile and an adult prisoner may be in the same passageway during movement within the jail facility provided there is no communication between the juvenile and the adult.

(e) The juvenile shall be informed of the purpose of detention, expected time of detention, and six (6) hours is the maximum detention time allowed.

(f) Males and females shall not be placed in the same locked room.

(g) Constant auditory access to staff by the juvenile will be maintained.

(h) Unscheduled personal visual observation of the juvenile by staff will be made, no less than every thirty (30) minutes.

(i) The beginning and ending times of the detention shall be recorded in the crime report and on the Secured Detention Juvenile Log that is submitted to the state monthly.

(j) The juvenile will have reasonable access to drinking water, toilets, and washing facilities.

(k) A snack will be provided to the juvenile if they have not eaten within the past four (4) hours or are otherwise in need of nourishment.

(l) The juvenile will be provided with privacy during visits with family, guardian, and /or attorney.

930.7 PARENT NOTIFICATION
When this department detains a juvenile all efforts will be made to notify a parent or guardian as soon as possible after detention.

930.8 PHONE CALLS
Pursuant to section 308(b) of the Welfare and Institutions Code, a minor 10 years or older shall be advised no later than one hour after being taken into custody that they have the right to make two phone calls from the place of confinement. The calls shall consist of one completed call to a parent or guardian and another call completed to an attorney.

930.9 USE OF RESTRAINT DEVICES
Handcuffs may be used when transporting minors. Any other use of restraint devices should be limited and should be used only when absolutely necessary for the safety of the juvenile or the safety of others.

930.10 MEDICAL ISSUES
Juveniles booked through the Lodi City Jail will receive the same type medical screening as adults. They will be asked if they have any injuries or illnesses. Any visible injuries or signs of illness will be investigated and medical assistance will be provided by the Lodi Memorial Hospital Emergency
Juvenile Arrests

Room. In addition, if a juvenile detainee becomes ill or injured while in police custody, the parent or guardian of said juvenile will be notified by an LPD staff member as soon as possible.

930.11 FEEDING MINORS
Since juveniles are held in custody only a brief period of time, it will not normally be necessary to feed them. However if the minor has not eaten within four (4) hours or if there is any indication that the minor may be hungry, the jailer will provide them with a hot-pocket, juice or other food.

930.12 DISCIPLINE
No discipline shall be administered to juveniles detained in secure detention or non-secure custody by the Lodi Police Department. Discipline referred to in this section refers to corporal punishment, denial of prisoner rights and mental stress.

930.13 SUICIDE RISK AND PREVENTION
Procedures outlined in this policy manual for adults for suicide prevention shall be adhered to. Additionally, juveniles who present a suicide risk should be kept in the booking cell where they can be monitored more closely until transferred to an appropriate facility.

930.14 DEATH OF A MINOR WHILE DETAINED
In any case in which a minor dies while detained in the jail:

(a) The Facility administrator shall provide to the Board of Corrections a copy of the report submitted to the Attorney General under Government Code Section 12525. A copy of the report shall be submitted to the Board of Corrections within ten (10) calendar days after the death.

(b) The health administrator, in cooperation with the facility administrator shall conduct a medical and operational review of every in-custody death of a minor. The review team shall include the facility administrator and/or the facility manager, the health administrator, the responsible physician and other health care and supervision staff who are relevant to the incident.

(c) In addition a full in-house review will be conducted within 30 days for all involved personnel with confidentiality.

930.15 INTOXICATED JUVENILES
Under no circumstances shall a juvenile who is intoxicated or under the influence of any controlled substance be booked into the Lodi City Jail. If an arrest of a juvenile in such a condition is made and the juvenile is not going to be released to a parent or guardian, the juvenile will be medically cleared at a hospital facility before being booked at the San Joaquin County Juvenile Hall.
Custodial Searches

931.1 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 Lodi 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.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

931.1.1 DEFINITIONS
Definitions related to this policy include:

Custody search - An in-custody search of an individual and of his/her 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 or rectal cavity of an individual, and the vagina of a female person.

Strip search - A search that requires an individual to remove or rearrange some or all of his/her 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 his/her underclothing, buttocks, genitalia or female breasts are visible.

931.2 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.

931.3 FIELD AND TRANSPORTATION SEARCHES
An officer should conduct a custody search of an individual immediately after his/her arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

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.
931.4 SEARCHES AT POLICE FACILITIES
Custody searches shall be conducted on all individuals in custody, upon entry to the Lodi 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.

931.4.1 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 shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Lodi Police Department identification number and information regarding how and when the property may be released.

931.4.2 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 his/her 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.

931.5 STRIP SEARCHES
No individual in temporary custody at any Lodi 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:
Custodial Searches

(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).

931.5.1 STRIP SEARCH PROCEDURES
Strip searches at Lodi 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.
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 his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies 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 his/her 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.

931.5.2 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.
931.6 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).

(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.

931.7 TRAINING

The Training Sergeant shall ensure members have training that includes (28 CFR 115.115):
Custodial Searches

(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.
Prison Rape Elimination

932.1 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 detainees or prisoners in the Lodi Police Department Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

932.1.1 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 detainee, prisoner, or resident:

- 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
- 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
Prison Rape Elimination

- 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 his/her uncovered genitalia, buttocks, or breast in the presence of a detainee, prisoner, or resident
- 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 one detainee, prisoner, or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner, or resident 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).

932.2 POLICY
The Lodi 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 Lodi Police Department will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

932.3 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 Lodi 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 detainees or prisoners 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 detainees and prisoners from sexual abuse (28 CFR 115.113; 15 CCR 1029). 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 detainees and prisoners (28 CFR 115.151).
Prison Rape Elimination

(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 permit, to the extent available, detainee and prisoner access to victim advocacy services if the detainee or prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that detainees and prisoners 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 detainees or prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee’s or prisoner’s safety, the performance of first-response duties under this policy, or the investigation of a prisoner’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 a detainee or prisoner (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).
Prison Rape Elimination

(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 detainees or prisoners 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 inmates, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

932.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION
Detainees or prisoners 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 detainees or prisoners 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

During intake the Department shall notify all detainees and prisoners of the 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 detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

932.4.1 MEMBER RESPONSIBILITIES
Department members shall accept reports from detainees, prisoners 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:
Prison Rape Elimination

(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against detainees or the member who reports any such incident.

(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.

932.4.2 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 a detainee or prisoner 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 detainee or prisoner 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 prisoner’s potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

932.5 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).

932.5.1 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.
Prison Rape Elimination

(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.

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).

932.5.2 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 Lodi 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 a detainee or prisoner sexually abused another detainee or prisoner in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

932.5.3 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).

932.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS
No detainee or prisoner 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)).

Detainee or prisoner 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
Prison Rape Elimination

regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

932.5.5 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 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).

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 detainees or prisoners 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 detainees or prisoners by a contractor or volunteer.

932.6 RETALIATION PROHIBITED
All detainees, prisoners 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 detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees, prisoners 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 detainees, prisoners or members who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

932.7 REVIEWS AND AUDITS
932.7.1 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):

(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).

932.7.2 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 Lodi 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).

932.8 RECORDS
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).

932.9 TRAINING
All employees, volunteers and contractors who may have contact with detainees or prisoners 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 detainees and prisoners 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 detainees and prisoners are most vulnerable.
- The right of detainees, prisoners 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 detainees and prisoners.
- 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.
Prison Rape Elimination

- 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 employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.
Chapter 10 - Personnel
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 Lodi Police Department and that are promulgated and maintained by the Human Resources.

1000.2 POLICY
In accordance with applicable federal, state, and local law, the Lodi 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 Support Services Division Commander should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.
(b) Use of marketing strategies to target diverse applicant pools.
(c) 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.
(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities and the military.
(e) Employee referral and recruitment incentive programs.
(f) Consideration of shared or collaborative regional testing processes.

The Support 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 his/her 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 should 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)
(b) Driving record
(c) 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
(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)
(j) Review board or selection committee assessment

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 Lodi 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
Due to the potential for accessing unsubstantiated, private, or protected information, the Support Services Bureau Commander shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Support Services Bureau 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.
(c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Support Services Bureau 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 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 shall be included in the candidate’s background investigation file (11 CCR 1953).

1000.5.5 RECORDS RETENTION
The background report and all supporting documentation shall be maintained for a minimum of two years and in accordance with the established records retention schedule (Government Code § 12946; 11 CCR 1953).

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.
Lodi Police Department

Recruitment and Selection

within 180 days of voluntary separation from the Lodi Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.6 DISQUALIFICATION GUIDELINES
All applicants seeking employment with the Lodi Police Department shall be held to the standards set forth in the POST Background Investigations Dimensions for Peace Officers and Public Safety Dispatchers.

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

In addition to the standards set by POST, the Lodi Police Department establishes the following guidelines as they relate to the drug history of applicants with the department:

- Marijuana - No use within the last 12 months of application date
- Schedule 1 narcotics - Heroin, Methamphetamine, Cocaine or any derivative of these substances. Concentrated Cannabis (Hashish and Hashish Oil) etc. This includes the use of legally prescribed Schedule 1 medications that were not prescribed to the applicant for use. No use within 5 years of date of application.
- Any Injected drugs or psychotic drugs, such as, LSD, mushrooms, etc. Lifetime ban

These guidelines shall be considered on a case by case basis taking into consideration the totality of the circumstances surrounding the applicant's use and background history.

1000.7 EMPLOYMENT STANDARDS
All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 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 Human Resources should maintain validated standards for all positions.

1000.7.1 STANDARDS FOR OFFICERS
Candidates shall meet the minimum standards established by POST (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

(a) Free of any felony convictions
(b) Citizen of the United States, or permanent resident alien eligible for and has applied for citizenship
(c) At least 18 years of age
(d) Fingerprinted for local, state, and national fingerprint check
(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)
(f) 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
(g) 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)
(h) 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)

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)
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 Lodi 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 non-sworn supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment or as soon as practical.

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 via the appropriate level of documentation 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.
Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the form of a department memo and within ten (10) days of receipt of the evaluation.

1001.3.1 RESERVE OFFICER EVALUATIONS
Reserve officer evaluations are covered under the Reserve Officers Policy.

1001.4 FULL TIME PROBATIONARY PERSONNEL
Non-sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. An evaluation is completed monthly for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 12 months before being eligible for certification as permanent employees. Probationary officers are evaluated daily, weekly and monthly during the probationary period.

1001.5 FULL-TIME PERMANENT STATUS PERSONNEL
Permanent employees are subject to a regular performance evaluation:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee’s immediate supervisor. The evaluations will normally document performance that starts with the beginning of the yearly patrol schedule and ends at the conclusion of that year's schedule.

1001.5.1 RATINGS
When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

Superior - Employee produces superior work within a minimum amount of time with virtually no errors. Employee is the standard bearer in terms of productivity, service and attitude.

Exceeds Expectations - Performance, in terms of an employee's most important and significant duties/responsibilities exceeds their supervisor's expectations. Employee continually looks to improve his/her performance through training and innovation.

Meets Standards - Meets performance in all assigned factors of the job. Employee generally produces quality work within allotted time frames and meets assigned objectives in a satisfactory manner.

Needs Improvement - Performance is not satisfactory and needs improvement in critical areas of responsibility. Employee sometimes produces work requiring re-evaluation and/or is behind schedule a significant amount of the time. Additional time, training and/or development may improve (or is expected to improve) performance.

Space for written comments is provided in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any
rating under any job dimension marked needs improvement or superior shall be substantiated in the rater comments section.

1001.6 EVALUATION INTERVIEW
When the supervisor has completed the 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 of any of the ratings, 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.

1001.7 EVALUATION REVIEW
Before the supervisor initiates the discussion with the employee, the signed performance evaluation is forwarded to the rater’s supervisor (Bureau Commander). The Bureau Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Bureau Commander shall evaluate the supervisor on the quality of ratings given.

1001.8 EVALUATION DISTRIBUTION
A copy of the 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 the original will be forwarded to City Human Resources.
Special Assignments and Promotions

1002.1 PURPOSE AND SCOPE
The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Lodi Police Department.

1002.2 PROMOTIONAL REQUIREMENTS
Requirements and information regarding any promotional process are available at the Lodi Human Resources.

1002.3 POLICY
The Lodi Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

1002.4 SPECIAL ASSIGNMENT POSITIONS

1002.4.1 GENERAL REQUIREMENTS
The following requirements should be considered when selecting a candidate for a special assignment:

(a) Off probation
(b) Possession of or ability to obtain any certification required by POST or law
(c) Exceptional skills, experience, or abilities related to the special assignment

1002.4.2 EVALUATION CRITERIA
The following criteria will be used in evaluating candidates for a special assignment:

(a) Presents a professional, neat appearance.
(b) Maintains a physical condition that aids in his/her performance.
(c) Expressed an interest in the assignment.
(d) Demonstrates 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 skills
   6. Initiative
Special Assignments and Promotions

7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner

1002.4.3 SELECTION PROCESS
Selection for special assignments will be made at the discretion of the Chief of Police or his designee.
SPECIAL ASSIGNMENT POLICY

1003.1 PURPOSE AND SCOPE
The purpose of this policy is to provide a clear understanding to all personnel of the intent to balance the duration of assignments between the departmental needs of providing quality law enforcement services and employee job enrichment and development.

1003.1.1 CHIEF OF POLICE'S DISCRETION
All assignments within the Police Department are at the discretion of the Chief of Police. In the absence of special needs or circumstances, the Chief of Police will adjust assignments outside the recommended durations described below only when necessary to the goals of balance and fairness.

1003.1.2 PERFORMANCE REQUIREMENT
In order to be considered for placement in a special assignment, officers must be successfully meeting established department performance standards. Officers must continue to work at a satisfactory level in order to hold a special assignment for any length of time. Other, more specific, selection criteria for unit placement may be used based on the needs of the unit and organization. All specialty assignments described below shall have an annual review for retention. This review may be part of an annual performance evaluation.

<table>
<thead>
<tr>
<th>Assignment</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Detective (SIU/GIU)</td>
<td>5 years</td>
</tr>
<tr>
<td>School Resource Officer</td>
<td>5 years</td>
</tr>
<tr>
<td>Traffic Officer</td>
<td>5 years</td>
</tr>
<tr>
<td>Canine Officer</td>
<td>5 years</td>
</tr>
<tr>
<td>Bicycle Officer</td>
<td>3 years</td>
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<tr>
<td>Delta RATT</td>
<td>3 years</td>
</tr>
<tr>
<td>AB109</td>
<td>2 years</td>
</tr>
<tr>
<td>Marshall's Task Force (when applicable)</td>
<td>2 years</td>
</tr>
</tbody>
</table>
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 Lodi 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.
1004.4 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 Human Resources Director.

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.
(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. Members shall exhaust all available administrative remedies prior to filing a formal complaint.

(e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Office of Professional Standards for investigation pursuant to the Personnel Complaints Policy.

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 Office of Professional Standards 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.
Reporting of Employee Convictions

1005.1 PURPOSE AND SCOPE
Convictions of certain offenses may restrict or prohibit an employee’s ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

1005.2 DOMESTIC VIOLENCE CONVICTIONS, OUTSTANDING WARRANTS AND RESTRAINING ORDERS
California and federal law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

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 contendre plea.

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

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

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

1005.4 REPORTING PROCEDURE
All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest, outstanding warrant or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired
Reporting of Employee Convictions

officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order or becomes the subject of an outstanding warrant.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

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. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee’s own resources and on the employee’s own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

1005.5.1  NOTIFICATION REQUIREMENTS
The Office of Professional Standards Sergeant shall submit within 30 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Office of Professional Standards Sergeant shall submit within 30 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).
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.

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. Such use shall not be tolerated (41 USC § 8103).

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 he/she 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, he/she shall be immediately removed and released from work (see Work Restrictions 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.

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 purchasing, manufacturing, distributing, dispensing, possessing or using 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 are prohibited from consuming alcoholic beverages on City and/or department premises and buildings or during work hours. Possession of alcohol in an unopened container for a gifting purpose is allowed.
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 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 AND

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties OR

(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.

(d) All required testing will be done in accordance with current City policy.
Drug- and Alcohol-Free Workplace

1006.7.1 SUPERVISOR RESPONSIBILITY
The supervisor shall prepare a written record documenting the specific facts that led to the decision to request 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.
(d) The employee's supervisor will transport the employee to the appropriate physician/laboratory for drug/alcohol testing. Upon completion of testing, the supervisor or a member of the employee's family will transport the employee to the employee's residence.

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 separately from the employee’s other personnel files.
Leaves of Absences

1007.1 PURPOSE AND SCOPE
This policy provides general guidance regarding the use and processing of leave. The accrual and terms of use of leave for eligible members are detailed in the City personnel manual, City policy or in the member's governing Memorandum of Understanding (MOU).

This policy is not intended to cover all types of leaves. For example, members 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.), California Family Rights Act (CFRA), Pregnancy Disability Leave (PDL), and leave related to domestic violence, sexual assault, stalking or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

1007.2 POLICY
It is the policy of the Lodi Police Department to provide eligible members with leave benefits.

1007.3 USE OF SICK LEAVE
Sick leave is intended to be used for qualified absences. Qualified absences include illness, injury, diagnosis, care or treatment for existing health conditions, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the member or the member's immediate family when it is not possible to schedule such appointments during non-working hours. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both. Catastrophic leave is available to members of the department and can be used as outlined in the City's Catastrophic Leave Policy.

Members on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member’s non-working hours when it is reasonable to do so.

Sick leave shall be accrued at the rate and maximum amount according to City policy and the member's governing MOU.

1007.3.1 NOTIFICATION
All members should notify the Watch Commander or appropriate supervisor by phone as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246).
Leaves of Absences

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for.

1007.4 CATASTROPHIC LEAVE
All full time, regular members of the Department are eligible for catastrophic leave. Eligibility for, and use of, catastrophic leave is outlined in the City's catastrophic leave policy and the member's governing MOU.

1007.5 HOLIDAY LEAVE
Holiday leave shall be accrued at a rate set forth in the current City policy and the member's governing MOU. Holiday leave shall be used in accordance with the schedule set forth in the member's governing MOU and in the City's policy.

1007.6 VACATION LEAVE
Vacation shall be accrued in accordance with current City policy and the member's governing MOU. Vacation leave may be used by the member according to City policy, department guidelines and the member's governing MOU.

1007.7 ADMINISTRATIVE LEAVE
Department members at the rank of sergeant and above and select civilian management positions are eligible to receive administrative leave. Administrative leave will be accrued at the rate outlined in the current City policy and the eligible member's governing MOU.

Any department member may be placed on paid administrative leave at the discretion of the Chief of Police or their designee pending the outcome of an administrative action or investigation.

1007.8 EXTENDED ABSENCE
Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.
Leaves of Absences

1007.9 MILITARY LEAVE

The department will comply with military leave as outlined in the current City policy and governing MOU's.

1007.10 JURY DUTY/RESPONSE TO SUBPOENA
Members serving jury duty shall be granted leave with pay according to City policy and the member's governing MOU.

1007.11 BEREAVEMENT LEAVE
Up to three regular shifts of leave with pay may be granted to members who experience a death in their immediate family. Immediate family members are defined in the current City policy governing bereavement leave.

Member's use of bereavement leave, notwithstanding the three regular shifts with pay stated above, is covered in the current City policy and/or the member's governing MOU.

The member shall be responsible for reporting leave required to their immediate supervisor as soon as the member realizes that they will not be able to work.

1007.12 LEAVE OF ABSENCES
Leave of Absences are available to members of the department in accordance with the City's current Leave of Absence Policy.

1007.13 REQUIRED NOTICES
The Human Resources Manager shall ensure:

(a) Written notice of the amount of paid sick leave available is provided to members as provided in Labor Code § 246.

(b) A poster is displayed in a conspicuous place for members to review that contains information on paid sick leave as provided in Labor Code § 247.

1007.14 SUPERVISOR RESPONSIBILITIES
The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of three or more days may qualify as family medical leave and consulting with legal counsel or the Human Resources as appropriate.
Leaves of Absences

(c) Addressing absences and sick leave use in the member’s performance evaluation when excessive or unusual use has:
   1. Negatively affected the member’s performance or ability to complete assigned duties.
   2. Negatively affected department operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.
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 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 Lodi Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1008.2 POLICY
The Lodi 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.

1008.3 EXPOSURE CONTROL OFFICER
The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Exposure-prevention and decontamination procedures.

(b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(c) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member’s position and risk of exposure.

(d) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).

(e) Compliance with all relevant laws or regulations related to communicable diseases, including:
   1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
   2. Bloodborne pathogen mandates including (8 CCR 5193):
Communicable Diseases

(a) Sharps injury log.
(b) Needleless systems and sharps injury protection.

3. Airborne transmissible disease mandates including (8 CCR 5199):
   (a) Engineering and work practice controls related to airborne transmissible diseases.
   (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.

4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).

5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.

6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

   (f) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title and telephone number of the designated officer is posted on the Department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193).

1008.4 EXPOSURE PREVENTION AND MITIGATION

1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

   (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.
   (b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.
   (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
   (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
Communicable Diseases

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.
   1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

1008.4.2 IMMUNIZATIONS
Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

1008.5 POST EXPOSURE

1008.5.1 INITIAL POST-EXPOSURE STEPS
Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate. If testing of the source is desired, a declaration by a licensed health care provider certifying the exposure is generally required to obtain a court order to draw and test the blood of a source when consent is refused.

(c) Notify a supervisor as soon as practicable. Members should be aware that the process of obtaining a blood draw and test from a non-consenting source individual involves multiple steps and court processes that should be coordinated with the supervisor and ECO. Delays in reporting an exposure may hinder or jeopardize the ability to obtain orders necessary to test the source, and the source may be difficult to locate once released from custody or discharged from medical facilities.

(d) If notification is desired and the source is receiving treatment at a health facility, report the exposure incident to the infection control officer of the treating health facility and request to be notified of the source's disease status (Health and Safety Code 1797.188).
1008.5.2 REPORTING REQUIREMENTS
The supervisor on duty shall notify the ECO, Risk Manager, and City Attorney’s office of an exposure or suspected exposure as soon as possible.

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

(a) Name and Social Security number of the member exposed
(b) Date and time of the incident
(c) Location of the incident
(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
(e) Work being done during exposure
(f) How the incident occurred or was caused
(g) PPE in use at the time of the incident
(h) Actions taken post-event (e.g., clean-up, notifications)
(i) The identity of the source individual (unless infeasible or prohibited by state or local law).

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

The supervisor shall provide the member with incident forms, such as the Declaration of Licensed Health Care Provider, Certification of Exposure and workers compensation documents.

1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT
Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary, at no cost to the member (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.
(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.
1008.5.4 COUNSELING
The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

1008.5.5 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 ECO. If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member’s supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual. A licensed health care provider generally must attempt to obtain voluntary informed written consent from the source individual.

(b) Complying with the statutory scheme of Health and Safety Code § 121060, which applies when peace officers and law enforcement employees are exposed by an arrestee. This includes a licensed health care provider notifying the arrestee of the exposure and making a good faith effort to obtain voluntary written informed consent to test for HIV, hepatitis B, and hepatitis C, providing a declaration certifying the exposure, and seeking a court order at a hearing if consent is not given.

(c) Testing the exposed member for evidence of a communicable disease and seeking informed consent from the source individual to access existing blood or tissue samples for testing (Health and Safety Code § 120262). This process is available if the source was treated at a health facility and the facility already has blood or tissue samples available for testing or knows the status of the source.

(d) 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).

(e) Obtaining a court order or search warrant for the purpose of HIV testing a person when the source is charged with a crime and exposed the member during the commission of the crime (Penal Code § 1524.1). The District Attorney’s office must be informed of the exposure and request to test the source prior to the source's first appearance in criminal court.

Since the procedures available for obtaining source testing vary depending on the facts and circumstances, the ECO is responsible for coordinating the testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss options for compelling the source of an exposure to undergo testing if he/she refuses.

1008.6 CONFIDENTIALITY OF REPORTS
Medical information shall remain in confidential files and shall not be disclosed to anyone without the member’s written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.
1008.7 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 least 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.
Smoking and Tobacco Use

1009.1 PURPOSE AND SCOPE
This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Lodi Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1009.2 POLICY
The Lodi 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 SMOKING AND TOBACCO USE
Smoking and tobacco use by members is prohibited anytime members are in public view representing the Lodi Police Department.

It shall be the responsibility of each member 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).
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 Lodi 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 Lodi Police Department takes all complaints seriously 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 and retained in accordance with the Personnel Files Policy:

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

Formal - A matter in which a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Office of Professional Standards, depending on the seriousness and complexity of the investigation. Formal complaints will be entered into Blue Team as either an Internal or External Investigation entry by the investigating supervisor.

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 assigned supervisor or
Personnel Complaints

the Office of Professional Standards, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Members assigned to the Office of Professional Standards unit function under the authority of the Chief of Police, therefore, a complaint that is forwarded to the Office of Professional Standards may be investigated by Office of Professional Standards personnel, regardless of the rank of the subject employee(s) in the complaint.

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.

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 his/her statement at the time it is filed with the Department (Penal Code § 832.7).
1010.4.3 **AVAILABILITY OF WRITTEN PROCEDURES**
The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

1010.5 **DOCUMENTATION**
Supervisors shall ensure that all formal complaints are documented on either a complaint form or a Blue Team entry. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible and shall include the nature of the complaint and the actions taken to address the complaint.

On an annual basis, the OPS Sergeant should audit the Internal Affairs log and Blue Team entries and submit an audit report to the Chief of Police or the authorized designee.

1010.6 **ADMINISTRATIVE INVESTIGATIONS**
Allegations of misconduct will be administratively investigated as follows.

1010.6.1 **SUPERVISOR RESPONSIBILITIES**
In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.
   1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
   2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member’s Bureau Commander or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.
   1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
   2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.
Personnel Complaints

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Human Resources and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator’s name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:
   1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
   2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES
Whether conducted by a supervisor or a member of the Office of Professional Standards, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Lodi Police Department or other reasonable and appropriate place.

(c) No more than two interviewers shall ask questions of an accused member.

(d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.

(e) All interviews shall be for a reasonable period and the member’s personal needs shall be accommodated.

(f) No member shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.
(a) A member shall 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).

(b) No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

(h) The interviewer shall 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.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

No investigation shall be undertaken against any officer solely because the officer has been placed on a prosecutor’s Brady list or the name of the officer may otherwise be subject to disclosure pursuant to Brady v. Maryland. However, an investigation may be based on the underlying acts or omissions for which the officer has been placed on a Brady list or may otherwise be subject to disclosure pursuant to Brady v. Maryland (Government Code § 3305.5).

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.
**Personnel Complaints**

**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:

- **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).

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 and the subject officer 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.
Personnel Complaints

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

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

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

1010.7.2 NON-ADMINISTRATIVE SEARCHES
Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

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.

1010.9 CRIMINAL INVESTIGATION
Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.
A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Lodi 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 shall be forwarded to the Division Commander through the chain of command. The Division Commander may accept or modify any classification identified in the report.

1010.10.1 DIVISION COMMANDER RESPONSIBILITIES
Upon receipt of any completed personnel investigation, the Division Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Commander shall make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

The Division Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

1010.10.2 CHIEF OF POLICE RESPONSIBILITIES
In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (Skelly) by providing written notice of the charges, proposed action and reasons for the proposed action. 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:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief of Police within five 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
Personnel Complaints

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 and subject officer are notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint within 30 days of the final disposition (Penal Code § 832.7(e)). The release to the complainant shall not include what discipline, if any, was imposed (Penal Code 832.7(e)).

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.
(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.

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 any collective bargaining agreement, Memorandum of Understanding and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.
During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

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 and as described in the Personnel Records Policy.
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).

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 under the age of 18 years old, 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.

1011.3 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES
Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any department vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

Prisoners 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 should inspect the serviceability of the restraint system at the beginning of each shift prior to use of the vehicle. 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.
Seat Belts

1011.5 POLICY
It is the policy of the Lodi Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1011.6 TRANSPORTING CHILDREN
Children under the age of 8 shall be transported in compliance with California’s child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

1011.7 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.

1011.8 VEHICLE AIRBAGS
In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.
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 Lodi 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 Department equipment manager shall ensure that body armor is issued to all officers when the officer begins service at the Lodi Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Department equipment manager shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the 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.

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 occasional inspections.
1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

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.
Employee Performance Documentation

1013.1 PURPOSE AND SCOPE
To establish guidelines for the documentation of superior and inadequate performance of all sworn and non-sworn personnel in order to maintain a professional level of competency. Nothing in this policy applies to formal discipline as discussed in Policy 324 "Standards of Conduct" Policy.

1013.2 DEFINITIONS
Department File
That file which is maintained by the office of the Chief of Police as a permanent record of an employee's service with this department.

MakeNote File
Any file which is separately maintained internally by an employee’s supervisor within an assigned division for the purpose of completing timely performance evaluations.

HR Personnel File
The master file which is maintained by the Human Resources Department as a permanent record of the employee's service with the City of Lodi.

1013.3 EMPLOYEE PERFORMANCE DOCUMENTATION
It is the policy of the Lodi Police Department to ensure all sworn and non-sworn personnel maintain a professional level of competency. To meet that goal, incidents of superior or inadequate performance shall be documented in MakeNote form. MakeNotes documenting unsatisfactory job performances shall be used to counsel an employee as to the desired performance or behavior. Such counseling is not to be considered disciplinary action.

A. A MakeNote may be used to document any of the following:
1. Superior performance by a subordinate, where the incident may not warrant a formal commendation.
2. Any incident which indicates a need for additional training.
3. Any incident where the employee's conduct warrants counseling.

B. Employee Review and Acknowledgement
1. When the supervisor has completed the MakeNote, they shall review the MakeNote with the affected employee.
2. The supervisor shall send the employee a copy of the MakeNote using the MakeNote system.
3. The employee shall acknowledge the MakeNote and add a response indicating the note was received to the original MakeNote. Once the MakeNote is sent to the employee, it will
**Employee Performance Documentation**

be automatically posted on the MakeNote dashboards of the appropriate supervisors, bureau commanders and the Chief of Police.

4. The MakeNote shall be automatically purged from the employee’s MakeNote file after twelve months from the date of entry.

5. By utilizing the MakeNote system, the employee may view their preceding 12 months of MakeNotes at any time.

C. Documentation of Substandard Performance

1. MakeNote documenting a counseling session regarding substandard or unacceptable job performance will be used to cite the existence of such performance, as well as, the action taken to correct that performance.

2. MakeNotes are not a disciplinary action. Therefore, no language will be included that references written reprimand, possible escalating discipline at a later time, or termination. Language of that type is reserved for Written Reprimands or Notifications of Intent to Discipline.

**1013.4 DOCUMENTATION APPEAL PROCESS**

Any employee shall have the right to appeal a MakeNote to a Bureau Commander (or Chief of Police if issued by the Bureau Commander). The decision of the Bureau Commander or the Chief of Police, depending on the level of appeal, is final and not subject to further appeal.

**1013.5 DOCUMENTATION OF COMMENDABLE PERFORMANCE**

A MakeNote citing commendable actions and/or behavior on the part of the employee will be documented in order to acknowledge such performance.
Personnel Records

1014.1 PURPOSE AND SCOPE
This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1014.2 POLICY
It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

1014.3 DEPARTMENT FILE
The department file shall be maintained as a record of a person’s employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently maintained.

(e) Discipline records, including copies of sustained personnel complaints.
   1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained pursuant to the established records retention schedule and at least two years (Government Code § 26202; Government Code § 34090).
   2. Disciplinary action resulting from a sustained civilian's complaint shall be maintained pursuant to the established records retention schedule and at least five years (Penal Code § 832.5). Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).
   1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
   2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).
   3. If a member 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 and the
member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

1014.4 MAKE NOTE FILE
Make Note files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Make Note file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials 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 Government Code § 3306.

1014.5 TRAINING FILE
An individual training file shall be maintained by the Training Sergeant for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing 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 member's training file.

1014.6 INTERNAL AFFAIRS FILE
Internal affairs files shall be maintained under the exclusive control of the Office of Professional Standards 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 Office of Professional Standards 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

Investigation files arising out of civilian's complaints shall be maintained pursuant to the established records retention schedule and for a period of at least five 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 two years (Government Code § 26202; Government Code § 34090).

1014.7 MEDICAL FILE
A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member’s medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
(b) Documents relating to workers’ compensation claims or the 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 that reveal a member’s medical condition.
(e) Any other documents or materials that reveal the member’s medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

1014.8 SECURITY OF PERSONNEL FILES
All personnel records shall be maintained in a physically secure area. The area shall be adequately secured by locking devices to prevent unauthorized entry.

All records shall always be stored in locked vaults, drawers or cabinets, except during preparation, assembly, or review of contents.

1014.9 SECURITY
Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

1014.9.1 RETIREMENT OF RECORDS
Personnel files of former employees will be kept for a period of five (5) years in accordance with records retention policies and in compliance with state regulations and City policy.
After five (5) years commendations, evaluations and newspaper clippings may be released to the former employee at their request.

The former employee’s background file and other confidential personnel records shall be destroyed pursuant to State and City regulations and policies.

1014.9.2 REQUESTS FOR DISCLOSURE
Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member’s personnel records shall be logged in the corresponding file.

1014.9.3 RELEASE OF PERSONNEL INFORMATION
Personnel records are confidential and shall not be disclosed except as allowed by law. 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 in connection with official business (Penal Code § 832.7; Evidence Code § 1043) (See also Records Maintenance and Release Policy).

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).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member’s representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

1014.10 MEMBER ACCESS TO HIS/HER OWN PERSONNEL RECORDS
Any member may request access to his/her own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from his/her personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member’s request and the written response from the Department shall be retained with the contested item in the member’s corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:
Personnel Records

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Confidential portions of internal affairs files that have not been sustained against the member.

(c) Criminal investigations involving the member.

(d) Letters of reference concerning employment/appointment, licensing or issuance of permits regarding the member.

(e) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(f) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments or other comments or ratings used for department planning purposes.

(g) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(h) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

1014.11 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member’s performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor responsible for completing the member’s performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.
1014.12 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police, Office of Professional Standards supervisor and the City Attorney’s office in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(2)):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, or whether the officer’s action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the Skelly or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(7) or other law, the following records shall be made available for public inspection upon request (Penal Code § 832.7):

(a) Records relating to the report, investigation, or findings of:
   1. The discharge of a firearm at another person by an officer.
   2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.

(b) Records relating to an incident where a sustained finding (see the Personnel Complaints Policy) was made by the department or oversight agency regarding:
   1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
   2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by,
another officer, including but not limited to any sustained finding of perjury, false statements, filing false reports, destruction, falsifying, or concealing of evidence.

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 involves 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 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)).

1014.12.1 REDACTION
The Custodian of Records, in consultation with the Chief of Police or authorized designee, and the City Attorney's office shall redact the following portions of records made available for release (Penal Code § 832.7(b)(5)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers

(b) Information that would compromise the anonymity of complainants and witnesses

(c) 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

(d) 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

Additionally, a record may be redacted, including redacting personal identifying information, 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 (Penal Code § 832.7(b)(6)).

1014.12.2 DELAY OF RELEASE
Unless otherwise directed by the Chief of Police and in consultation with the City Attorney's office, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who used the force.

   (b) Filed criminal charges

   1. When charges are filed related to an incident where force was used, disclosure may be delayed 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 has passed.

   (c) Administrative investigations

   1. Disclosure may be delayed until whichever occurs later:

      (a) There is a determination from the investigation whether the use of force violated law or department policy, but no longer than 180 days after the date of the department’s discovery of the use of force or allegation of use of force

      (b) Thirty days after the close of any criminal investigation related to the officer’s use of force

1014.12.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of records relating to the discharge of a firearm or use of force resulting in death or in great bodily injury during an active criminal investigation, the Custodian of Records or the City Attorney’s office shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

   (a) 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 provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

   1. 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 an officer 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 use of serious force by officers.
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)(7)).
Commendations and Awards

1016.1 PURPOSE AND SCOPE
This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Lodi Police Department and individuals from the community.

1016.2 POLICY
It is the policy of the Lodi Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

1016.3 COMMENDATIONS
Commendations for members of the Department or for individuals from the community may be initiated by any department member.

1016.4 CRITERIA
A meritorious or commendable act may include, but is not limited to:
- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

1016.4.1 AWARDS NOMINATION
Members of the Department may nominate persons for recognition by submitting a memorandum to the awards committee chairperson. The nomination shall include at a minimum:
1. For individuals from the community - name, address, telephone number
2. For department members - name, assignment at date and time of the meritorious or commendable act
3. A brief account of the meritorious or commendable act with report numbers, as appropriate.

1016.4.2 PROCESSING DOCUMENTATION
Documentation regarding the meritorious or commendable act of a department or community member shall be forwarded to the awards committee chairperson for his/her review. The chairperson shall assign the nomination to a committee member for investigation. If the nomination meets the criteria for award, the nomination will be presented to the full committee.

The investigating committee member and/or the full awards committee may approve the nomination or upgrade/downgrade the nomination to the appropriate award based on facts of the event.
Commendations and Awards

A copy of the award letter shall be maintained as part of the member's personnel file. Community members who receive an award shall have a record of the award received maintained by the awards committee chairperson.

The Chief of Police or his designee will present the recipient's awards to the each member or community member at an appropriate venue or ceremony.

1016.5 AWARDS COMMITTEE
The awards committee shall be comprised of the following members of the department:

1. One lieutenant to serve as committee chairperson
2. One sergeant to serve as committee vice-chair
3. At least 3 sworn members of the department
4. At least 3 non-sworn members of the department

Members shall serve a one (1) year term on the committee. Members are selected to the committee in December with their term to begin on January 1. Member's terms may be extended at the discretion of the committee chairperson.

1016.6 AWARDS
Awards may be bestowed upon members of the Department and individuals from the community. These awards include:

- **Medal of Valor**
  - This is the department's highest award. It is awarded to employees or volunteers who distinguished themselves by conspicuous bravery or heroism well beyond the normal demands of law enforcement while on duty.
  - The member was responsible for saving or attempting to save a human life,
  - After having sufficient time to evaluate the objective, accomplished the feat with the full knowledge that the course of action chosen may result in the member's serious injury or death.

The medal and ribbon will be blue, gold, white and red.

- **Silver Star**
  - This is the department's second highest award. It should be considered when circumstances do not fall within the provisions of Medal of Valor. The member must have:
  - Demonstrated outstanding bravery above and beyond what is expected in the normal course of duty.
  - Took the course of action in an immediate response to the incident without having time to fully contemplate that the action taken may result in the member's serious injury or death.
Commendations and Awards

The medal and ribbon will be red, white and blue.

- **Purple Heart**
  - This award is given to members for "serious bodily injuries" received in the line of duty. It is awarded to members who are seriously injured or killed while engaged in law enforcement service.
  - The injury must be the result of a criminal attack or hostile act, or in the course of a rescue or life saving effort. Serious injury or death sustained in the direct pursuit of criminal suspects or terrorist acts are eligible for this award.
  - Serious injury must have been a sudden and traumatic injury or an injury that would require treatment at a medical facility.

The medal and ribbon will be purple.

- **Officer of the Year**
  - This award is presented for a significant work-related achievement during the past year or for career long dedication and service to the department or the community. This annual award is open to all sworn, non-probationary officers and will be based on specific events, projects, or performances.

The medal will be blue. The ribbon will be blue with two vertical gold bars.

- **Employee of the Year**
  - This award is presented for a significant achievement during the past year or for a career long dedication and service to the department or the community. This annual award is open to all non-sworn, non-probationary members. This award will be based on specific events, projects or performances.

The medal will be blue. The ribbon will be blue with two vertical white bars.

- **Volunteer of the Year**
  - This award is presented for significant achievement during the past year or for career long dedication and service to the department or the community. This annual award is open to all volunteers of the department. This award will be based on specific events, projects, or performances.

The medal and ribbon will be blue.

- **Life Saving Award**
  - This award is presented to an employee who saves or attempts to save a life by direct action or by performing emergency medical aid, not necessarily requiring bravery or extraordinary effort, which results in the saving of a human life.
  - Or whose actions prolonged a human life to the extent that the victim was released to the care of medical authorities and the victim lived for a reasonable amount of time after the incident.

The medal and ribbon will be red and blue.

- **Meritorious Service Award**
Commendations and Awards

- This award is for a member's contribution to the department or the community for a period of months or years by exemplary work conduct or involvement in a specific assignment of extraordinary benefit to the department and/or community.

- If the award is to be based on the member's record during the past year, there must be at least two specific articulable events, projects, or performances noted in the nomination investigation.

- If the award is to be based on the member's record over a period of years, there must be at least four specific articulable events, projects, or performances noted in the nomination investigation.

The medal will be blue. The ribbon will blue/white/blue.

- **Chief of Police Service Award**
  - This award is an opportunity for the Chief of Police to recognize members for a significant contribution to the department or the community. It is issued solely at the Chief's discretion.

This medal and ribbon will be red/white/blue.

- **The Cromwell Award**
  - This award is an opportunity for the Traffic Division to recognize members for an articulable contribution to the department and the community in the area of Traffic Enforcement. It is issued solely at the discretion of the Traffic Unit.

The ribbon will be blue with three white stripes on the left and three white stripes on the right. (Added March 2009)

- **Unit Citation**
  - The Unit Citation is awarded to any group of two or more members who collectively engage in a specific articulable program, event or operation that exemplifies an extraordinary quality or service.

The Unit Citation will be awarded as a plaque and will be mounted in the unit's work area.

- **Citizen Service Award**
  - This will be awarded to citizens who perform an exceptional service to the department, its members, or to the community.

It will consist of a plaque from the Chief of Police.

Awards will be worn centered above the right breast uniform pocket.

Ribbons will be worn in the following order: U.S. Flag ribbon, Medal of Valor, Silver Star, Purple Heart, Officer of the Year, Employee of the Year, Volunteer of the Year, Life Saving Ribbon, Meritorious Service Award, Chief of Police Award, Cromwell Award and Unit Citation.

Ribbons will be worn in traditional military style.

**Miscellaneous Ribbons**
Commendations and Awards

Employees may be honored with various awards from outside agencies and organizations (CHP, MADD). Honor Guard and SWAT team members and Partners may also receive ribbons based on length of service. At the discretion of the Chief of Police, members may display those ribbons on their uniform and they will be worn following the aforementioned list of awards.

Multiple Awards

In the event an officer earns the same award more than once, a silver star will be added to the ribbon for each subsequent award. Multiple different awards will be worn centered on the right breast pocket with the highest precedent award being worn towards the center of the uniform shirt. If more than one row of awards are worn, they will be worn in successive order of precedent with the highest precedent award being worn on top and closest to the center of the uniform shirt. If one award is in the top row, then it will be centered on the right breast pocket.

Replacement of Ribbons

The Department will provide replacement ribbons.

Criteria for each award and the selection, presentation and display of any award are determined by the Chief of Police.
Meal Periods and Breaks

1018.1 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.

1018.1.1 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 request clearance from the Communications Center prior to taking a meal period. Uniformed personnel 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 as outlined in the member's governing MOU or state law.

1018.1.2 15 MINUTE BREAK
Each non-sworn employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee’s shift unless approved by a supervisor.

Patrol officers will take their breaks within the city limits unless on assignment outside the city, subject to call and shall monitor their radios. When patrol officers take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of the Communications Center.

Sworn officers are allowed one 15 minute break per 10 hour shift. Officers may combine the 15 minute break with their 45 minute lunch break for a total of one 60 minute break. Officers may exercise during their lunch break in the department's gym but they must stay in contact with dispatch through the police radio. Officers may change into workout or gym clothes for this workout period.
Lactation Break Policy

1019.1 PURPOSE AND SCOPE
The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee’s infant child (Labor Code § 1034).

1019.2 POLICY
It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207; Labor Code § 1030).

1019.3 LACTATION BREAK TIME
A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207; 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. Such breaks, if feasible, should be taken at the same time as the employee’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).

Employees desiring to take a lactation break shall notify the Communications Center 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.

1019.4 PRIVATE LOCATION
The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee’s work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207; Labor Code § 1031).

Employees 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 employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.
Lactation Break Policy

1019.5 STORAGE OF EXPRESSED MILK
Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.

1019.5.1 STATE REQUIREMENTS
Employees 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.

Employees 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).
Payroll Records

1020.1 PURPOSE AND SCOPE
This policy provides the guidelines for completing and submitting payroll records of department members who are eligible for the payment of wages.

1020.2 POLICY
The Lodi Police Department maintains timely and accurate payroll records.

1020.3 RESPONSIBILITIES
Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.
Supervisors are responsible for approving the payroll records for those under their commands.

1020.4 TIME REQUIREMENTS
Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to Administration as established by the City payroll procedures.

1020.5 RECORDS
The Department Management Analyst 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).
Overtime Compensation Requests

1021.1 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 complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1021.1.1 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.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the accrued hours of compensatory time allowed per the employee's bargaining unit MOU.

1021.2 REQUEST FOR OVERTIME COMPENSATION
Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification and forwarding to the department payroll clerk.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1021.2.1 EMPLOYEES RESPONSIBILITY
Employees shall complete the requests as soon as practical after working the overtime and turn them in to a supervisor or the Watch Commander. Employees submitting overtime slips for on-call pay when off duty should submit slips to a supervisor the first day after returning for work.

1021.3 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status on the overtime slip. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., four hours for Court, three hours for outside overtime).

1021.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR
Overtime hours shall be reported and paid at the rate of one and a half times regular pay, or any greater amount as required by law, and in accordance with the members current MOU.
1021.3.2 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 in the comments section of the overtime request form.
Outside Employment

1022.1 PURPOSE AND SCOPE
In order to avoid actual or perceived conflicts of interest for departmental 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.

1022.1.1 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.

1022.2 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 a Request for Outside Employment form in advance of the employment which shall be submitted to the Chief of Police for approval.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing by the Chief of Police on the approved permit, a permit will be valid indefinitely, unless revoked by the Chief of Police or the employee's outside employment is terminated. Any employee seeking to renew an employment permit shall submit a new Request for Outside Employment in a timely manner.

Requests for Outside Employment shall contain the following information:

a. Location of employment
b. Type of Business
c. Duties and responsibilities of the position
d. Days and hours of employment
e. Name and address of employer

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)).
Outside Employment

1022.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT
If an employee’s Request for Outside Employment 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.

If the employee’s appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the employee’s current Memorandum of Understanding (MOU).

1022.2.2 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.

1022.3 PROHIBITED OUTSIDE EMPLOYMENT
Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Request for Outside Employment submitted by an employee seeking to engage in any activity which:

(a) Involves the employee’s use of departmental 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.
Outside Employment

(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

1022.3.1 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 departmental 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.

1022.3.2 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.
Outside Employment

1022.3.3 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.

1022.4 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.

1022.4.1 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.

1022.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS
If an employee terminates his or her outside employment during the period of a valid permit, the employee shall within 10 days submit written notification of such termination to the Chief of Police through the proper 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 submit within 10 days 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.

1022.6 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
Outside Employment

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.

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 Lodi Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.
Personal Appearance Standards

1024.1 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.

1024.2 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.

1024.2.1 HAIR
Hair will be neatly groomed and have no shapes, symbols, designs, or insignias cut into it. If an employee chooses to color their hair, natural hair colors shall be used. The length and bulk of the hair will not be excessive or present a ragged, unkempt or extreme appearance. In all cases, the bulk or length of hair will not interfere with the normal wearing of Department headgear, gas mask or other life support breathing gear.

MALES
Hair will present a tapered appearance. Hair, when combed, will not fall over the ears or eyebrows, or touch the collar, except for closely cut hair at the back of the neck. The blockcut fullness in the back is permitted in moderate degree, as long as the tapered look is maintained. Ponytails shall not be worn on duty unless authorized for a special assignment.

FEMALES
Hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect.

For uniformed female sworn employees and female dispatch/jailers working in the jail, hair must be worn up or in a tightly wrapped bun, braid or ponytail.

Hair styles that preclude the proper wearing of the hat (when worn) are not permitted. Hair must be combed back over, or behind the ears when wearing the hat. Bangs will not be visible below the band of the hat.

Ornaments - Hair holding ornaments to keep the hair off of the lower edge of the collar, if used, must be inconspicuously placed. Cloth, rubber band-type hairpieces that look professional and match the uniform are authorized. Beads or similar ornamental items or banana clips are not permitted.

Wigs (Male and Female) - A wig or hairpiece may be worn as long as it is of a natural hair color and the style and length conform to appearance standards. They shall be of good quality, fit, and
Personal Appearance Standards

present a natural appearance. They may not interfere with the proper performance of duty or present a safety hazard.

1024.2.2 MUSTACHES
The face will be clean shaven, except mustaches are permitted. If a mustache is worn, it will be kept neatly trimmed, tapered and tidy. No portion of the mustache will cover the upper lip line or extend beyond the corners of the mouth. Exceptions can be authorized by special assignment.

1024.2.3 SIDEBURNS
Sideburns will be neatly trimmed. The base will not be flared and will be a clean shaven, horizontal line. Sideburns will not extend below the lowest part of the ear opening.

1024.2.4 FACIAL HAIR
Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his or her designee.

1024.2.5 FINGERNAILS
Fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall be trimmed so that the length of the nail extending over the edge of the finger must not exceed 1/2".

The color of fingernail polish, if worn, shall not be distracting or shocking.

1024.2.6 JEWELRY AND ACCESSORIES
No jewelry or personal ornaments shall be worn by officers or volunteers on any part of the uniform or equipment, except those authorized within this manual. Jewelry, if worn around the neck, shall not be visible above the shirt collar.

Male employees or volunteers shall not wear earrings unless authorized by the appropriate bureau commander. Female employees or volunteers may wear a small metal post-type earring. No more than one earring per ear is authorized.

Only one ring may be worn on each hand of the employee or volunteer while on-duty.

Medical alert bracelets or similar type of health protection device may be worn.

**Watches** - Conservative wrist watches may be worn. Gaudy or flamboyant colors will not be allowed.

**Sunglasses** - Conservative sunglasses with black, dark blue, or dark gray frames may be worn. Reflective or mirrored lenses will not be allowed.

Other items with supervisor approval, fitness or memorial bracelets and para cord police bracelets.

1024.3 TATTOOS
While on-duty and wearing the Class A, B, or C uniform tattoos or other body art shall be concealed at all times.
Personal Appearance Standards

At no time while on-duty or representing the Department in any official capacity and while wearing the Class A, B, or C uniform, shall any offensive or inappropriate tattoo or body art be visible. Examples of offensive or inappropriate tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related, or obscene language.

Tattoos or other body art on the arms shall be concealed by an approved long sleeve uniform shirt. Tattoos or other body art on the neck, hands, head, or legs should be concealed with the use of a covering authorized by the appropriate division commander.

Permanent make-up for female personnel shall be construed as a tattoo and shall be acceptable without further authorization if applied in a manner that is consistent with the individual’s natural appearance.

Personnel having tattoos prior to August 15, 2016 that are visible while wearing the authorized LPD uniform and that cover no more than 50% of the visible area of the affected limb, i.e. upper arm, forearm, hand or neck, will be exempt from covering the tattoo under this policy. After August 15, 2016 new or additional tattoos or modifications to an existing, exempted tattoo will be required to be covered.

Personnel seeking exemptions to this policy must submit a memorandum outlining the size, type and body area affected by the tattoo through their respective chain of command to the Chief of Police.

The Chief of Police will have the final discretion in determining what is considered inappropriate and/or offensive or covers more than 50% of an affected area.

1024.4 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.

1024.5 COSMETICS
Cosmetics shall be blended to match the natural skin color of the individual.

1024.6 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
Personal Appearance Standards

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.
Uniform Regulations

1025.1 PURPOSE AND SCOPE
The uniform policy of the Lodi 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 policies:

Department Owned and Personal Property
Body Armor
Personal Appearance Standards

The Department's Uniform and Equipment 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 Lodi 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.

1025.2 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) Weapons shall be clean and serviceable.

(d) Personnel shall wear only the uniform specified for their rank and assignment (Penal Code 13655).

(e) 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.

(f) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(g) Civilian attire shall not be worn in combination with any distinguishable part of the uniform unless authorized by a supervisor.

(h) 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.
Uniform Regulations

(i) 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.

(j) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(k) Conservative sunglasses with black, dark blue, or dark gray frames may be worn. Mirrored or reflective sunglasses are not allowed.

(l) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the appropriate Bureau Commander.

1. Wrist watch - Conservative wrist watches may be worn. Gaudy or flamboyant colors will not be allowed.
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
3. Medical alert bracelets or similar health protection device may be worn.
4. Other items with supervisor approval, fitness or memorial bracelets and para-cord police bracelets

1025.2.1 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 Bureau Commander.

1025.3 UNIFORM CLASSES

1025.3.1 CLASS A UNIFORM
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. All sworn personnel must dedicate and maintain one uniform as their class A uniform. The Class A uniform consists of the following:

(a) Uniform cap with shield - Corporals and below will wear a silver and gold cap shield with a silver hat band. Sergeants and above will wear a gold cap shield and a gold hat band. Lieutenants and above will wear gold oak leaves on the brim.

(b) Long sleeve LAPD blue wool uniform shirt.

(c) LAPD blue wool pants.
Uniform Regulations

(d) LAPD blue necktie.
(e) Tie bar - Corporals and below will wear a silver tie bar while sergeants and above will wear a gold tie bar.
(f) Department-issued metal badge.
(g) Class A Nametag - Supervisors shall wear brass colored metal nametags. All other employees and volunteers shall wear silver colored metal nametags.
(h) Hash marks - One hash mark for each 5 years of service.
(i) Two “P” buttons on the epaulettes and one “P” button on each of the front pocket flaps. Corporals and below will wear silver “P” buttons. Sergeants and above will wear gold “P” buttons.
(j) Black leather underbelt - Corporals and below will wear a silver belt buckle. Sergeants and above will wear a brass belt buckle. Synthetic underbelts with velcro closures are also authorized with Accumold gear.
(k) Black socks.
(l) Black "patent leather" uniform shoes.
(m) Duty belt with equipment items authorized specifically for the event by the Chief of Police or designee.
(n) Optional items:
  • Pens, gold for Sergeants and above, silver for Corporals and below
  • "Ike" jacket for Captains and Chief only

1025.3.2 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 following items:

(a) LAPD blue wool or blend uniform shirt.
(b) LAPD blue wool or blend pants.
(c) A black crew neck t-shirt only. No logos or pictures or words shall be visible.
(d) Department-issued metal badge.
(e) Class B Nametag - Supervisors shall wear brass colored metal nametags. All other employees and volunteers shall wear silver colored metal nametags.
(f) Hash marks for long sleeve shirts.
(g) Black uniform shoes or boots. No boots with pointed toes or stitching across the toes are authorized.
(h) Duty belt with issued equipment.
Uniform Regulations

(i) Optional items

1. Black turtle neck or mock turtle neck may be worn with a long sleeve shirt. "LPD" may be embroidered on the left side of the neck. White letters for corporal and below and gold for Sergeants and above (no other visible logos or slogans are authorized).

2. Navy blue baseball cap with replica of department shoulder patch on the crown of the hat. The hat will be worn with the bill curved, facing forward and in a horizontal orientation that will not obscure the wearer's eyes from the general public or other members of the department.

3. LAPD blue neck tie with long sleeve shirt only.

4. Cold weather cap with supervisor approval.

1025.3.3 CLASS C UNIFORM
The Class C uniform consists of the following and specifications are in the Lodi Police Department Uniform and Equipment Manual:

- Authorized vest carriers issued by the department
- Vest carrier attachments and their placement approved by a supervisor
- Trousers will be LAPD blue
- Shirts will be LAPD blue
- Nametags shall be centered over seam of right pocket flap and shall consist of 1/2" embroidered block lettering. First name initial and last name.
- Metal badge shall be worn
- Duty belt with issued equipment

Class C uniforms will not be worn for formal public presentations (i.e.: award recognition, council meetings, service clubs, etc.).

1025.3.4 CLASS D UNIFORM
The Class D uniform consists of the following and specifications are in the Lodi Police Department Uniform and Equipment Manual:

- Trousers will be LAPD blue
- Shirts will be LAPD blue
- Nametags shall be centered over seam of right pocket flap and shall consist of 1/2" embroidered block lettering. First name initial and last name.
- Cloth badge shall be worn with embroidered name plate.
- Metal badge shall be worn with metal name plate.
- Duty belt with issued equipment.
Uniform Regulations

Class D uniforms will not be worn to court, or for formal presentations (i.e. award recognition, council meetings, etc.), or by supervisors.

1025.3.5 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.

Uniform Professional Staff will wear authorized uniforms specified in the Lodi Police Department Uniform and Equipment Manual.

1025.3.6 FOUL WEATHER GEAR

(a) Rain Gear - The rain jacket shall be made of light polyurethane/nylon material and will be reversible with yellow or black coloring. Raingear shall have "POLICE" written across the back. The yellow side jacket will have black letters on it and the black jackets will have white letters on it. A cloth or metal badge must be worn on the jacket. The jacket shall be no longer than mid-length, no trench coat styles. Jackets shall have pre-manufactured handgun access slot.

(b) Cold Weather Gear - Uniformed Officers shall wear authorized cold weather jacket. Cold weather jackets will be LAPD blue with two "P" buttons on the shoulder epaulets and front pocket flaps. Silver buttons for corporals and below and gold for sergeants and above. Nametags shall be centered over the seam of the right pocket flap and shall consist of 1/2" embroidered block lettering or a metal nametag. The lettering will be silver for corporals and below and gold for sergeants and above. Cloth badges will be worn with embroidered names and metal badges will be worn with metal nametags. Shoulder patches will be worn. Sergeants and below will have their rank sewn on each sleeve.

1025.3.7 HIGH VISIBILITY VESTS
A. The Department has provided ANSI Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (8 CCR § 1598). Although intended primarily for use while performing traffic related assignments, high-visibility vests shall be worn at any time increased visibility would improve the safety or efficiency of the employee.

B. Required Use

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests shall 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 shall 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 shall retrieve and wear the vest.
as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

C. Care and Storage of High-Visibility Vests

High-visibility vests shall be issued to each employee and maintained by the employee for easy access during work hours or when required to come in and perform on call duties. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is in their possession and in good condition. A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Corporal should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

1025.4 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, one half of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(b) Hash marks - Hash marks may be worn on long sleeved shirts. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation metal nameplate, or an authorized embroidered nametag, shall be worn at all times while in uniform. The nameplate shall display the employee’s first initial and last name. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket. The letters on the nameplate shall be black and shall be readable.

(d) When a jacket is worn, the nameplate or an authorized embroidered nametag shall be affixed to the jacket.

(e) Assignment Insignias - Assignment metal insignias, (SWAT, CINT, CTO, MAIT) may be worn as designated by the Chief of Police.

(f) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(g) Rank Insignia - The designated insignia indicating the employee’s rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

(h) Pins, Awards, and Other Insignia - Only department authorized pins, awards, and insignia will be worn on the uniform. Awards ribbons will be worn centered above the right breast pocket. Multiple ribbons will be worn in successively decreasing honor to the right of the preceding ribbon.

(i) Master Officers shall be authorized to wear a single chevron insignia on their uniform sleeves. Corporals who are Master Officers shall be authorized to wear a double chevron with a bottom rocker insignia on their uniform sleeves. The insignias shall
Uniform Regulations

be worn on the uniform in accordance with the Department's Uniform and Equipment Manual.

1025.4.1 MOURNING BADGE
Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty in California. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 30th day after the death.
(b) An officer from California - From the time of death until the completion of the officer's funeral.
(c) Funeral attendee - While attending the funeral of an out of region fallen officer.
(d) National Peace Officers Memorial Week.
(e) As directed by the Chief of Police.

1025.5 CIVILIAN ATTIRE/DEPARTMENT TRAINING
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 non-sworn 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) The following items shall not be worn on duty unless authorized by a supervisor:
   1. Canvas type shoes, beach or thong type sandals, and flip flops of any style.
   2. Hosiery of non-traditional colors and styles, such as, neon, fishnet, plaids or checkerboard.
   3. Jewelry that presents a non business-like appearance. Visible body piercings. Earrings that interfere with the safe operation of any equipment and that hang more than one inch below the earlobe.
   4. Blouses with low-cut or plunging neck lines. T-shirts and tank tops.
   5. Swimsuit, tube tops, halter-tops, sweats or work-out apparel. Spandex type pants or see-through clothing. Lycra tights or leggings worn in lieu of pants are not permitted.
   6. Capri-style pants shorter than mid-calf. Denim material regardless of color or style. During department training denim material is authorized.
   7. Distasteful or inappropriate printed slogans, buttons or pins
   8. Baseball-type caps worn backwards
(c) 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.

(d) No item of non-sworn attire may be worn on duty that would adversely affect the reputation of the Lodi Police Department or the morale of the employees.

1025.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Lodi Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Lodi Police Department to do any of the following (Government Code §§ 3206 and 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 non-profit publication, or any motion picture, film, video, public broadcast, or any website.

1025.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any optional equipment items shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department.

(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 (Policy Manual § 700).

1025.7.1 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 Lodi 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 "Retired" clearly visible on its face. A retiree shall be instructed that
Uniform Regulations

any such badge will remain the property of the Lodi Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1025.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Lodi Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized by the Chief of Police or designee.

Lodi Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized by the Chief of Police or designee.

Information regarding brands, styles and proper wear of uniforms and equipment will be covered in the Lodi Police Department Uniform and Equipment Manual. Maintenance of the Uniform and Equipment Manual will be conducted by the uniform and equipment committee.
Police Cadets

1026.1 PURPOSE AND SCOPE
The cadet program operates as a volunteer component of the Lodi Police Department, acting as a forum for members to serve as interns/observers. Cadets will learn police procedures, receive related training, and aid the police department and its officers with their duties. The program serves as a line of communication between youth, the community, and the police department. Currently any person, age 16 to 24 years, possessing a good moral character, with no felony convictions, who desires to serve the community, and who seeks to explore the law enforcement profession as a career choice, is eligible for the position.

1026.2 EDUCATION REQUIREMENTS
Cadets, enrolled in any educational institution, shall maintain a 2.5 GPA or higher. Those cadets who have completed a college degree are not required to attend an educational institution. Those applicants not currently enrolled in an educational institution are still eligible if they are scheduled to attend an educational institution upon the start of the next school quarter or semester. Continuing education is a requirement of the Police Cadet Program.

1026.3 PROGRAM COORDINATOR
A sergeant will serve as the Program Coordinator. This supervisor 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.

1026.3.1 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.

1026.4 ORIENTATION AND TRAINING
Newly appointed cadets will receive an orientation of the organization and facilities before reporting to their first assignment. Cadets will be trained in accordance with the Cadet Training Manual. The Cadet Training Manual must be completed within the first year of being assigned to the program. Training sessions will be scheduled at the discretion of the program coordinator. Cadet training sessions will focus on improving current job performance, as well as prepare the cadet for a future
Police Cadets

career in law enforcement. In addition to job-specific training, information will be offered to cadets to prepare them to successfully compete for a position in law enforcement, and guide them through the hiring process. Cadets who are enrolled in a police academy will be afforded the opportunity to seek additional training, resources and mentoring to assist them in successfully completing the academy. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1026.5 CADET UNIFORMS
Cadets will be provided one uniform upon assignment to the program. This will include one long sleeve shirt, one short sleeve shirt and one pair of uniform pants. Each cadet will be expected to maintain at least one complete cadet uniform in good condition. All uniforms must meet the requirements listed in the uniform manual.

1026.6 CADET ASSIGNMENTS
Cadet assignments will be made at the discretion of the program coordinator.

Cadet sergeants will be chosen by the program coordinator and should be based on performance and leadership potential.

1026.7 MONTHLY HOUR REQUIREMENTS
All cadets are required to participate in department-oriented activities for at least 15 hours per month. If a cadet fails to meet the monthly hour requirement they shall prepare a memo addressed to the program coordinator explaining why the hours were not met. Repeated failure to meet the hour requirement of the program may result in discipline or expulsion from the program.
Department Badges

1028.1 PURPOSE AND SCOPE
The Lodi Police Department badge and uniform patch as well as the likeness of these items and the name of the Lodi Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1028.2 POLICY
The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental 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.

1028.2.1 FLAT BADGE
Sworn officers 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 departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Lodi Police Department.

(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.

1028.2.2 NON-SWORN PERSONNEL
Badges and departmental 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.

1028.2.3 RETIREE UNIFORM BADGE
Upon honorable retirement employees may keep 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.
1028.3 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 non-sworn 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.

1028.4 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 Lodi 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.
1029.1 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 that is protected under federal or state law.

1029.2 POLICY
Subject to operational considerations, the Lodi 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.

1029.3 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 Lodi 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 the authorized 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.

Temporary modified-duty assignments shall generally not exceed a cumulative total of 520 hours in any one-year period.

Temporary modified-duty will cease upon any of the following:
1. release of the employee to return to full duty by the treating or evaluating physician;
2. when the work restrictions have been determined to be permanent;
Temporary Modified-Duty Assignments

3. if an employee cannot adequately perform the temporary/modified duty assignment;
4. when an employee has worked modified duty for 90 days within a 12 month period.

If the employee requires modified duty beyond 90 days, up to (3) 30-day extensions (for a total of 180 days) may be granted if modified duty is still available and the employee has made significant progress towards a return to full duty. The employee will be required to provide medical certification of the continued need for the temporary/modified duty before each extension will be granted. Any exceptions to this rule must be approved by the Chief of Police on a case-by-case basis.

1029.4 PROCEDURE
Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their Division Commanders or the authorized designees. 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 Division Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Human Resources or the City Attorney as appropriate.

1029.5 ACCOUNTABILITY
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.

1029.5.1 EMPLOYEE RESPONSIBILITIES
The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
Temporary Modified-Duty Assignments

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Division Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

1029.5.2 SUPERVISOR RESPONSIBILITIES
The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Division Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Division Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

1029.6 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.

1029.7 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.

1029.7.1 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.
1029.8 PROBATIONARY EMPLOYEES
Probationary employees who are assigned to a temporary modified-duty assignment shall have their probation extended by a period of time equal to their assignment to temporary modified duty.

1029.9 MAINTENANCE OF CERTIFICATION AND TRAINING
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.
Employee Speech, Expression and Social Networking

1030.1 PURPOSE AND SCOPE
This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1030.1.1 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.

1030.2 POLICY
Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Lodi Police Department will carefully balance the individual employee’s rights against the Department’s needs and interests when exercising a reasonable degree of control over its employees’ speech and expression.

1030.3 SAFETY
Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Lodi Police Department employees, such as posting personal information in a public forum, can result in compromising an employee’s home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee’s family, or associates. Examples of the type of information that could reasonably be expected to compromise safety include:
Employee Speech, Expression and Social Networking

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

1030.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT
To meet the department’s safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Lodi Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Lodi Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Lodi Police Department or its employees. Examples may include:
   1. Statements that indicate disregard for the law or the state or U.S. Constitution.
   2. Expression that demonstrates support for criminal activity.
   3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Lodi Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Employees may post, transmit or display photographs, videos or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Lodi Police Department on any private personal website or private social networking or other website or webpage, provided such is posted, transmitted or displayed in a manner...
Employee Speech, Expression and Social Networking

which is not contrary to the intent of this policy (safety of employee, employee’s family or associates), and is not otherwise derogatory to the department, its employees or management, or is contrary to the ideals of the department and the law enforcement profession. A private website or social network site or page is defined as one in which the employee has utilized available privacy controls or one in which others can only view the contents of the site or page with the employee's permission. Employees may not post, transmit or disseminate such materials on a public social networking or other website without the expressed authorization of the Chief of Police, or his designee, and without compliance with the other provisions of policy 1030. If a post, transmission or display is suspected to have been made in violation of this policy, the Chief of Police will make the ultimate determination of the propriety of the post, transmission or display.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).
2. During authorized breaks such usage should be limited as much as practical to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1030.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS
While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Lodi Police Department or identify themselves in any way that could be reasonably perceived as representing the Lodi Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

(a) Endorse, support, oppose or contradict any political campaign or initiative.
(b) Endorse, support, oppose or contradict any social issue, cause or religion.
(c) Endorse, support or oppose any product, service, company or other commercial entity.
(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Lodi Police Department.
Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

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

1030.5 PRIVACY EXPECTATION
Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

1030.6 CONSIDERATIONS
In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member’s appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

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

1030.7 TRAINING
Subject to available resources, the Department shall provide training regarding employee speech and the use of social networking to all members of the Department.
Grievance Procedure

1031.1 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.

1031.1.1 GRIEVANCE DEFINED
A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding) and Letters of Agreement
- This Policy Manual
- City policies and regulations covering personnel practices or working conditions
- Disputes which may be of a "class action" nature filed on behalf of the member's association or the City.

Class action grievances shall be submitted in writing from the affected member association's president to the City Manager or vice versa.

Grievances may be brought by an individual affected employee or by a group representative.

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

1031.2 PROCEDURE
Except as otherwise required under a collective bargaining agreement, if an employee believes that he or she has a grievance as defined above, then that employee shall observe the procedures for filing a grievance as outlined in their respective bargaining agreement with the City, which can be found on the City's Internet site.

1031.3 EMPLOYEE REPRESENTATION
Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.
1031.4 GRIEVANCE RECORDS
At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to Administration for inclusion into a secure file for all written grievances. A second copy of the written grievance will be maintained by the Human Resources office to monitor the grievance process.

1031.5 GRIEVANCE AUDITS
The Office of Professional Standards shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Office of Professional Standards supervisor or his representative shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Office of Professional Standards supervisor should promptly notify the Chief of Police.
Attachments
Date: ________________

Subject:_Notice of Release to Immigration and Customs Enforcement (ICE)_

Name of Inmate: ________________________________

Date of Notice to ICE: __________________________
Time of Notice to ICE: __________________________

Date of Release: ________________________________
Time of Release: ________________________________

Name of Attorney or Designee (check one):
[ ] [Name] [Title]

Email and/or Phone Number: ______________________

Name of officer & Contact Information:
[Name] [Title]

[Name]
[Title]

CC: ________________________________

FOR LAW ENFORCEMENT PERSONNEL:
Served by: ___________________________ ID #: ___________________________ Date: ________________
Firearms Purchase Request and Agreement.pdf
FIREARMS PURCHASE REQUEST AND AGREEMENT

Pursuant to Lodi Department (LPD) Policy 204, I request to purchase my issued duty service weapon as described below upon my retirement from the City of Lodi. I understand that LPD will make the necessary registration transfer to the California Department of Justice as required. I agree that any subsequent notifications (address changes, etc.), are my sole responsibility.

I have read and understand LPD Policy 204 regarding the possession and use of a CCW endorsement associated with my retirement, including identification and endorsement requirements.

I agree that upon my retirement and transfer of the weapon, it becomes my sole property and responsibility. It is received in "as is" condition with no warranty, specific, implied, or otherwise, and acknowledge that the City of Lodi does not guarantee the condition of the weapon.

The City, its officers, directors, employees, agents, designated volunteers, sureties, and each of them, and anyone working on their behalf ("Release Parties") are in no way responsible for the weapon's proper use and service. I assume all risks and liabilities associated with this transfer and acknowledge that the Release Parties shall have no liability for errors, malfunctions, defects, or any loss resulting from or relating to the sale, use, possession, or ownership of this weapon as well as any wrongful death, indirect, or punitive damages, including, without limitation, commercial or economic loss, related to the sale, use, possession, or ownership of the weapon.

I release the City, its officers, directors, employees, agents, designated volunteers, sureties, and each of them, and anyone working on their behalf and agree to defend, indemnify, and hold harmless from and against any loss, liability, damage, including but not limited to reasonable attorney, consultant, and expert fees and/or court costs, directly or indirectly arising out of or in connection with the safe use, possession, or ownership of the weapon.

Firearm make and model: __________________________________________________________

Serial number: ___________________________________________________________________

Retiree Signature: ___________________________________________ Date: _________________

Retiree Name (Print): __________________________________________________________________

Chief of Police Approval: __________________________________ Date: _________________

DOJ Transfer Completed (name): __________________________________ Date: __________

Armory Inventory Updated (Armorer name): _________________________ Date: __________
English truth_act_form_1.pdf
Re: Consent Form for Immigration and Customs Enforcement Interview

This notice is to inform you that Immigration and Customs Enforcement ("ICE") wants to interview you, either in person or by phone, to get information that they may use to try to deport you. **You have the right to agree or to refuse this interview.**

This notice is intended to provide you with information about your rights:

1. **ICE interviews are voluntary.** You can say no to an interview by ICE.

2. **You have the right to remain silent.** Even if you decide to say yes to an interview, you can refuse to answer any questions, including questions about your immigration status. This includes where you were born and how you came to the United States. Anything you say may be used against you in criminal and/or immigration proceedings. You should not sign any forms you do not understand.

3. **You may request to have an attorney present during any interview.** If you request an attorney in this form below, the jail may not bring you to an ICE interview without your attorney present.

4. **If you are already in removal (deportation) proceedings,** you have the right to have your immigration lawyer present during any questioning. You should tell ICE to contact your attorney (if you have one) before the interview.

By checking the box and signing below, you are indicating whether or not you agree to an interview with ICE. **The jail or police officer will inform ICE of your decision. The jail is only allowed to bring you to an ICE interview if you agree.**

Name: ________________________________  Booking #: ____________________

Signature: ________________________________

______ I do not agree to speak to ICE.

______ I agree to speak with ICE, **only** with my attorney present.

______ I agree to speak with ICE, **without** an attorney present.

-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

FOR LAW ENFORCEMENT PERSONNEL:
Truth Act Form 1

Served by: _____________________  ID #:____________________  Date: ______________
LPD 400_Narcan Use Form (1).pdf
San Joaquin County Law Enforcement
NARCAN (Naloxone) Use Report

Date ________ Unit ___________________ URN or Tag # ____________________________

Location of Occurrence: _________________________________________________________

Patient Information

________________________ Gender: _____ Race: _____ D.O.B. ________
Last Name
First
Middle

Residential Address (if known)

City
State
Zip

Observations of the patient prior to Narcan being administered:

☐ Semi-conscious ☐ Unconscious ☐ Unresponsive to verbal and physical stimulus
☐ Shallow or depressed rate of respirations ☐ Pale/clammy skin color ☐ Constricted pupils
☐ Injuries observed (explain in narrative)

Administration of Narcan:

Time Narcan (4mg) was delivered in the nostril __________ Time of additional 4mg dose(s) ________

Observations after Narcan was administered:

☐ Patient regained consciousness prior to arrival of fire/paramedics. If so, what time ______________
☐ Patient remained unconscious upon arrival of fire/paramedics.
☐ Breathing improved (deeper and more frequent than before Narcan) ☐ Breathing did not improve
☐ Patient’s skin color returned to normal ☐ Patient was agitated ☐ Patient was combative (explain)
☐ Patient was determined to be suffering from other medical issue (explain)

Patient care transferred to after Narcan administration:

☐ AMR ☐ Manteca District Ambulance ☐ Escalon Ambulance ☐ Ripon Fire Ambulance

Name of paramedic/EMT accepting patient: _____________________________________________

☐ Transported by LE to Hospital: ____________________________________________ ☐ Refused Medical Care or Transport

Narrative: (describe other observations, actions taken, patient status, etc.) - ☐ Reportable Force Used

______________________________________________________________

Reporting Deputy/Officer Emp. # Reviewing Supervisor Emp. #
LPOA-2015-17.pdf
Tagalog truth_act_form_1.pdf
RE: Forma ng Pahintulot para sa Panayam ng Pagpapatupad sa Imigrasyon at Customs

Ang paunawang ito ay upang ipaalam sa iyo na ang Immigration and Customs Enforcement ("ICE") ay nais na makipanayam sa iyo, nang harapan o sa pamamagitan ng telepono, upang makakuha ng impormasyon na maaari nilang gamitin upang subukan kang i-deport. **May karapatan kang pumayag o tumutol sa panayam na ito.**

Ang paunawang ito ay layong mabigyan ka ng impormasyon tungkol sa iyong mga karapatan:

(1) **Ang mga panayam sa ICE ay boluntaryo.** Maaari mong ayawan ang pakikipag-panayam sa ICE.

(2) **May karapatan kang manahimik.** Kahit na magpasya kang pumayag sa isang panayam, maaari kang tumangging sagutin ang anumang mga katanungan, kabilang ang mga katanungan tungkol sa estado ng iyong imigrasyon. Kabilang dito ang kung saan ka isinilang at paano ka nakarating sa Estados Unidos. Anumang sabihin mo ay maaaring gamitin laban sa iyo sa mga paglilitis na kriminal at/o imigrasyon. Hindi mo dapat lagdaan ang anumang forma na hindi mo naiintindihan.

(3) **Maaari kang humiling na magkaroon ng abogado sa panahon ng anumang panayam.** Kapag pinili mo ang paghiling sa isang abogado sa ibaba ng formang ito, hindi ka maaaring dalhin ng kulungan sa pakikipag panayam sa ICE na hindi kasama ang iyong abogado.

(4) **Kung ikaw ay nasa paglilitis na para sa pagtanggal (deportasyon),** may karapatan kang makasama ang iyong abogado sa panahon ng anumang pagtatanong. Dapat mong sabihin sa ICE na makipag-ugnayan sa iyong abogado (kung mayroon ka) bago ang panayam.

*Sa pag-tsek ng kahon at paglagda sa ibaba, ipinapahiwatig mo kung ikaw ay pumapayag o hindi pumapayag sa isang panayam sa ICE. Ipapaalam sa ICE ng kulungan o ng opisyal ng pulisya ang tungkol sa iyong desisyon. Pinapayagan lamang ang kulungan na dalhin ka sa isang panayam sa ICE kung ikaw ay pumayag.*

Pangalan: ___________________________          Booking #: ___________________

Lagda: ________________________________

______ Ako ay **hindi** pumapayag na makipag-usap sa ICE.

______ Ako ay pumapayag lamang na makipag-usap sa ICE, **kung** naroong ang aking abogado.

______ Ako ay pumapayag na makipag-usap sa ICE **nang** wala ang aking abogado.

__________________________________________________________

FOR LAW ENFORCEMENT PERSONNEL:

Served by: ___________________       ID #: ___________________       Date: ___________________
Chinese truth_act_form_2.pdf
日期：__________________

RE：移民海關執法部所要求者

當事人：__________________（姓名）

此信是想通知您，移民和海關執法局（“ICE”）要求我們：

_______ 當你刑滿獲釋後多拘留48小時，好讓ICE有時間將你轉入移民拘留所（I-247或I-247D法例）
_______ 將你從的獲釋日期通知ICE，以便ICE可再拘留你（I-247N法例）
_______ 將你轉押到移民拘留所。（I-247X法例或其它要求）

根據“應透明審查不當轉押和拘留之（TRUTH法案），我們必須向你出示ICE的請求副本，並通知你我們是否打算答允該請求。附同該請求的副本。

我們[ ]允許 / [ ]不允許ICE的要求。（檢查一個）

如我們有通知ICE你的獲釋日期，你亦將立即收到一封通知信函。假如我們通知ICE你將獲釋，我們也要通知你，和你的律師，或你所選擇要通知的人士；請將你的律師，或你所選擇要通知的人士之聯繫信息，包括電話號碼和/或電郵地址，給予我們。

如你尚有有任何問題，請聯繫：__________________________（員警姓名和聯繫方式）。

簽署：___________________________日期：__________________。

執法人員：___________________________

遞交人員：___________________________證號ID#：___________________________日期：__________________

被囚者個人姓名：___________________________

律師或指定人士（選擇一位）：___________________________

律師或指定人之姓名：___________________________

律師或指定人員電郵地址：___________________________

律師或指定人員的電話號碼：___________________________
GUN VIOLENCE EMERGENCY PROTECTIVE ORDER

1. RESTRAINED PERSON (insert name): 
   Address: 

   Sex: □ M □ F Ht.: ___ Wt.: ___ Hair color: ___ 
   Eye color: ___ Race: ___ Age: ___ Date of birth: ___ 

2. TO THE RESTRAINED PERSON 
   (Also see important Warnings and Information on page 2): 
   You are required to surrender all firearms, ammunition, and magazines that you own or possess in accordance with Section 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm, ammunition, or magazine while this order is in effect. However a more permanent gun violence restraining order may be obtained from the court. You may seek the advice of an attorney as to any matter connected with the order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the order. 
   If you have any firearms, ammunition, and magazines, you MUST IMMEDIATELY SURRENDER THEM if asked by a police officer. If a police officer does not ask you to surrender any of the above, within 24 hours of getting this order, you must take them to a police station or a licensed gun dealer to sell or store them and must file a receipt with the court proving that this has been done. You have 48 hours to file a receipt with the court shown to the right. If you do not file a receipt within 48 hours you have violated this order and can go to jail. 

3. This order will last until: 
   INSERT DATE OF 21st CALENDAR DAY (DO NOT COUNT DAY THE ORDER IS GRANTED) 
   Time: 

4. Court Hearing 
   □ A court hearing will be set within 21 days. 
   □ A court hearing will take place at the court above on: Date: _____ Time: _____ 
   You must go to the court hearing if you do not want this restraining order against you. At the hearing, the judge can make this order last for up to 1 year. 

5. Reasonable grounds for the issuance of this order exist, and a Gun Violence Emergency Protective Order (1) is necessary because the Restrained Person poses an immediate danger of causing personal injury to himself or herself or to another by having custody or control, owning, purchasing, possessing, or receiving any firearms, ammunition, or magazines; and (2) less restrictive alternatives were ineffective or have been determined to be inadequate or inappropriate under the circumstances. 

6. Judicial officer (name): _______________________________ granted this order on (date): _____ at (time): _____

   APPLICATION 
   Officer has a reasonable cause to believe that the grounds set forth in item 5, above, exist (state supporting facts and dates; specify weapons—number, type and location): 

   I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. 

   By: _______________________________ (PRINT NAME OF LAW ENFORCEMENT OFFICER) 
   (SIGNATURE OF LAW ENFORCEMENT OFFICER) 
   Agency: _______________________________ Telephone No: _______ Badge No: _____ 
   Address: _______________________________

PROOF OF SERVICE 
   9. I personally delivered copies of this Order to the restrained person name in item 1. 
   Date of service: _____ Time of service: _____ Address: __________________________ 
   10. At the time of service, I was at least 18 years of age. 
   I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. 
   Date: _______________________________ 
   (TYPE OR PRINT NAME OF SERVER/LAW ENFORCEMENT OFFICER) (SIGNATURE OF SERVER) 

Rev. September 1, 2019, Mandatory Form 
Penal Code, § 18125 et seq.

Gun Violence Emergency Protective Order (CLETS-EGV) 
ONE copy to court, ONE copy to restrained person, ONE copy to issuing agency 

Page 1 of 2
TO THE RESTRAINED PERSON: You are prohibited from owning, possessing, purchasing, receiving, or attempting to purchase or receive a firearm, ammunition, or a magazine. (Pen. Code, § 18125 et seq.) A violation of this order is a misdemeanor punishable by a $1,000 fine or imprisonment for six months or both. (Pen. Code, §§ 19, 18205.)

Within 24 hours of receipt of this order, you must turn in all firearms, ammunition, and magazines to a law enforcement agency or sell them to or store them with a licensed firearms dealer until the expiration of this order. (Pen. Code, § 18125 et seq.) A receipt proving surrender, sale, or storage must be filed with the court within 48 hours of receipt of this order, or on the next court business day if the 48-hour period ends on a day when the court is closed. You must also file the receipt with the law enforcement agency that served you with this Order. You may use Form GV-800, Proof of Firearms, Ammunition, and Magazines Turned In, Sold, or Stored.

This Gun Violence Emergency Protective Order is effective when made. It will last until the date and time in item 3 on the front. The court will hold a hearing within 21 days to determine if a longer-term order should be issued. If the date and time are not stated in item 4 on the front, you will get a notice with the date and time of the hearing in the mail at the residential address listed on page 1 of this form. If you would like to respond to this order in writing you must use Form GV-020, Response to Gun Violence Emergency Protective Order. A family member may also seek a more permanent restraining order from the court.

If you violate this order, you will also be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm, ammunition, or magazine for an additional five-year period, to begin on the expiration of the more permanent gun violence restraining order. (Pen. Code, § 18205.)

This protective order must be enforced by all law enforcement officers in the state of California who are aware of it or shown a copy of it. The terms and conditions of this order remain enforceable regardless of the acts or any agreement of the parties; it may be changed only by order of the court.

A LA PERSONA RESTRINGIDA: Tiene prohibido ser dueño de un arma de fuego, municiones o cargadores, o poseer, comprar, recibir, o tratar de comprar o recibir un arma de fuego, municiones o cargadores. (Código Penal, §§ 18125 y siguientes). Una violación de esta orden está sujeta a una multa de $1000 o encarcelamiento de seis meses o ambos. (Código Penal, §§ 19 y 18205.)

Dentro de las 24 horas de recibir esta orden, tiene que entregar sus armas de fuego, municiones y cargadores a una agencia del orden público o venderlos a un comerciante de armas autorizado, o almacenarlos con el mismo hasta el vencimiento de esta orden. (Código Penal, §§ 18125 y siguientes). Se tiene que presentar a la corte una prueba de haberlos entregado, vendido, o almacenado dentro de las 48 horas de recibir esta orden. Se puede usar el formulario GV-800, Prueba de entrega, venta o almacenamiento de armas de fuego, municiones y cargadores, por este propósito.

Esta orden de protección de emergencia de armas de fuego entra en vigencia en el momento en que se emite. Durará hasta la fecha y hora indicadas en el punto 3 de la primera página. Se realizará una audiencia dentro de 21 días para determinar si es necesario emitir una orden que dure por más tiempo. Si la fecha y la hora no se indican en el punto 4 de la primera página, recibirá un aviso con la fecha y la hora de la audiencia por correo a la dirección residencial indicada en la primera página. Si desea responder a esta orden por escrito, tiene que usar el formulario GV-020, Respuesta a la orden de protección de emergencia de armas de fuego. Un miembro de su familia también puede solicitar al tribunal una orden de restricción más permanente.

Si contraviene esta orden de restricción, se le prohibirá tener en su posesión o control, comprar, poseer o recibir, o tratar de comprar o recibir un arma de fuego, municiones o cargadores por otro periodo de cinco años más, comenzando a partir del vencimiento de la orden de restricción de armas de fuego más permanente. (Código Penal, § 18205.)

Todo agente del orden público del estado de California que tenga conocimiento de la orden o a quien se le muestre una copia de la misma deberá hacer cumplir esta orden de protección. Los términos y condiciones de esta orden se podrán hacer cumplir independientemente de las acciones de las partes; solo la corte podrá cambiar esta orden.

To law enforcement: The Gun Violence Emergency Protective Order must be served on the restrained person by the officer if the restrained person can reasonably be located. Ask the restrained person if he or she has any firearms, ammunition, or magazines in his or her possession or under his or her custody or control. A copy must be filed with the court as soon as practicable after issuance so a hearing can be set, if one was not already scheduled. If the court did not give you a hearing date when issuing the order (to put in item 4 on the front), the court will set a hearing within 21 days and will provide you with notice of the hearing. Also, the officer must have the order entered into the computer database system for protective and restraining orders maintained by the Department of Justice.

The provisions in this temporary Gun Violence Emergency Protective Order do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in another existing protective order remain in effect.
Notice of Court Hearing

Petitioner

a. Your Full Name:

I am: □ A family member of the Respondent  
□ A law enforcement officer employed by  
(name of law enforcement agency):

b. Your Lawyer (if you have one for this case):
Name: ___________________________ State Bar No.: ________
Firm Name: ___________________________

b. Your Lawyer (if you have one for this case):
Name: ___________________________ State Bar No.: ________
Firm Name: ___________________________

c. Your Address (If you have a lawyer, give your lawyer’s information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail. Law enforcement officer, give agency information.)
Address: ___________________________
City: ______________ State: __ Zip: ________
Telephone: ______________ Fax: ______________
E-Mail Address: ___________________________

Respondent

Full Name: ___________________________

Hearing

The court will complete the rest of this form.

Date: ___________ Time: ___________
Dept.: ___________ Room: ___________

Temporary Gun Violence Restraining Order (Any order granted is on Form GV-110, served with this notice.)

a. A Temporary Gun Violence Restraining Order as requested in Form GV-100, Petition for Gun Violence Restraining Order, is (check only one box below):

   (1) □ GRANTED until the court hearing.
   (2) □ DENIED until the court hearing. (Specify reasons for denial in b, below.)
b. Reasons for denial of a Temporary Gun Violence Restraining Order as requested in Form GV-100, Petition for Gun Violence Restraining Order, are:

(1) □ The facts as stated in Form GV-100 do not show that there is a substantial likelihood that both of the following are true:

Respondent poses a significant danger of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving firearms, ammunition, or magazines.

A gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.

(2) □ Other (as set forth): □ Below □ On Attachment 4b(2)

5 Service of Documents on Respondent

At least □ five □ _______ calendar days before the hearing, a law enforcement officer or someone age 18 or older—and not a party to the action—must personally give (serve) a court file-stamped copy of this Form GV-109 to the Respondent, along with a copy of all the forms indicated below:

a. GV-100, Petition for Gun Violence Restraining Order (file-stamped)
b. □ GV-110, Temporary Gun Violence Restraining Order (file-stamped) IF GRANTED
c. GV-120, Response to Petition for Gun Violence Restraining Order (blank form)
d. GV-120-INFO, How Can I Respond to a Petition for a Gun Violence Restraining Order?
e. GV-250, Proof of Service by Mail (blank form)
f. □ Other (specify): ____________________________________________________________

Date: ____________________________

Judicial Officer

To the Petitioner in ☀:

• The court cannot make an order at the court hearing unless the Respondent has been personally given (served) a copy of the Petition and a temporary order if issued. To show that the Respondent has been served, the person who served the forms must fill out a proof of service form. Form GV-200, Proof of Personal Service, may be used.

• For information about service, read Form GV-200-INFO, What Is “Proof of Personal Service”?

• If you are unable to serve the Respondent in time, you may ask for a later hearing date, which will give you more time to serve the documents. Use Form GV-115, Request to Continue Court Hearing for Gun Violence Restraining Order.
To the Respondent:

- If you want to respond to the Petition for Gun Violence Restraining Order in writing, file Form GV-120, Response to Petition for Gun Violence Restraining Order and have someone age 18 or older—not you—mail it to the Petitioner.
- The person who mailed the form must fill out a proof of service form. Form GV-250, Proof of Service by Mail, may be used. File the completed form with the court before the hearing and bring a copy with you to the court hearing.
- Whether or not you respond in writing, go to the hearing if you want the judge to hear from you before making an order. You may tell the judge why you agree or disagree with the order requested.
- You may bring witnesses and other evidence.
- At the hearing, the judge may order you to turn in to law enforcement, or sell to or store with, a licensed gun dealer, any firearms, ammunition, or magazines that you own or possess. If issued, the order will last for one year.

Request for Accommodations

Assistive listening systems, computer-assisted real-time captioning, or sign language interpreter services are available if you ask at least five days before the hearing. Contact the clerk’s office or go to www.courts.ca.gov/forms for Request for Accommodations by Persons with Disabilities and Response (Form MC-410). (Civ. Code, § 54.8.)

(Clerk will fill out this part.)

—Clerk’s Certificate—

I certify that this Notice of Court Hearing is a true and correct copy of the original on file in the court.

Clerk’s Certificate
[seal]

Date: ________________________________

Clerk, by ________________________________ , Deputy
APPLICATION FOR UP TO 72-HOUR ASSESSMENT, EVALUATION, AND CRISIS INTERVENTION OR PLACEMENT FOR EVALUATION AND TREATMENT

Confidential Client/Patient Information

Welfare and Institutions Code (W&I Code), section 5150 (g)(1), requires that each person, at the time they are first taken into custody under this section, shall be provided, by the person who takes them into custody, the following information orally in a language or modality accessible to the person. If the person cannot understand the oral advisement, the information shall be provided in writing.

☐ Complete Advisement ☐ Incomplete Advisement
☐ Date of Advisement/Attempt

Good Cause for Incomplete Advisement:

Advirement Completed/Attempted By: Position: Language or Modality Used:

To (name of 5150 designated facility):

Application is hereby made for the assessment and evaluation of ____________________________, date of birth of ____, and residing at ________________________________, California, for up to 72-hour assessment, evaluation, and crisis intervention, or placement for evaluation and treatment at a designated facility pursuant to Section 5150, et seq. (adult) or Section 5585 et seq. (minor), of the W&I Code.

If authorization for voluntary treatment is not available for a minor/conservatee, indicate to the best of your knowledge who has legal authority to make medical decisions on behalf of the minor/conservatee: (name and contact information, if available)

(Choose one): ☐ Parent(s) ☐ Legal Guardian(s) ☐ Conservator ☐ Other: _____________________________

Indicate to the best of your knowledge whether the minor is under the jurisdiction of the juvenile court:

(Choose one): ☐ W&I Code 300 (dependent) ☐ W&I Code 601, 602 (ward)

The detained person’s condition was called to my attention under the following circumstances:

Specific facts that I have considered that lead me to believe that this person is, as a result of a mental health disorder, a danger to others, a danger to self or gravely disabled:

☐ I have considered the historical course of the person’s mental disorder as follows:

☐ No reasonable bearing on determination
☐ No information available because:

DHCS 1801 Please Note: A copy of this application shall be treated as the original. (Revised 12/2019)
APPLICATION FOR UP TO 72-HOUR ASSESSMENT, EVALUATION, AND CRISIS INTERVENTION OR PLACEMENT FOR EVALUATION AND TREATMENT (CONTINUED)

**OPTIONAL INFORMATION**

<table>
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<tr>
<th>History Provided by (Name)</th>
<th>Address</th>
<th>Phone Number</th>
<th>Relation</th>
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</table>

Based upon the above information, there is probable cause to believe that said person is, as a result of mental health disorder:

- [ ] Danger to Self (DTS)
- [ ] Danger to others (DTO)
- [ ] Gravely disabled (as defined in W&I Code section 5008 or 5585.25)

**NOTIFICATIONS TO BE PROVIDED PURSUANT TO SECTION 5152.1 AND/OR 8102 OF THE WELFARE AND INSTUTIONS CODE**

Notify behavioral health director/designee: __________________________ (Name) ______________________ (Phone)

and peace officer/designee: __________________________ (Name) ______________________ (Phone)

of person’s release or end of detention if either of the boxes below are checked.

**NOTIFICATION OF PERSON’S RELEASE IS REQUESTED BY THE REFERRING PEACE OFFICER BECAUSE:**

- [ ] The person has been referred to the facility under circumstances which, based upon an allegation of facts regarding actions witnessed by the officer or another person, would support the filing of a criminal complaint.
- [ ] Weapon was confiscated pursuant to Section 8102 W&I Code.

*Signature, title and badge number of peace officer, professional person in charge of the facility designated by the county for evaluation and treatment, member of the attending staff, designated members of a mobile crisis team, or professional person designated by the county.*

**Name:**

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<tr>
<th>Title/Badge Number:</th>
<th>Date:</th>
<th>Phone:</th>
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**Signature:**

[ ]

**Name of Law Enforcement Agency or Evaluation Facility/Person:**

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<th>Address:</th>
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**REFERENCES**

**Welfare and Institutions Code**

**Sections:** 300, 601, 602, 5008, 5150, 5150.05, 5152.1, 5328, 5585.25, 5585.50, 8102

**Name of Individual Detained:** __________________________  **DOB:** __________________________

DHCS 1801

*Please Note: A copy of this application shall be treated as the original.*
preventing_hate_crimes_brochure_PUN.pdf
Apañhi Añe Neñans Di
Dëhïmã Wrat Luñi
Worh Luñi Leñ Frx Dëh"
नष्टको प्रभु और नष्टको युद्ध?
नष्टको प्रभु और नष्टको युद्ध दोचर दबाव है जो सही है। 

बेटी के नष्टको युद्ध दबाव को लेकर आमतौर पर अपनी दिलचस्पी है। नष्टको प्रभु और नष्टको युद्ध दोचर दबाव है जो सही है। 

नष्टको प्रभु और नष्टको युद्ध दबाव है अपने में तत्कालीन प्रभु के साथ ही अपनी दिलचस्पी है। नष्टको प्रभु और नष्टको युद्ध दबाव है जो सही है। 

नष्टको प्रभु और नष्टको युद्ध दबाव है में तत्कालीन प्रभु के साथ ही अपनी दिलचस्पी है। 

नष्टको प्रभु और नष्टको युद्ध दबाव है जो सही है। 

नष्टको प्रभु और नष्टको युद्ध दबाव है अपने में तत्कालीन प्रभु के साथ ही अपनी दिलचस्पी है।
Month Day, Year

Name
Address
City, State Zip

Dear Mr. or Ms.;

This letter is to inform you that we have received your complaint and have assigned it as case number IAXX-XX. This complaint is being handled by XXXXXX. By law, each complaint is entitled to receive notification of only the disposition of a formal investigation, per California Penal Code section 832.7(e).

Should you have any additional concerns regarding this process, please feel free to contact the Office of Professional Standards at 209.333.6877.

Very truly yours.

TOD PATTERSON
Chief of Police

Sgt Eric Versteeg, Office of Professional Standards
Vietnamese truth_act_form_1.pdf
Re: Mẫu chấp thuận cho Bố Di Trú và Hải quan phòng vấn

Thông báo này là để thông báo cho bạn rằng Bố Di Trú và Hải quan ("ICE") muốn phòng vấn bạn trực tiếp hoặc qua điện thoại, để có được sự điều tra mà họ có thể sử dụng để tư xuất bản. Bạn có quyền đồng ý hoặc từ chối cuộc phòng vấn này.

Thông báo này được dự định để cung cấp cho bạn tin thức về quyền lợi của bạn:

(1) phòng vấn của ICE là tự nguyện. Bạn có thể nói không với một cuộc phòng vấn của ICE.

(2) Bạn có quyền giữ im lặng. Nếu bạn quyết định tham gia một cuộc phòng vấn của ICE, bạn có thể từ chối trả lời bất kỳ câu hỏi nào, bao gồm các câu hỏi về tình trạng di trú của bạn. Điều này bao gồm nơi sinh của bạn và bằng cách nào bạn đã đến Hoa Kỳ. Bất cứ điều gì bạn nói, họ có thể sử dụng chúng lại bạn trong vụ hình sự và / hoặc vụ nhập cư. Bạn không cần phải ký giấy tờ bất kỳ hình thức mà bạn không hiểu.

(3) Bạn có thể yêu cầu có một luật sư có mặt trong cuộc phòng vấn. Nếu bạn đã yêu cầu một luật sư có mặt trong cuộc phòng vấn, nhưng mà không có luật sư đại diện cho bạn, nhà tư có thể không mời cuộc phòng vấn cho ICE.

(4) Nếu bạn đã có vụ án về vấn đề trực xuất, bạn có quyền mạo loạn luật sư di trú trong các cuộc phòng vấn của ICE. Bạn nên nói với ICE để liên lạc với luật sư của bạn (nếu có) trước khi phòng vấn.

Xin chọn bạn muốn và ký tên dưới đây, bạn cho biết đồng ý hay không trong cuộc phòng vấn với ICE. Nhận viên của nhà tư sẽ thông báo cho ICE biết quyết định của bạn. Nhà tư chỉ được phép đưa bạn đến một cuộc phòng vấn với ICE, nếu bạn đồng ý.

Tên: _______________________________ Số ký #: ______________________

Chữ ký: _______________________________

_____ Tôi không đồng ý gặp mặt với ICE.
_____ Tôi đồng ý nói chuyện với ICE, nếu có luật sư đại diện có mặt
_____ Tôi đồng ý nói chuyện với ICE, mà không cần luật sư đại diện.

CHO NHÂN VIÊN PHÁP LUẬT:

Người đọc trình: ______________________ ID #: ______________________ ngày: ______________
California Law Enforcement Telecommunications System (CLETS) Information Form

☐ This form is submitted with the initial filing (date): ______________________
☐ This is an amended form (date): ______________________

Important: This form MUST NOT become part of the public court file. It is confidential and private.

Fill out as much of this form as you can and give it to the court clerk. If the court issues a restraining order, this form will provide law enforcement with information that will help them enforce it. If any of this information changes, fill out a new (amended) form.

Case Number (if you know it): ______________________

1 Person to Be Protected (Name):

Sex: □ M □ F Height: ________ Weight: ________ Race: __________
Hair Color: ________ Eye Color: ________ Age: ________ Date of Birth: ________
Mailing Address (listed on restraining order):
City: __________ State: __________ Zip: __________ Telephone (optional): __________
Vehicle (Type, Model, Year): ______________________ (License Number and State): ______________________

2 Person to Be Restrained (Name):

Sex: □ M □ F Height: ________ Weight: ________ Race: __________
Hair Color: ________ Eye Color: ________ Age: ________ Date of Birth: ________
Residence Address:
City: __________ State: __________ Zip: __________ Telephone: __________
Business Address:
City: __________ State: __________ Zip: __________ Telephone: __________
Employer:
Occupation/Title: ______________________ Work Hours: ______________________
Driver's License Number and State: ______________________ Social Security Number: ______________________
Vehicle (Type, Model, Year): ______________________ (License Number and State): ______________________
Describe any marks, scars, or tattoos: ______________________
Other names used by the restrained person: ______________________

3 Guns or Firearms
Describe any guns or firearms that you believe the person in 2 owns or has access to (Number, types, and locations):

4 Other People to Be Protected

Name Date of Birth Sex Race Relation to Person in 1

☐ Additional persons to be protected are listed on Attachment 4.
gv110.pdf
GV-110
Temporary Gun Violence Restraining Order

Petitioner must complete items ① and ② only.

① Petitioner
a. Your Full Name:
   
   I am:  □ A family member of the Respondent
   □ A law enforcement officer employed by
   (name of law enforcement agency):
   
   b. Your Lawyer (if you have one for this case):
   Name: ___________________________  State Bar No.: ______
   Firm Name: ___________________________
   
   c. Your Address (If you have a lawyer, give your lawyer’s information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail. Law enforcement officer, give agency information.)
   Address: ___________________________
   City: ___________________________  State: ____  Zip: ______
   Telephone: _______________  Fax: ___________________________
   E-Mail Address: ___________________________

② Respondent
Full Name: ___________________________
Description:

Sex:  □ M  □ F  Height: ______  Weight: ______  Date of Birth: ___________________________
Hair Color: _______________  Eye Color: _______________  Age: ___  Race: ___________________________
Home Address (if known):
City: ___________________________  State: _____  Zip: ___________________________
Relationship to Petitioner: ___________________________

The court will complete the rest of this form.

③ Expiration Date
This Order expires at the end of the hearing scheduled for the date and time below:

Date: ___________________________  Time: _______________  □ a.m.  □ p.m.

This is a Court Order.
Findings

☐ Having examined ☐ Petitioner ☐ and other witnesses under oath,
☐ Having considered the declarations of ☐ Petitioner ☐ and other witnesses under penalty of perjury,

a. The court finds that there is a substantial likelihood that both of the following are true:

(1) Respondent poses a significant danger in the near future of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving firearms, ammunition, or magazines.

(2) A temporary gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.

b. ☐ The court has received credible information that Respondent owns or possesses one or more firearms, ammunition, or magazines.

c. ☐ The facts as stated in the Petition and supporting documents, which are incorporated here by reference, establish sufficient grounds for the issuance of this Order.

and/or for the reasons set forth below.

☐ See the attached Form MC-025, Attachment

No Fee to Serve (Notify) Restrained Person

If the sheriff or marshal serves this order, he or she will do it for free.

This is a Court Order.
Order Prohibiting All Firearms, Ammunition, and Magazines

a. You cannot have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm or ammunition, including magazines (ammunition feeding devices).

b. The court has received credible information that you own or possess one or more firearms, ammunition, or one or more magazines that have not been surrendered or sold. You must:
   (1) Surrender all firearms and ammunition, including magazines, in your custody or control or that you possess or own. If a law enforcement officer orders you to surrender all of your firearms and ammunition, including magazines, to him or her, you must do so immediately. If no order to surrender is made by a law enforcement officer, you must surrender all of your firearms and ammunition, including magazines, within 24 hours of being served with this Order. You may do so by:
      (1) surrendering all of your firearms and ammunition, including magazines, in a safe manner to the local law enforcement agency; or
      (2) selling all of your firearms and ammunition, including magazines, to a licensed gun dealer; or
      (3) storing all of your firearms and ammunition, including magazines, with a licensed gun dealer for as long as this Order or any more permanent order granted at the hearing in item 3 is in effect.
   (2) Within 48 hours of receiving this Order, file a receipt with the court that proves that your firearms and ammunition have been turned in, sold, or stored. (You may use Form GV-800, Proof of Firearms Turned In, Sold, or Stored for the receipt.) You must also file a copy of the receipt with the law enforcement agency that served you with this order. FAILURE TO FILE THIS RECEIPT IS A VIOLATION OF THIS ORDER.

Number of pages attached to this Order, if any: ______

Date: ____________________________

Judicial Officer

Warnings and Notices to the Respondent

This Order is valid until the expiration date and time noted on page 1. You are required to surrender all firearms, ammunition, and magazines that you own or possess in accordance with section 18120 of the Penal Code and you may not have in your custody or control, own, purchase, possess, or receive, or attempt to purchase or receive, any firearm, ammunition, or magazines while this order is in effect. A hearing will be held on the date and at the time noted on Page 1 to determine if a more permanent gun violence restraining order should be issued. Failure to appear at the hearing may result in a court making an order against you that is valid for one year. You may seek the advice of an attorney as to any matter connected with the Order. The attorney should be consulted promptly so that the attorney may assist you in any matter connected with the Order.

Violation of this Order is a misdemeanor. If you violate this Order, you will be prohibited from having in your custody or control, owning, purchasing, possessing, or receiving, or attempting to purchase or receive, a firearm, ammunition, or magazine for a period of five years. This Order must be enforced by any law enforcement officer in the State of California who is aware of or shown a copy of this Order. The Order remains enforceable regardless of the acts of the parties; it may be changed only by an order of the court.

This is a Court Order.
**After You Have Been Served With a Temporary Order**

- Obey the order by turning in all firearms, ammunition, and magazines to a law enforcement agency or selling them to or storing them with a licensed gun dealer.
- Read Form GV-120-INFO, *How Can I Respond to a Petition for Gun Violence Restraining Order?*, to learn how to respond to this Order.
- If you want to respond, fill out Form GV-120, *Response to Petition for Gun Violence Restraining Order*, and file it with the court clerk.
- You must have Form GV-120 served by mail on the Petitioner or the Petitioner’s attorney. You cannot do this yourself. The person who does the mailing should complete and sign Form GV-250, *Proof of Service of Response by Mail*. File the completed proof of service with the court clerk before the hearing date or bring it with you to the hearing.
- In addition to the response, you may file and have declarations served, signed by you and other persons who have personal knowledge of the facts. You may use Form MC-030, *Declaration*, for this purpose. It is available from the clerk’s office at the court shown on page 1 of this form or at [www.courts.ca.gov/forms](http://www.courts.ca.gov/forms). If you do not know how to prepare a declaration, you should see a lawyer.
- Whether or not you file a response, you should attend the hearing. If you have any witnesses, they must also go to the hearing.
- At the hearing, the judge can make a gun violence restraining order against you that lasts for one year. Tell the judge why you disagree with the order requested.

**Instructions for Law Enforcement**

**Duties of Officer Serving This Order**

The officer who serves this order on the Respondent must do the following:

- Ask the restrained person if he or she has any firearms, ammunition, or magazines in his or her possession or under his or her custody or control.
- Order the Respondent to immediately surrender all firearms, ammunition, and magazines to him or her.
- Issue a receipt to the Respondent for all firearms, ammunition, or magazines that he or she has surrendered.
- Complete a proof of personal service and file it with the court. You may use Form GV-200 for this purpose.
- Within one business day of service, submit the proof of service directly into the California Restraining and Protective Order System (CARPOS), including the serving officer’s name and law enforcement agency.

**Duties of Agency on Surrender of Firearms, Ammunition, or Magazines**

The law enforcement agency that has received surrendered firearms, ammunition, or magazines must do the following:

- Retain the firearms, ammunition, or magazines until the termination or expiration of this Order or of any other gun violence restraining order issued by the court.
- On the expiration of this Order or of any later gun violence restraining order issued by the court, return the firearms, ammunition, or magazines to the respondent as provided by Chapter 2 of Division 11 of Title 4 of the Penal Code (commencing with section 33850). Firearms, ammunition, or magazines that are not claimed are subject to the requirements of section 34000.
If someone other than the Respondent claims title to any of the firearms, ammunition, or magazines surrendered, determine whether that person is the lawful owner. If so, return the firearms, ammunition, or magazines to him or her as provided by Chapter 2 of Division 11 of Title 4 of the Penal Code (commencing with section 33850).

Enforcing This Order

The law enforcement officer should determine if the Respondent had notice of the order. Consider the Respondent “served” (given notice) if:

- The officer sees a copy of the proof of service or confirms that the proof of service is on file; or
- The Respondent was informed of the order by an officer.

An officer can obtain information about the contents of the order and proof of service in CARPOS. If proof of service on the Respondent cannot be verified, the agency must advise the restrained person of the terms of the order and then enforce it (see above: Duties of Officer Serving This Order).

The provisions in this Temporary Gun Violence Restraining Order do not affect those of any other protective or restraining order in effect, including a criminal protective order. The provisions in another existing protective order remain in effect.

(Clerk will fill out this part.)

---Clerk’s Certificate---

I certify that this Temporary Gun Violence Restraining Order is a true and correct copy of the original on file in the court.

Date: ________________ Clerk, by ________________________, Deputy
Statutes and Legal Requirements.pdf
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.

Felonnies

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.
Korean truth_act_form_2.pdf
날짜: __________________

제목: 이민세관단속국 요청서

__________________________ 남께:
Name of Inmate

본 서한의 목적은 이민세관단속국 (Immigration and Customs Enforcement, “ICE”)이 다음과 같은 사항을 저희에게 요청했음을 귀하께 알려기 위한 것입니다:

- ___ ICE가 귀하를 이민국 구치소로 이송할 수 있도록 귀하가 형사 구금 상태에서 풀려난 후 최대 48시간 동안 귀하를 추가적으로 구금하도록 요청했음. (I-247 또는 I-247D)
- ___ ICE가 귀하를 구금할 수 있도록 ICE에서 귀하의 석방일을 고지하도록 요청했음. (I-247N)

부당 이송 및 구금에 대한 투명한 검토(Transparent Review of Unjust Transfers and Holds, “TRUTH”) 법에 따라, 저희는 귀하에게 ICE 요청서의 사본을 제공하고 저희가 이 요청에 따를 의도가 있는지 여부를 귀하께 알려야 합니다. 요청서의 사본이 첨부되어 있습니다.

저희는 ICE의 요청을 따를 의도가 ___있습니다/___ 없습니다.
(check one)

저희가 ICE에 귀하의 석방일을 고지하는 경우 귀하는 즉시 별도의 서한을 받게 됩니다. 저희가 ICE에 귀하의 석방을 고지하는 경우 저희는 귀하 및 귀하의 변호사나 귀하가 선택하는 또 다른 사람에게 고지해야 합니다. 다음 페이지에 귀하의 변호사나 귀하가 선택하는 또 다른 사람의 연락처 정보[전화번호 및/또는 이메일 포함]를 알려주십시오.

질문이나 우려가 있을 경우에는 ____________________________에게 연락하십시오.

Name of Officer & Contact Information

감사합니다.

[Name]
[Title]

------------------------------------------------------------------------------------------------------------------------------------------------------------------
FOR LAW ENFORCEMENT PERSONNEL:

Served by: _____________________ ID #:____________________        Date:

__________________________ 수감자의 이름:
Name of Inmate
변호사 또는 피지명인(하나 선택): __________________________
Attorney or Designee
변호사 또는 피지명인의 이름: _______________________________
Name of Attorney or Designee
변호사 또는 피지명인의 이메일: _______________________________
Email of Attorney or Designee
변호사 또는 피지명인의 전화번호: __________________________
Phone number of Attorney or Designee
English truth_act_form_3.pdf
Date:__________________

RE:  Immigration and Customs Enforcement Notified of Your Release

Dear                                                :

Name of Inmate

Under the Transparent Review of Unjust Transfers and Holds ("TRUTH") Act, we are required to notify you and your attorney or another person that you choose in writing if we inform Immigration and Customs Enforcement ("ICE") of your release.

The purpose of this letter is to inform you that on ____________ at ____________, we notified ICE that you are scheduled to be released on ____________ at _____________. We have provided this same information to your ___ attorney / ___ designee:

__________ at _________________.

Name of attorney or designee (see Form 2) Email and/or Phone Number

Please contact _________________________ if you have any questions or concerns.

Name of officer & Contact Information

Sincerely,

[Name]
[Title]

CC: _________________________________

Name of attorney or designee

-------------------------------------------------------------------------------------

FOR LAW ENFORCEMENT PERSONNEL:

Served by: _______________________ID #:___________________ Date: ________________
LPD Memorandum.pdf
Memorandum

To:

From:

Date:

Subject:
Date:________________

RE: Immigration and Customs Enforcement Request

Dear ________________________:

Name

The purpose of this letter is to inform you that Immigration and Customs Enforcement ("ICE") has requested that we:

- Hold you for up to 48 hours after your release from criminal custody to allow ICE time to take you into immigration detention. (I-247 or I-247D)
- Notify ICE of your release date, so that ICE may detain you. (I-247N)
- Transfer you into immigration detention. (I-247X or other request)

Under the Transparent Review of Unjust Transfers and Holds (TRUTH) Act, we are required to provide you with a copy of ICE’s request and inform you whether we intend to comply with the request. A copy of the request is attached.

We _____DO/_____DO NOT intend to comply with ICE’s request.

(check one)

You will promptly receive a separate letter if we notify ICE of your release date. We are required to notify both you and your attorney or another person that you choose if we notify ICE of your release. Please provide contact information, including phone number and/or email, for your attorney or another person that you choose on the next page.

Please contact ________________________ if you have any questions or concerns.

Name of Officer & Contact Information

Sincerely,

[Signature]
[Title]

FOR LAW ENFORCEMENT PERSONNEL:

Served by: ________________________ ID #: ________________________ Date: ______________
Name of Detained Individual: _______________________

Attorney or Designee (choose one): __________________________

Name of Attorney or Designee: _______________________________

Email for Attorney or Designee: ______________________________

Phone Number for Attorney or Designee: ________________________
日期：______________

RE：移民和海關執法部收到你將獲釋訊息

獲釋人姓名：____________________

根據對釋囚作不當轉移和延長扣押之("TRUTH")法案應作透明審查，若我們將你被釋放出獄的消息通知移民海關執法局("ICE")我們也必須通知你，和你的律師，或你所指定的人士。

這封信的目的是告知你，我們已把你的釋放日期______________，時間______________通知移民海關執法局("ICE")。

你會在這______________（日期）______________（時間）刑滿出獄；同時我們也會將此消息告知你的律師（ ）

或你所指定的人士（ ）：____________________（姓名）

____________________（電郵地址或電話號碼）。

如你有任何問題，請聯繫：____________________（人員姓名和聯繫信息）。

發信人：

____________________，____________________。

（姓名）（職銜）

附寄（CC）：____________________

（律師或所指定人士）

____________________________________________________________________

執法員：

遞交人員：__________證號ID#：____________________日期：______________
제목: 이민세관및세관 신문 동의서

이 고지는 이민세관및세관(Immigration and Customs Enforcement, “ICE”)이 귀하를 국외 추방시키는 데 사용할 수도 있는 정보를 얻기 위해 대면 또는 전화로 귀하를 인터뷰하고자 함을 알려기 위한 것임니다. 귀하는 이 인터뷰에 동의하거나 이를 거부할 권리가 있습니다.

이 고지는 귀하에게 귀하의 권리에 대한 정보를 제공하고자 함입니다.

(1) ICE 인터뷰는 자발적인 것입니다. 귀하는 ICE 에 의한 신문을 거부할 수 있습니다.

(2) 귀하는 육비권을 행사할 권리가 있습니다. 귀하가 인터뷰에 동의하더라도, 귀하의 이민 신분에 대한 질문을 포함하여 어떠한 질문이든 답변을 거부할 수 있습니다. 여기에는 귀하가 태어난 곳과 귀하가 미국에 오게 된 방법에 대한 질문이 포함됩니다. 귀하의 진술은 형사 및/또는 이민 소송에서 귀하에게 불리하게 사용될 수 있습니다. 귀하가 이해하지 못하는 양식에는 설명하지 마십시오.

(3) 귀하는 인터뷰 동안 변호사의 출석을 요청할 수 있습니다. 귀하가 본 양식 하단에 변호사를 요청하는 경우, 교도관은 변호가 참석하지 않은 상태에서 귀하를 ICE 인터뷰에 데리고 갈 수 없습니다.

(4) 이미 귀하에 대한 국외 추방 절차가 진행 중이라면, 귀하는 신문 동안 이민 변호사의 출석을 요청할 권리가 있습니다. 귀하는 인터뷰 전에 귀하의 변호사(귀하에게 변호사가 있을 경우)에게 연락하도록 ICE 에 알려야 합니다.

이래 칸에 체크 표시하고 서명함으로써, 귀하는 ICE 인터뷰에 대한 동의를 표시하게 됩니다. 교도관이나 경찰관은 ICE 에 귀하의 결정에 대해 알릴 것입니다. 교도관은 귀하가 동의하는 경우에만 ICE 인터뷰에 귀하를 데리고 가는 것이 허용됩니다.

이름: ___________________________       입건 번호: __________________

Name       Booking #

서명: _______________________________
Signature

____ 본인은 ICE 인터뷰에 동의하지 않습니다.

____ 본인은 본인의 변호사가 참석한 경우에 한해서만 ICE 인터뷰에 동의합니다.

____ 본인은 본인의 변호사가 참석하지 않은 상태에서의 ICE 인터뷰에 동의합니다.

FOR LAW ENFORCEMENT PERSONNEL:

Served by: ___________________       ID #:_____________       Date: ______________
Spanish truth_act_form_1_-_final.pdf
Fecha: ________________

RE: Formulario de Autorización para Ser Interrogado/a por el Servicio de Inmigración y Control de Aduanas

Este anuncio es para informarle que el Servicio de Inmigración y Control de Aduanas ("ICE" por sus siglas en inglés) quiere interrogarlo en persona o por teléfono, para obtener información, la cual ICE puede tratar de usar para deportarlo/a de los Estados Unidos. **Usted tiene el derecho de aceptar o rechazar un interrogatorio por ICE.**

El propósito de este anuncio es de proveerle información sobre sus derechos:

(1) **Los interrogatorios con ICE son voluntarios.** Usted puede decir “no” a ser interrogado/a por ICE.

(2) **Usted tiene el derecho a permanecer callado/a.** Aun si usted decide ser interrogado/a por ICE, usted puede rechazar a responder a cualquier pregunta, incluyendo preguntas sobre su estatus migratorio. Esto incluye preguntas sobre dónde nació usted o cómo entró a los Estados Unidos. Cualquier información que usted le dé a ICE en este interrogatorio puede ser usada en su contra en algún procedimiento criminal o de inmigración. No debe firmar ningún formulario que no entienda.

(3) **Usted puede pedir que un abogado esté presente durante cualquier interrogatorio.** Si usted pide un abogado en el formulario que se encuentra abajo, esta cárcel no puede llevarlo/a a un interrogatorio con ICE sin haber asegurado la presencia de su abogado.

(4) **Si usted ya está en proceso de deportación,** usted tiene el derecho de tener a su abogado de inmigración presente durante cualquier interrogatorio con ICE. Usted debe pedirle a ICE que contacte a su abogado (si usted tiene uno) antes de que lo/la interroguen.

Al marcar la casilla correspondiente de abajo y firmando, usted está indicando que usted acepta o rechaza a ser interrogado/a por ICE. La cárcel o el oficial de policía le informara a ICE sobre su decisión. Esta cárcel está únicamente permitida a llevarlo/a a un interrogatorio con ICE sólo si usted está de acuerdo.

Nombre: ____________________________ Booking #: ______________________

Firma: __________________________

______ Yo no quiero hablar con ICE.

______ Yo sí quiero hablar con ICE, pero sólo si mi abogado está presente.

______ Yo sí quiero a hablar con ICE, sin un abogado presente.

FOR LAW ENFORCEMENT PERSONNEL:
Formulario del Acta de la Verdad 1 / TRUTH Act Form 1 (Spanish)

Served by: _______________________   ID #:____________________   Date: ____________________
gv600.pdf
Request to Terminate Gun Violence Restraining Order

1 Respondent
   a. Full Name: ________________________________________________
   b. Your Lawyer (if you have one for this case):
      Name: ______________________________ State Bar No.: __________
      Firm Name: ______________________________
   c. Your Address (If you have a lawyer, give your lawyer’s
      information. If you do not have a lawyer and want to keep your
      home address private, you may give a different mailing address
      instead. You do not have to give telephone, fax, or e-mail.)
      Address: ________________________________________________
      City: __________________ State: _____ Zip: ____
      Telephone: ______________ Fax: ______________
      E-Mail Address: __________________________________________

2 Petitioner
   a. Full Name: ________________________________________________
   b. Address (if known): ________________________________________
      City: __________________ State: _____ Zip: ____

3 □ Request to Terminate Restraining Order
   a. I ask the court to terminate the
      □ Gun Violence Restraining Order After Hearing (Form GV-130)
      □ Order on Request to Renew Gun Violence Restraining Order (Form GV-730)
      because (give reasons below):
      □ Check here if there is not enough space for your answer. Attach a sheet of paper and write “Attachment 3
         —Reasons to Terminate Order” for a title. You may use Form MC-025, Attachment.

   b. □ A copy of the current order is attached.
c. □ I have not previously requested that the court terminate the Order.
   □ The Order has been renewed. I have not previously requested that the court terminate the Order since it was renewed.

(You may only request termination of a gun violence restraining order once during the initial period while the order is in effect and once during any period of renewal. If the court denies your request, you may not request termination again unless the order is renewed for another year.)

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: ____________________________

Type or print your name ____________________________  Sign your name ____________________________
Chinese truth_act_form_1.pdf
重案局Form 1 (Chinese)

重：移民和海關執法部面談同意書。

本函通知你，移民海關執法局（"ICE"）想與你面談，或通過電話向你查詢，他們可能以此作爲驅逐你出境之證供。你有權同意或拒本次面談。

本通知書旨在向你提供有關你的權利之信息：

（1）ICE訪談是自願性質。你可以拒ICE的訪查。

（2）你有權保持沉默。即使你決定願意面談，你也可拒回答任何問題，包括有關你的移民身份的問題。這包括你的出生地，及你如何來到美國。你所說的任何話，都可能在罪行和/或移民訴訟中被用來針對你。你更不應該簽署任何你不明白的表格。

（3）你可以要求在任何面談中有律師陪同出席。如你通過以下表格來尋求律師協助；如無律師在場，獄方可能不會讓你參加ICE訪查的。

（4）如果你已被牽涉入遣返（遞解出境）訴訟，你有權要求在任何提問時，都需有你的移民律師在場。你應告知ICE在面談前，需聯繫你的律師（如你有律師的話）。

請填好你的選框，並在下面簽名，以表明你是否同意接受ICE的查探。獄方將通知ICE你的決

姓名：__________________________________ 預定編號：____________________

簽名：________________________________

______我不同意與ICE交談。

______我同意與ICE交談，須有我的律師在場。

______我同意與ICE交談，無須律師在場。

________________________________________________________________________________

執法人員填寫：

遞交員姓名：__________ 證號（ID #）_____________________________（日期）__________________
RE: Hiling ng Tagapagpatupad sa Imigrasyon at Customs

Minamahal na ______________________:

Name

Ang layunin ng sulat na ito ay upang ipaalam sa iyo na ang Immigration and Customs Enforcement ("ICE") ay humiling sa amin na:

   ___ Hawakan ka nang hanggang sa 48 na oras matapos kang pakawalan mula sa kustodiyang kriminal upang bigyan ng panahon ang ICE na dalhin ka sa kulungan ng imigrasyon. (I-247 o I-247D)
   ___ Ipaalam sa ICE ang petsa kung kailan ka pakakawalan, upang ikaw ay mapigilan ng ICE. (I-247N)
   ___ Ilipat ka sa kulungan ng imigrasyon. (I-247X o ibang hiling)

Sa ilalim ng Transparent Review of Unjust Transfers and Holds ("TRUTH") Act, kinakailangan naming bigyan ka ng isang kopya ng hiling na ito ng ICE at ipaalam sa iyo kung kami ay susunod sa kanilang kahilingan.  Ang isang kopya ng kahilingan ay nakalakip.

   Kami ay ____TUTUPAD/____HINDI tutupad sa kahilingan ng ICE.

(check one)

Agaran kang makakatanggap ng hiwalay na sulat kapag ipinaalam namin sa ICE ang petsa kung kailan ka palalayain.  Kinakailangan naming ipaalam sa iyo at sa iyong abogado o ibang taong pinili mo kapag ipinaalam namin sa ICE ang iyong paglaya. Mangyaring ibigay ang impormasyon sa pakikipag-ugnayan, kabilang ang numero ng telepono at/o email, para sa iyong abogado o ibang tao na pipiliin mo sa susunod na pahina.

Makipag-ugnayan kay ________________________ kung ikaw ay may mga katanungan o mga alalahanin.

Name of Officer & Contact Information

Buong katapatan,

[Name]
[Title]

FOR LAW ENFORCEMENT PERSONNEL:

Served by: _______________________ ID #: ______________________ Date: ______________
Pangalan ng Taong Nakakulong: _______________________

Name of Inmate

Abogado o Hinirang (pumili ng isa):  __________________________

Attorney or Designee

Pangalan ng Abogado o Hinirang:  _______________________________

Name of Attorney or Designee

Email ng Abogado o Hinirang:  __________________________________

Email of Attorney or Designee

Numero ng Telepono ng Abogado o Hinirang:  _____________________________

Phone number of Attorney or Designee
City Mid Management MOU-2015.pdf
Spanish truth_act_form_3_-_final.pdf
Fecha: __________________

RE: Servicio de Inmigración y Control de Aduanas Notificado de su Liberación

Estimado/a: ______________________________________

Bajo la Revisión Transparente de Transferencias y Detenciones Injustas (Acta de la Verdad, o “TRUTH” por sus siglas en inglés), estamos obligados a notificarle a usted y a su abogado u otra persona elegida por usted por escrito si informamos al Servicio de Inmigración y Control de Aduanas (“ICE” por sus siglas en inglés) de su liberación.

El propósito de esta carta es para informarle que el ________________________ a las __________________________.

 nosotros le notificamos a ICE que usted está programado/a para ser puesto en libertad el ________________________ a las __________________________. Le hemos proporcionado la misma información a su __________ abogado / __________ designado (otra persona elegida por usted):

Attorney or Designee (check one)

___________________________ al __________________________

Name of Attorney or Designee (see Form 2) Email Address and/or Phone Number of Attorney or Designee

Favor de comunicarse con __________________________ si usted tiene cualquier pregunta o preocupación.

Atentamente,

[Name]
[Title]

CC: ______________________________________

Name of Attorney or Designee

FOR LAW ENFORCEMENT PERSONNEL:

Served by: ______________________ ID #: __________________ Date: _______
I ask the court to renew the Gun Violence Restraining Order After Hearing (Form GV-130) for an additional period of one year. A copy of the order is attached.

I ask the court to renew the order because (explain below):

This is not a Court Order.

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: 

Type or print your name 
Sign your name

Rev. January 1, 2019, Mandatory Form
Penal Code, § 18190

For your protection and privacy, please press the Clear This Form button after you have printed the form.
Ngày: ______________

RE: Sư yêu cầu của Bộ Di trú và Hải quan.

Kính thưa: __________________________ (Tên họ)

Mục đích của lá thư này là để thông báo cho bạn biết rằng Bộ Thịnh Công Cửa Di trú và Hải quan ("ICE") đã yêu cầu chúng tôi:

__________ Giữ bạn thêm đến 48 giờ sau khi bạn được tha từ sự giám giữ hình sự để ICE có thời gian đưa bạn vào giám giữ trong người nhập cư. (Luật I-247 hay Luật I-247D)

__________ Thông báo cho ICE của ngày thả từ của bạn để ICE biết rằng có thể giữ bạn lại. (Luật-247N)

__________ Chuyển bạn vào trại giám những người di trú. (Luật I-247X hoặc yêu cầu khác)

Theo quyết rủi về sự di chuyển và năm giữ không hợp lệ của Đạo luật(TRUTH), chúng tôi được yêu cầu phải cung cấp cho bạn một bản sao của sự yêu cầu của ICE và thông báo cho bạn biết hiệu chúng tôi có ý định thực hiện theo yêu cầu của họ. Một bản sao của các yêu cầu được định kèm theo.

Chúng tôi đồng ý / không đồng ý với thực hiện theo yêu cầu của ICE.
(Chọn một)

Bạn sẽ nhận được một lá thư riêng sớm, nếu chúng tôi thông báo ICE của ngày thả từ của bạn. Chúng tôi được yêu cầu phải thông báo cho bạn và luật sư của bạn yêu cầu ICE và thông báo cho bạn biết hiệu chúng tôi có ý định thực hiện theo yêu cầu của họ. Một bản sao của các yêu cầu được định kèm theo.

Nếu bạn bất kỳ có câu hỏi gì, xin liên lạc với cán bộ: ____________________________.
(Tên họ và Thông tin liên lạc)

Trân trọng,

[Chữ ký] [Chức vụ]

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--------------------------------------------------

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CHO NHÂN VIÊN THỰC THI LUẬT PHÁP:
Người đề trình: __________________________
ID #: __________________________
ngày: __________________________

Tên họ của người bị giám cai nhai: __________________________

Luật sư hoặc Người Được chọn (chọn một): __________________________

Tên họ của luật sư hoặc Người Được chọn: __________________________

Email của luật sư hoặc Người Được chọn: __________________________

Số điện thoại của luật sư hoặc Người Được chọn: __________________________
# LODI POLICE DEPARTMENT

## OPERATIONAL THREAT ASSESSMENT CHECKLIST

### Items 1-5: Check “YES” to 1 or more of the criteria listed below and LPD SWAT shall be consulted.

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
<th>EXPLAIN</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Is the location fortified? (sally ports, internal fortifications, multiple gates, steel doors, etc)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Potential firearms, high power rifles, ballistic protection, explosives or booby traps believed to be on the premises?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Occupant(s)/Suspect(s) known to currently possess firearms?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Suspect(s) wanted for felonious assault on a peace officer?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Is a violent confrontation likely or imminent?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Items 6-13: Check “YES” to 2 or more of the criteria listed below and LPD SWAT should be consulted.

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
<th>EXPLAIN</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.</td>
<td>Are there surveillance cameras or intrusion devices present?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Are there security doors and/or windows?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9.</td>
<td>Are the suspects ‘three strikes’ candidates?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Does the occupant(s) have a violent criminal history?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.</td>
<td>Any threats of violence against officers?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12.</td>
<td>Is the target location/area large, complicated or unusual?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In the event of a pre-planned operation or unplanned high-risk event, this checklist **shall** be used to evaluate the need for the LPD SWAT. This assessment addresses some of the most common risk factors and hazards but is not intended to be all-inclusive. Any number of circumstances may dictate that a tactical team be used to enhance officer or public safety. Detectives, patrol personnel, supervisors, and watch commanders are encouraged to contact the LPD SWAT whenever questions concerning service options or deployment criteria arise.

**LPD SWAT Commander and/or acting Commander Contacted:** __________________________________________

**Date / Time:** __________________________________________

**LPD SWAT Handling/Assisting?**

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>YES</td>
<td>NO</td>
</tr>
</tbody>
</table>

**N/A_____** This operation does not meet the above criteria and/or does not involve the potential for entry, a high risk contact, or high risk operation.

**Prepared By:** __________________________________________

**Date:** __________________________________________
Tagalog truth_act_form_3.pdf
Petsa: ________________  
Date

RE: Pagbibigay-alam sa ICE ng iyong Paglaya

Minamahal na __________________________:
Name of Inmate

Sa ilalim ng Transparent Review of Unjust Transfers and Holds ("TRUTH") Act, kinakailangan naming ipaalam nang pasulat sa iyong abogado o ibang tao na pinili mo kapag ipinaalam namin sa Customs Enforcement ("ICE") ang iyong paglaya.

Ang layon ng liham na ito ay upang ipaalam sa iyo na noong ___________ sa Date of notice to ICE

__________________, ipinaalam namin sa ICE na ikaw ay nakatakdang pakawalan Time of notice to ICE

sa _____________ sa _____________. Ibinigay namin itong parehong impormasyon sa Date of release Time of release

iyong _____ abogado / ____ hinirang: __________________________ sa Attorney or Designee (check one) Name of attorney or designee (see Form 2)

________________________________.  
Email and/or Phone Number

Mangyaring makipag-ugnayan kay __________________________ kung mayroon kang Name of officer & Contact Information

anumang mga katanungan o mga alalahanin.

Buong katapatan,

[Name]  
[Title]

CC: __________________________
Name of attorney or designee

-------------------------------------------------------------------------------------
FOR LAW ENFORCEMENT PERSONNEL:
Served by: _________________________ ID #: _________________________ Date: ____________

Read Can a Gun Violence Restraining Order Help Me? (form GV-100-INFO) before completing this form.

1 Petitioner
   a. Your Full Name:

   I am: ☐ A family member of the Respondent
   ☐ A law enforcement officer employed by
   (name of law enforcement agency):

   b. Your Lawyer (if you have one for this case):
      Name: __________________________ State Bar No.: ________
      Firm Name: ____________________

   c. Your Address (If you have a lawyer, give your lawyer’s information. If you do not have a lawyer and want to keep your home address private, you may give a different mailing address instead. You do not have to give telephone, fax, or e-mail. Law enforcement officer, give agency information.)
      Address: __________________________
      City: _______________________ State: ____ Zip: _____
      Telephone: _______________ Fax: _______________
      E-Mail Address: __________________________

2 Respondent
   Full Name: _____________________________ Age: _____
   Address (if known): __________________________
   City: _______________________ State: ____ Zip: _____

3 Venue
   Why are you filing in this county? (Check all that apply):
   a. ☐ The Respondent lives in this county.
   b. ☐ Other (specify):

4 Other Court Cases
   a. Are you aware of any other court cases, civil or criminal, involving the Respondent?
      ☐ Yes ☐ No  If yes, on the next page, check each kind of case and give as much information as you know as to where and when each was filed:

This is not a Court Order.
a. Kind of Case | Filed in (County/State) | Year Filed | Case Number (if known)
--- | --- | --- | ---
(1) Civil Harassment | | | 
(2) Domestic Violence | | | 
(3) Divorce, Nullity, Legal Separation | | | 
(4) Paternity, Parentage, Child Custody | | | 
(5) Elder or Dependent Adult Abuse | | | 
(6) Eviction | | | 
(7) Workplace Violence | | | 
(8) Criminal | | | 
(9) Other (specify): | | | 

b. Are there now any protective or restraining orders in effect relating to Respondent?
   - Yes
   - No
   - I don’t know  
   *If yes, attach a copy if you have one.*

5 Description of Respondent's Firearms, Ammunition, or Magazines

*If you have reason to believe that the respondent is in possession of firearms, ammunition, or magazines, answer (a) or check (b).*

a. I am informed, and on that basis believe, that Respondent currently possesses or controls the following firearms, ammunition or magazines. *(Describe the number, types, and locations of any firearms, ammunition, or magazines that you believe that the Respondent currently possesses or controls):*


b. I am informed, and on that basis believe, that Respondent currently possesses or controls firearms, ammunition, or magazines, but I have no further specific information as to the number, types, and locations of those firearms, ammunition, or magazines.

6 Grounds for Issuance of a Gun Violence Restraining Order

I have reasonable cause to believe both of the following are true:

a. The Respondent poses a significant danger in the near future of causing personal injury to himself, herself, or another person by having in his or her custody or control, owning, purchasing, possessing, or receiving a firearm, ammunition, or a magazine.

**This is not a Court Order.**
6  b. A gun violence restraining order is necessary to prevent personal injury to Respondent or to another person because less restrictive alternatives either have been tried and found to be ineffective, or have been determined to be inadequate or inappropriate for the current circumstances.

c. The facts supporting the above statements are set forth:

☐ Below
☐ On the attached form MC-031, Attached Declaration

7  Request for Gun Violence Restraining Order
I request that the court issue an order prohibiting Respondent from having in his or her custody or control, owning, purchasing, possessing or receiving, or attempting to purchase or receive, any firearms, ammunition, or magazines. I further request that Respondent be ordered to immediately surrender all firearms, ammunition, and magazines currently in his or her possession to a law enforcement officer or to sell the firearms, ammunition, and magazines to or store them with a licensed gun dealer.

8  No Fee to Serve (Notify) Restrained Person
If you want the sheriff or marshal to serve (notify) the restrained person about the orders, he or she will do it for free.

9  Request for Hearing
I request that the court set a hearing in this matter for the purpose of issuing a gun violence restraining order that will last for one year.
10  □ Temporary Restraining Order
I request that a Temporary Gun Violence Restraining Order (TRO) be issued against the Respondent to last until the hearing. I am presenting form GV-110, Temporary Restraining Order, for the court’s signature together with this Petition.

Has the Respondent been told that you were going to court to seek a TRO against him/her?

☐ Yes  ☐ No  (If you answered no, explain why below):

☐ Reasons stated in Attachment 10.

11  □ Request to Give Less Than Five Days' Notice of Hearing
You must have your papers personally served on Respondent at least five calendar days before the hearing, unless the court orders a shorter time for service. (Form GV-200-INFO explains What Is “Proof of Personal Service”? Form GV-200, Proof of Personal Service, may be used to show the court that the papers have been served.)

If you want there to be fewer than five days between service and the hearing, explain why below:

☐ Reasons stated in Attachment 11.

12  Number of pages attached to this form, if any: _____

Date: __________________________

______________________________  Lawyer’s name (if any)  __________________________  Lawyer’s signature

I declare under penalty of perjury under the laws of the State of California that the information above and on all attachments is true and correct.

Date: __________________________

______________________________  Type or print your name  __________________________  Sign your name
# HATE CRIME CHECKLIST

## 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

## 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.

## 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.

## Relationship Between Suspect & Victim:
- Suspect known to victim? Yes
- Nature of relationship:
- Length of relationship:

If Yes, describe in narrative portion of Report

## History:
- Prior reported incidents with suspect? Total #
- Prior unreported incidents with suspect? Total #
- Restraining orders? Yes
- Nature of relationship:
- Length of relationship:

If Yes, describe in narrative portion of Report

Type of order: Order/Case#

## Weapons:
- Weapon(s) used during incident? Yes
- Type:
- Weapon(s) booked as evidence? Yes
- Automated Firearms System (AFS) Inquiry attached to Report? Yes

POST 05/19 (Based on LAPD’s Hate Crime Supplemental Report, used with permission)
## HATE CRIME CHECKLIST

### EVIDENCE

<table>
<thead>
<tr>
<th>Witnesses present during incident?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Statements taken?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Evidence collected?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Photos taken?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Total # of photos:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taken by:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>D#:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Serial #:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recordings:</td>
<td>Video</td>
<td>Audio</td>
</tr>
<tr>
<td>Suspect identified:</td>
<td>Field ID</td>
<td>By photo</td>
</tr>
<tr>
<td>Known to victim</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

### OBSERVATIONS

#### VICTIM

- [ ] Tattoos
- [ ] Shaking
- [ ] Unresponsive
- [ ] Crying
- [ ] Scared
- [ ] Angry
- [ ] Fearful
- [ ] Calm
- [ ] Agitated
- [ ] Nervous
- [ ] Threatening
- [ ] Apologetic
- [ ] Other observations: ____________

#### SUSPECT

- [ ] Tattoos
- [ ] Shaking
- [ ] Unresponsive
- [ ] Crying
- [ ] Scared
- [ ] Angry
- [ ] Fearful
- [ ] Calm
- [ ] Agitated
- [ ] Nervous
- [ ] Threatening
- [ ] Apologetic
- [ ] 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

- [ ] Declined medical treatment
- [ ] Will seek own medical treatment
- [ ] Received medical treatment

#### 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

POST 05/19
<table>
<thead>
<tr>
<th>R=Response</th>
<th>T=Text</th>
<th>C=Call</th>
<th>S=Shift Summary</th>
<th>E=email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ofc Involved Shooting/Protocol Only</td>
<td>R/C</td>
<td>R/C</td>
<td>R/C</td>
<td>T</td>
</tr>
<tr>
<td>SWAT Activation</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>R/C</td>
</tr>
<tr>
<td>CINT Activation</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>R/C</td>
</tr>
<tr>
<td>Fatal Traffic Accident or MAIT</td>
<td>T</td>
<td>R/C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>245 Hit Shooting or Homicide</td>
<td>C</td>
<td>T</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Detective Callout</td>
<td>C</td>
<td>T</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Hate Crime</td>
<td>T</td>
<td>E</td>
<td>S</td>
<td>C</td>
</tr>
<tr>
<td>Death/serious injury to LPD Personnel (on duty)</td>
<td>R/C</td>
<td>R/C</td>
<td>R/C</td>
<td>T</td>
</tr>
<tr>
<td>Death/serious injury to LPD Personnel/family member (off duty)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>T</td>
</tr>
<tr>
<td>Serious injury to City Employee (on duty)</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>T</td>
</tr>
<tr>
<td>Serious injury to City Employee (off duty)</td>
<td>T</td>
<td>E</td>
<td>T</td>
<td></td>
</tr>
<tr>
<td>Incidents involving Council Member/LPD members or their family</td>
<td>C</td>
<td>T</td>
<td>E</td>
<td>E</td>
</tr>
<tr>
<td>Serious injury to Public caused by LPD or Lodi City Employee</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>T</td>
</tr>
<tr>
<td>In Custody Death</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Arrest of outside LE personnel</td>
<td>C</td>
<td>T</td>
<td>T</td>
<td>T</td>
</tr>
<tr>
<td>Arrest of City Employee</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>T</td>
</tr>
<tr>
<td>Pending arrest or solid implication of serious criminal conduct by LPD Emp.</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>T</td>
</tr>
<tr>
<td>Significant at risk MP</td>
<td>T</td>
<td>C</td>
<td>T</td>
<td>S</td>
</tr>
<tr>
<td>Child Abduction</td>
<td>C</td>
<td>C</td>
<td>R/C</td>
<td>R/C</td>
</tr>
<tr>
<td>Event that requires heavy commitment of PD resources</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>T</td>
</tr>
<tr>
<td>EOC Activation</td>
<td>R/C</td>
<td>R/C</td>
<td>C</td>
<td>C</td>
</tr>
<tr>
<td>Outside agency pursuit that ends in City limits</td>
<td>E</td>
<td>E</td>
<td>E</td>
<td>T</td>
</tr>
<tr>
<td>Incidents likely to attract media</td>
<td>T</td>
<td>R/C</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Terrorist incident</td>
<td>C</td>
<td>C</td>
<td>C</td>
<td>T</td>
</tr>
<tr>
<td>Explosive device</td>
<td>T</td>
<td></td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Freeway closure</td>
<td>T</td>
<td></td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Major communications failure</td>
<td>C</td>
<td>C</td>
<td>T</td>
<td>S</td>
</tr>
<tr>
<td>Significant criminal activity</td>
<td>T</td>
<td>C</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>Damage to/or criminal activity at City facility</td>
<td>T</td>
<td>C</td>
<td>S</td>
<td></td>
</tr>
<tr>
<td>On-duty traffic collision injury and/or property damage by LPD or any Lodi City employee</td>
<td>T</td>
<td>C</td>
<td>C</td>
<td>S</td>
</tr>
</tbody>
</table>
Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf
1. Check one box below for the case type that best describes this case:

- Auto (22)
- Uninsured motorist (46)
- Asbestos (04)
- Medical malpractice (45)
- Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- Business tort/unfair business practice (07)
- Civil rights (08)
- Defamation (13)
- Fraud (16)
- Intellectual property (19)
- Professional negligence (25)
- Other non-PI/PD/WD tort (35)
- Employment
- Wrongful termination (36)
- Other employment (15)
- Breach of contract/warranty (06)
- Rule 3.740 collections (09)
- Other collections (09)
- Insurance coverage (18)
- Other contract (37)
- Eminent domain/Inverse condemnation (14)
- Wrongful eviction (33)
- Other real property (26)
- Commercial (31)
- Residential (32)
- Drugs (38)
- Asset forfeiture (05)
- Petition re: arbitration award (11)
- Writ of mandate (02)
- Other judicial review (39)
- Antitrust/Trade regulation (03)
- Construction defect (10)
- Mass tort (40)
- Securities litigation (28)
- Environmental/Toxic tort (30)
- Insurance coverage claims arising from the above listed provisionally complex case types (41)
- Enforcement of judgment
- RICO (27)
- Other complaint (not specified above) (42)
- Partnership and corporate governance (21)
- Other complaint (not specified above) (43)

2. This case ☐ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
   a. Large number of separately represented parties
   b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
   c. Substantial amount of documentary evidence
   d. Large number of witnesses
   e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
   f. Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a. ☐ monetary
   b. ☐ nonmonetary; declaratory or injunctive relief
   c. ☐ punitive

4. Number of causes of action (specify):

5. This case ☐ is ☐ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: ____________________________

(TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 [Rev. July 1, 2007]
INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action.

To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than $25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action.

To Plaintiffs and Others Filing First Papers.

CASE TYPES AND EXAMPLES

**Contract**
- Breach of Contract/Warranty (06)
- Breach of Rental/Lease
- Contract (not unlawful detainer or wrongful eviction)
- Contract/Warranty Breach–Seller
- Plaintiff (not fraud or negligence)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
- Collection Case–Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (not provisionally complex) (18)
- Auto Subrogation
- Other Coverage
- Other Contract (37)
- Contractual Fraud
- Other Contract Dispute

**Property**
- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
- Writ of Possession of Real Property
- Mortgage Foreclosure
- Quiet Title
- Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

**Unlawful Detainer**
- Commercial (31)
- Residential (32)
- Drugs (38) (if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)

**Judicial Review**
- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
- Writ–Administrative Mandamus
- Writ–Mandamus on Limited Court Case Matter
- Writ–Other Limited Court Case Review
- Other Judicial Review (39)
- Review of Health Officer Order
- Notice of Appeal–Labor Commissioner Appeals
- Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)
- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)

**Enforcement of Judgment**
- Enforcement of Judgment (20)
- Abstract of Judgment (Out of County)
- Confession of Judgment (non-domestic relations)
- Sister State Judgment
- Administrative Agency Award (not unpaid taxes)
- Petition/Certification of Entry of Judgment on Unpaid Taxes
- Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**
- RICO (27)
- Other Complaint (not specified above) (42)
- Declaratory Relief Only
- Injunctive Relief Only (non-harassment)
- Mechanics Lien
- Other Commercial Complaint
- Case (non-tort/non-complex)
- Other Civil Complaint
- Case (non-tort/non-complex)

**Miscellaneous Civil Petition**
- Partnership and Corporate Governance (21)
- Other Petition (not specified above) (43)
- Civil Harassment
- Workplace Violence
- Elder/Dependent Adult Abuse
- Election Contest
- Petition for Name Change
- Petition for Relief From Late Claim
- Other Civil Petition

**Other**
- Auto (22)–Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)
- Asbestos (04)
- Asbestos Property Damage
- Asbestos Personal Injury/Wrongful Death
- Product Liability (not asbestos or toxic/environmental) (24)
- Medical Malpractice (45)
- Medical Malpractice–Physicians & Surgeons
- Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
- Premises Liability (e.g., slip and fall)
- Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
- Intentional Infliction of Emotional Distress
- Negligent Infliction of Emotional Distress
- Other PI/PD/WD

**Non-PI/PD/WD (Other) Tort**
- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
- Legal Malpractice
- Other Professional Malpractice (not medical or legal)
- Other Non-PI/PD/WD Tort (35)

**Employment**
- Wrongful Termination (36)
- Other Employment (15)
Spanish truth_act_form_2_-_final.pdf
Fecha: __________________
Date

RE: Solicitud del Servicio de Inmigración y Control de Aduanas

Estimado/a ______________________________:
Name of Inmate

El propósito de esta carta es de informarle que el Servicio de Inmigración y Control de Aduanas ("ICE" por sus siglas en inglés) ha solicitado:

____ Su detención hasta 48 horas después de su liberación de la custodia criminal para permitir que ICE se lo/a lleve en detención de inmigración. (I-247 o I-247D)

____ Una notificación a ICE de su fecha de liberación, para que ICE lo/a pueda detener. (I-247N)

____ Su transferencia a la detención de inmigración. (I-247X o alguna otra solicitud)

Bajo la Revisión Transparente de Transferencias y Detenciones Injustas (Acta de la Verdad, o “TRUTH” por sus siglas en inglés), estamos obligados a proporcionarle con una copia de la solicitud de ICE e informarle si nosotros tenemos la intención de cumplir con la solicitud. Se adjunta una copia de la solicitud.

Nosotros ____ TENEMOS/____ NO TENEMOS la intención de cumplir con la solicitud de ICE.
(check one)

Recibirá inmediatamente una carta por separado si notificamos a ICE su fecha de liberación. Estamos obligados a notificarle tanto a usted como a su abogado o a otra persona de su elección si le notificamos a ICE con la fecha de su liberación. Favor de proporcionar la información de contacto, incluyendo número de teléfono y/o correo electrónico, de su abogado o alguna otra persona de su elección en la página siguiente.

Favor de comunicarse con _______________________________________ si tiene
Name of Officer & Contact Information

cualquier pregunta o preocupación.

Atentamente,

[Name]
[Title]

---------------------------------------------------------------------------------------------------------------------------- ---
FOR LAW ENFORCEMENT PERSONNEL:
Served by : _______________________ID #:____________________ Date: _____________
Nombre de Individuo Detenido: ______________________________________

Abogado o Designado (escoja uno): _________________________________

Nombre de Abogado o Designado: _________________________________________

Correo Electrónico de Abogado o Designado: ______________________________________

Número de Teléfono de Abogado o Designado: ______________________________________
Effective February 3, 2015 the following changes will take effect on the patrol schedule:

Graveyard will shift from the first shift of the day to the last shift of the day to accommodate true days off. The hours of graveyard will stay the same (2030 – 0630 hours). For example, an officer scheduled to work on a Monday graveyard shift will start that shift at 2030 hours on Monday night. Their call sign will begin with 4A_____.

Departmental trainings will now be held on Wednesdays in successive weeks. Training for the Monday/Tuesday side will continue to start at 0800 hours unless otherwise directed. Training for the Thursday/Friday side will start at 1430 hours unless otherwise directed.

These changes will be evaluated periodically to determine the effectiveness of the schedule. A new schedule detailing these changes will be placed into the public folder. Officers picking a schedule for 2014 will pick based on these new changes.

Please direct any questions regarding these schedule changes to me. More information regarding these changes will be provided during shift briefings.
preventing_hate_crimes_brochure_SP.pdf
Delitos motivados por prejuicios

Lo que necesita saber para protegerse a sí mismo y a los demás

Información para víctimas
La Declaración de derechos de las víctimas de California, también llamada la Ley de Marsy, le otorga los siguientes derechos legales importantes:

Recibir dinero por sus pérdidas
Puede solicitar dinero para cubrir sus pérdidas de propiedad, gastos médicos, lucro cesante y otras pérdidas.

Expresar cómo lo afectó el delito cometido
Puede contarle a la corte cómo el delito afectó su vida antes de que el acusado sea sentenciado.

Obtener información sobre el caso penal
Puede pedirle al fiscal cierta información sobre el caso.

Obtener órdenes de la corte
La corte puede dictar órdenes que podrían ayudarlo, como una orden de protección para que el acusado no se acerque a usted o una orden de pagar honorarios de abogado si contrató a un abogado para ayudarle con su caso.
La corte también puede ordenar al acusado que le pague $25,000 o más por haber transgredido sus derechos civiles. (Hable con su abogado sobre sus derechos bajo la Ley Ralph y la Ley Bane).

Dónde encontrar ayuda
- Unidad de Servicios a las Víctimas del Procurador General de California
  (877) 433-9069
  TTY: (800) 735-2929
  www.oag.ca.gov/victimservices
- Departamento de Empleo y Vivienda Equitativa de California
  (800) 884-1684
  TTY: (800) 700-2320
  www.dfeh.ca.gov
- Junta de Compensación para Víctimas de California
  (800) 777-9229
  www.vcgcb.ca.gov
  Para encontrar el Centro de Asistencia a Víctimas/Testigos de la oficina del Fiscal de Distrito:
  www.vcgcb.ca.gov/victims/localhelp.aspx
- Departamento de Justicia de EE. UU., Servicios de Relaciones Comunitarias
  (202) 305-2935
  www.justice.gov/crs

Para obtener más información o ayuda con preguntas o inquietudes, comuníquese con:

Oficina del Procurador General de California
Unidad de Servicios a las Víctimas
P.O. Box 944255
Sacramento, CA 94244-2550
(877) 433-9069
www.oag.ca.gov/victimservices

Funded by the U.S. Dept. of Justice, Victims of Crime Act, 2016-VA-GX-0057

Spanish
En California, puede ser víctima de un delito motivado por prejuicios si lo han atacado debido a su:

» raza u origen étnico;
» nacionalidad, religión;
» género, orientación sexual;
» discapacidad física o mental; o
» su asociación con una persona o grupo que tiene una o más de estas características, ya sean “reales” o “percibidas”.

¿Delito o incidente motivado por prejuicios?
Es importante saber la diferencia entre un delito y un incidente motivado por prejuicios.

Un incidente motivado por prejuicios es una acción o comportamiento motivado por prejuicios pero legalmente protegido por el derecho a expresarse libremente de la primera enmienda de la Constitución.

Algunos ejemplos de incidentes motivados por prejuicios son:
• burlarse;
• insultar;
• distribuir material prejuicioso en lugares públicos y
• desplegar material prejuicioso en su propiedad.

La Constitución de los Estados Unidos permite las expresiones motivadas por prejuicios siempre y cuando no interfieran con los derechos civiles de otras personas. Si un incidente motivado por prejuicios comienza a amenazar a una persona o propiedad, puede convertirse en un delito motivado por prejuicios.

Un delito motivado por prejuicios es un delito contra una persona, grupo o propiedad debido al grupo social protegido de la víctima, ya sea real o percibido. La ley protege contra muchas clases de delitos motivados por prejuicios.

Qué hacer si presencia un delito motivado por prejuicios
Denuncie el delito al departamento de policía o alguacil de su zona. Si no se denuncian los delitos motivados por prejuicios, pueden seguir ocurriendo.

Cómo identificar un delito motivado por prejuicios
He aquí algunos signos de un posible delito motivado por prejuicios:
• El criminal eligió a su víctima o propiedad porque pertenecía a un grupo protegido, como una cierta religión o género.
• El criminal hizo comentarios escritos u orales que demuestran prejuicio.
• El delito ocurrió en una fecha importante para el grupo protegido de la víctima.
• Hay mucha actividad organizada motivada por prejuicios en la zona.

“Cuando alguien comete un delito motivado por prejuicios, no es solo un ataque a una persona inocente, sino un ataque a todo el estado”.

Xavier Becerra
Procurador General de California

Si es víctima de un delito motivado por prejuicios, deberá:
• ¡Comunicarse con la policía o alguacil de su zona de inmediato!
• Obtener atención médica (si la necesita).
• Anotar exactamente las palabras que se dijeron.
• Tomar nota de cualquier otro hecho que haya ocurrido, para no olvidarse.
• Guardar todas las pruebas (como grafiti, cáscaras de huevo, leyendas en el vehículo de la víctima). Si no corre peligro, espere a que lleguen las fuerzas del orden y tomen fotos.
• Obtener los nombres, direcciones, números de teléfono e emails de otras víctimas y testigos.
• Tratar de obtener una descripción de cualquier otro testigo ocular del criminal o su vehículo.
• Llamar a organizaciones comunitarias en su zona que respondan a delitos motivados por prejuicios.

Qué puede hacer usted y su comunidad
• Denunciar el odio y la intolerancia.
• Organizar marchas en la comunidad para respaldar a las víctimas.
• Ofrecer apoyo y ayuda a las víctimas.
• Pedir a las autoridades gubernamentales que denuncien los delitos motivados por prejuicios.
• Establecer una red contra los delitos motivados por prejuicios, compuesta por las fuerzas del orden, el gobierno local, las escuelas, organizaciones religiosas y organizaciones comunitarias. Pídale que respondan inmediatamente a delitos motivados por prejuicios cuando ocurran y que promuevan la prevención y la toma de conciencia.
preventing_hate_crimes_brochure_ENG.pdf
Information for victims

The California Victims’ Bill of Rights Act – Marsy’s Law – gives you these important legal rights:

Get money for your losses
Apply for money to cover your property losses, medical expenses, lost wages, and other losses.

Say how the crime impacted you
Tell the court how the crime impacted your life before the defendant is sentenced.

Get information about the criminal case
Ask the prosecutor for certain information about the case.

Get orders from the court
The court can make orders that could help you, such as a protective order to keep the defendant away from you or an order to pay attorney fees if you hired a lawyer to help with your case.

The court may also order the defendant to pay you $25,000 or more for violating your civil rights. (Talk to a lawyer about your rights under the Ralph Act and the Bane Act.)

Where to find help

- California Attorney General’s Victims’ Services Unit
  (877) 433-9069
  TTY: (800) 735-2929
  www.oag.ca.gov/victimservices

- California Department of Fair Employment and Housing
  (800) 884-1684
  TTY: (800) 700-2320
  www.dfeh.ca.gov

- California Victim Compensation Board
  (800) 777-9229
  www.vcgcb.ca.gov

- Find Your Local District Attorney’s Office, Victim/Witness Assistance Center
  www.vcgcb.ca.gov/victims/localhelp.aspx

- U.S. Department of Justice, Community Relations Services
  (202) 305-2935
  www.justice.gov/crs

For more information, or help with questions or concerns, contact:

California Attorney General’s Office
Victims’ Services Unit
P.O. Box 944255
Sacramento, CA 94244-2550
(877) 433-9069
www.oag.ca.gov/victimservices

Funded by the U.S. Dept. of Justice, Victims of Crime Act, 2016-VA-GX-0057
In California, you can be a victim of a hate crime if you have been targeted because of your:
- race or ethnicity,
- nationality, religion,
- gender, sexual orientation,
- physical or mental disability, or
- your association with a person or group with one or more of these “actual” or “perceived” characteristics.

**Hate crime or hate incident?**

It is important to know the difference between a hate crime and a hate incident.

A hate incident is an action or behavior motivated by hate but legally protected by the First Amendment right to freedom of expression.

Examples of hate incidents include:
- name-calling,
- insults,
- distributing hate material in public places, and
- displaying hate material on your own property.

The U.S. Constitution allows hate speech as long as it does not interfere with the civil rights of others. If a hate incident starts to threaten a person or property, it may become a hate crime.

A hate crime is a crime against a person, group, or property motivated by the victim’s real or perceived protected social group. The law protects against many classes of hate crimes.

**What to do if you witness a hate crime**

Report the crime to your local police or sheriff’s department. If hate crimes are not reported, the hate crimes may continue.

**How to spot a hate crime**

Here are signs of a possible hate crime:
- The criminal chose the victim or property because they belonged to a protected group, like a certain religion or gender.
- The criminal made written or verbal comments showing a prejudice.
- The crime happened on a date that is important for the victim’s protected group.
- There is a lot of organized hate activity in the area.

“If someone commits a crime motivated by hate, it is not just an attack on one innocent person, but an attack on the entire State.”

Xavier Becerra
California Attorney General

**If you are a hate crime victim, you should:**

- Contact the local police or sheriff right away!
- Get medical attention (if you need it).
- Write down the exact words that were said.
- Make notes about any other facts so you don’t forget them.
- Save all evidence (e.g., graffiti, egg shells, writing on victim’s vehicle). If safe, wait until law enforcement arrives and takes photos.
- Get the names, addresses, phone numbers, and emails of other victims and witnesses.
- Try to get a description from any eyewitnesses of the criminal or the vehicle.
- Call community organizations in your area that respond to hate crimes.

**What you and your community can do**

- Speak out against hate and intolerance.
- Have community rallies to support victims.
- Offer support and help to victims.
- Ask public officials to speak out against hate crimes.
- Establish a hate crime network that includes law enforcement, local government, schools, religious organizations and community organizations. Ask them to respond to hate crimes immediately when they happen and to promote prevention and awareness.
Vietnamese truth_act_form_3.pdf
Ngày: ____________________

RE: Thông báo cho Bộ thi hành của Nhập cư và Hải quan về vụ thay thồ của bạn

Kính thưa: ____________________________
Tên của người ở tù

Theo vụ hiểu rõ về sự di chuyển và nần giữ của người ở tù không hợp lệ về luật ("TRUTH"), chúng tôi được yêu cầu phải thông báo cho bạn và luật sư của bạn, hoặc chòng quờí bạn đã chọn bằng văn bản này, nếu chúng tôi có thông báo cho Bộ thi hành của xuất nhập cảnh và Hải quan ("ICE") về vụ thay thồ của bạn.

Mục đích của lá thư này là để thông báo cho bạn rằng, chúng tôi đã thông báo đến ICE trong ngày ______________ , trong __________________(giờ), về sự thay thồ của bạn vào ngày ______________ lục ______________(giờ), và thông báo này cũng với luật sư của bạn / hay người được chỉ định của bạn:

__________________________________________

Tại. ____________________________________________
Tên của luật sư hoặc người được chỉ định (xem Mẫu 2) Email và / hoặc số điện thoại

Nếu bạn bất kỳ có câu hỏi gì, xin liên lạc với nhân viên chúng tôi
(Tên họ và thông tin liên lạc)

Trân trọng,

CC: ____________________________________________ [Tên họ và chức vụ].
(Tên họ của luật sư hoặc người được chỉ định)

-------------------------------------------------------------------------------------------------------------------

CHO NHÂN VIÊN THỰC THI LUẬT PHÁP:

Người đệ trình: ____________________________ ID #: ____________________________ ngày:

________________
## INDEX / TOPICS

### A

**ACCOUNTABILITY TO SUPERVISOR** .................................................. 19

**ACCOUNTING**
- Policy manual ........................................................................... 16
- Policy revisions .......................................................................... 16

**ADMINISTRATIVE INVESTIGATIONS**
- Recorded media files ................................................................ 394
- Vehicle damage ........................................................................ 527

**ADULT ABUSE** ........................................................................... 154

**AIRCRAFT**
- Accidents .................................................................................. 439
- Ambulance ................................................................................ 427

**ALCOHOL**
- Vehicle use .............................................................................. 524

**ALCOHOL USE** .......................................................................... 664

**ALCOHOL, INTOXICANTS** ............................................................. 203

**AMMUNITION**
- Gun violence restraining order surrenders .............................. 291

**ANIMALS** .................................................................................. 565

**ANTI-REPRODUCTIVE RIGHTS CRIMES** .................................... 240

**APPONNTMENTS**
- Chaplain coordinator ................................................................. 264
- Communications supervisor ..................................................... 533
- Coordinator - portable audio/video recorders ...................... 395
- Forfeiture reviewer .................................................................. 484
- Operations director ................................................................. 503, 507
- PIO .......................................................................................... 215
- Reserve coordinator ................................................................. 223
- UAS Coordinator ..................................................................... 500

**ARREST OF PUBLIC SCHOOL TEACHER** .................................. 258

**ARRESTS**
- First amendment assemblies .................................................... 422, 424
- Log ............................................................................................ 216
- Seat belts .................................................................................. 688

**ASSET FORFEITURE** .................................................................. 481

**AUD/VIDEO RECORDING**
- Body-worn cameras ................................................................ 391
- Custodial interrogation ............................................................. 471

**AUTHORITY**
- Policy manual .......................................................................... 14

**AUTHORITY, ETHICS** ................................................................. 199

**AUTOMATED EXTERNAL DEBIFRILLATORS (AED)** ................. 428

**AUTOMATED LICENSE PLATE READERS (ALPR)** ..................... 408

### B

**BADGE**
- Mourning Badge .................................................................... 729

**BATON** ..................................................................................... 67

**BIOLOGICAL SAMPLES**
- Hazards ..................................................................................... 440

**BIOLOGICAL SAMPLES** ............................................................. 260

**BODY ARMOR** .......................................................................... 690

**BODY-WORN CAMERAS** .......................................................... 391

**BOMBS**
- Aircraft accidents .................................................................... 440
- Chaplains ................................................................................ 266
- MDT/MDC ............................................................................... 375
- Portable audio/video recorders .............................................. 393

**BRADY MATERIAL** .................................................................... 498

**BREATHE TEST** ......................................................................... 458

### C

**CANINE**
- Assignments .......................................................................... 138
- Handler Compensation ............................................................ 141
- Handler Responsibilities .......................................................... 139
- Request for Use ....................................................................... 138
- Training ................................................................................... 143

**CANINE USE REPORTS** ............................................................. 137

**CANINES**
- Pursuits ................................................................................... 400

**CASH**
- Custodial searches .................................................................. 631

**CASH HANDLING, SECURITY AND MANAGEMENT** .............. 529

**CHAPLAINS** ........................................................................... 263

**CHIEF EXECUTIVE** .................................................................... 12

**CHILD ABUSE** .......................................................................... 164

**CHILDREN**
- Transporting ........................................................................... 689

**CITATIONS** ............................................................................... 445

**CIVIL**
- Subpoenas .............................................................................. 220

**CIVIL DISPUTES** ....................................................................... 434

**CIVILIAN/NON-SWORN** ............................................................ 14

**CIVILIAN/NONSWORN**
- Crisis intervention incidents .................................................. 418
- SUBPOENAS ........................................................................... 220

**CODE-3** ................................................................................... 106

**COMMAND PROTOCOL** ........................................................... 19

**COMMAND STAFF**
- Policy review .......................................................................... 16

**COMMENDATIONS AND AWARDS** ......................................... 703

**COMMUNICABLE DISEASE**.......................................................... 793
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>FIELD CITATIONS</td>
<td>340</td>
</tr>
<tr>
<td>FIELD SOBRIETY TESTS</td>
<td>457</td>
</tr>
<tr>
<td>FIREARM SERIAL NUMBERS</td>
<td>550</td>
</tr>
<tr>
<td>FIREARMS</td>
<td></td>
</tr>
<tr>
<td>Destruction of animals.</td>
<td>568</td>
</tr>
<tr>
<td>Removal for vehicle maintenance.</td>
<td>520</td>
</tr>
<tr>
<td>Retiree</td>
<td>29</td>
</tr>
<tr>
<td>FORCE</td>
<td>59</td>
</tr>
<tr>
<td>FOREIGN DIPLOMATIC AND CONSULAR REPRESENTIVES</td>
<td>344</td>
</tr>
<tr>
<td>G</td>
<td></td>
</tr>
<tr>
<td>GANGS, EMPLOYEE AFFILIATION</td>
<td>199</td>
</tr>
<tr>
<td>GRIEVANCE PROCEDURE</td>
<td>744</td>
</tr>
<tr>
<td>GRIEVANCES</td>
<td></td>
</tr>
<tr>
<td>Supervisor authority</td>
<td>14</td>
</tr>
<tr>
<td>GROOMING STANDARDS</td>
<td>719</td>
</tr>
<tr>
<td>H</td>
<td></td>
</tr>
<tr>
<td>HAZARDOUS MATERIAL</td>
<td>323</td>
</tr>
<tr>
<td>HAZARDOUS MATERIAL (HAZMAT) RESPONSE</td>
<td></td>
</tr>
<tr>
<td>Aircraft accidents.</td>
<td>440</td>
</tr>
<tr>
<td>HEARING IMPAIRED</td>
<td>250</td>
</tr>
<tr>
<td>HELICOPTER ASSISTANCE</td>
<td>366</td>
</tr>
<tr>
<td>HIGH-VISIBILITY VESTS</td>
<td>445</td>
</tr>
<tr>
<td>HOMELESS</td>
<td>405</td>
</tr>
<tr>
<td>I</td>
<td></td>
</tr>
<tr>
<td>IDENTITY THEFT</td>
<td>237</td>
</tr>
<tr>
<td>INFORMATION TECHNOLOGY USE</td>
<td>204</td>
</tr>
<tr>
<td>TECHNOLOGY USE</td>
<td></td>
</tr>
<tr>
<td>INSPECTIONS</td>
<td></td>
</tr>
<tr>
<td>Vehicles</td>
<td>522</td>
</tr>
<tr>
<td>INTERNET ACTIVITY</td>
<td>741</td>
</tr>
<tr>
<td>INVESTIGATION AND PROSECUTION</td>
<td>470</td>
</tr>
<tr>
<td>J</td>
<td></td>
</tr>
<tr>
<td>JURISDICTION</td>
<td></td>
</tr>
<tr>
<td>Aircraft accidents.</td>
<td>440</td>
</tr>
<tr>
<td>JUVENILES</td>
<td></td>
</tr>
<tr>
<td>Citations</td>
<td>342</td>
</tr>
<tr>
<td>K</td>
<td></td>
</tr>
<tr>
<td>KEYS</td>
<td></td>
</tr>
<tr>
<td>Vehicle</td>
<td>524</td>
</tr>
<tr>
<td>KINETIC PROJECTILES</td>
<td>68</td>
</tr>
<tr>
<td>L</td>
<td></td>
</tr>
<tr>
<td>LEG RESTRAINT</td>
<td>62</td>
</tr>
<tr>
<td>LIMITED ENGLISH PROFICIENCY</td>
<td></td>
</tr>
<tr>
<td>Communications center.</td>
<td>535</td>
</tr>
<tr>
<td>Eyewitness identification.</td>
<td>494</td>
</tr>
<tr>
<td>LIMITED ENGLISH PROFICIENCY</td>
<td>242</td>
</tr>
<tr>
<td>M</td>
<td></td>
</tr>
<tr>
<td>MANUALS</td>
<td>28</td>
</tr>
<tr>
<td>MDT</td>
<td></td>
</tr>
<tr>
<td>Emergency Activation.</td>
<td>373</td>
</tr>
<tr>
<td>MDT/MDC</td>
<td></td>
</tr>
<tr>
<td>Use.</td>
<td>523</td>
</tr>
<tr>
<td>Vehicles</td>
<td>523</td>
</tr>
<tr>
<td>MEAL PERIODS AND BREAKS</td>
<td>708</td>
</tr>
<tr>
<td>MEDIA</td>
<td></td>
</tr>
<tr>
<td>Aircraft accidents.</td>
<td>441</td>
</tr>
<tr>
<td>Operations plans.</td>
<td>511</td>
</tr>
<tr>
<td>Warrant service.</td>
<td>506</td>
</tr>
<tr>
<td>MINIMUM STAFFING</td>
<td>37</td>
</tr>
<tr>
<td>MOBILE DIGITAL TERMINAL USE</td>
<td>373</td>
</tr>
<tr>
<td>MODIFIED-DUTY ASSIGNMENTS</td>
<td>736</td>
</tr>
<tr>
<td>MUTUAL AID</td>
<td></td>
</tr>
<tr>
<td>First amendment assemblies.</td>
<td>423</td>
</tr>
<tr>
<td>Warrant service.</td>
<td>505</td>
</tr>
<tr>
<td>N</td>
<td></td>
</tr>
<tr>
<td>NATIVE AMERICAN GRAVES (NAGPRA)</td>
<td>286</td>
</tr>
<tr>
<td>NONSWORN</td>
<td></td>
</tr>
<tr>
<td>Vehicles</td>
<td>524</td>
</tr>
<tr>
<td>NOTIFICATIONS</td>
<td></td>
</tr>
<tr>
<td>Aircraft accidents.</td>
<td>440</td>
</tr>
<tr>
<td>Cash.</td>
<td>529</td>
</tr>
<tr>
<td>Impaired driving.</td>
<td>459</td>
</tr>
<tr>
<td>NAGPRA.</td>
<td>286</td>
</tr>
<tr>
<td>Sick leave.</td>
<td>667</td>
</tr>
<tr>
<td>Topic</td>
<td>Page</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td><strong>O</strong></td>
<td></td>
</tr>
<tr>
<td>OATH OF OFFICE</td>
<td>13</td>
</tr>
<tr>
<td>OC SPRAY</td>
<td>68</td>
</tr>
<tr>
<td>OFFICER SAFETY</td>
<td></td>
</tr>
<tr>
<td>Communications center</td>
<td>535</td>
</tr>
<tr>
<td>Crime scene and disaster integrity</td>
<td>305</td>
</tr>
<tr>
<td>Foot pursuits</td>
<td>400</td>
</tr>
<tr>
<td>LEOSA</td>
<td>29</td>
</tr>
<tr>
<td>Seat belts</td>
<td>688</td>
</tr>
<tr>
<td>Warrant service</td>
<td>503</td>
</tr>
<tr>
<td>OPERATIONS PLANNING AND DECONFLICTION</td>
<td>507</td>
</tr>
<tr>
<td>ORGANIZATIONAL STRUCTURE</td>
<td>19</td>
</tr>
<tr>
<td>OUTSIDE AGENCY ASSISTANCE</td>
<td>228</td>
</tr>
<tr>
<td>OUTSIDE EMPLOYMENT</td>
<td>714</td>
</tr>
<tr>
<td>Change in Status</td>
<td>717</td>
</tr>
<tr>
<td>Obtaining Approval</td>
<td>714</td>
</tr>
<tr>
<td>Prohibited Outside Employment</td>
<td>715</td>
</tr>
<tr>
<td>Security Employment</td>
<td>716</td>
</tr>
<tr>
<td>OVERTIME</td>
<td></td>
</tr>
<tr>
<td>Court</td>
<td>221</td>
</tr>
<tr>
<td>OVERTIME PAYMENT</td>
<td>712</td>
</tr>
<tr>
<td><strong>P</strong></td>
<td></td>
</tr>
<tr>
<td>PARKING</td>
<td>524</td>
</tr>
<tr>
<td>PEPPER SPRAY</td>
<td>68</td>
</tr>
<tr>
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</tr>
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<td>Portable audio/video review</td>
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<td>PHOTOGRAPHS</td>
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<tr>
<td>Aircraft accidents</td>
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<td>732</td>
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<td>POLITICAL ACTIVITY</td>
<td>742</td>
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<td>POLITICAL ENDORSEMENTS</td>
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<td>PRESS INFORMATION OFFICER</td>
<td>215</td>
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<tr>
<td>Audio/video recordings</td>
<td>391</td>
</tr>
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<td>MDT/MDC</td>
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<td>Unmanned aerial system</td>
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<td>238</td>
</tr>
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<td>PROHIBITED SPEECH</td>
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<td>PROMOTIONAL PROCESS</td>
<td>655</td>
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<td>PROPERTY PROCEDURES</td>
<td>539</td>
</tr>
<tr>
<td>Disputed Claims</td>
<td>544</td>
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<tr>
<td>Narcotics And Dangerous Drugs</td>
<td>540</td>
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<td>Property Release</td>
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<td>Dependent adults</td>
<td>158</td>
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<td>PUBLIC RECORDING OF LAW ENFORCEMENT ACTIVITY</td>
<td>412</td>
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<td>PURSUITS</td>
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<td>RAPID RESPONSE AND DEPLOYMENT</td>
<td>348</td>
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<td>RECORDS BUREAU</td>
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<td>Administrative hearings</td>
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<td>13</td>
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<td>REPORT PREPARATION</td>
<td>210</td>
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<td>RESERVE OFFICERS</td>
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<tr>
<td>Firearms Requirements</td>
<td>226</td>
</tr>
<tr>
<td>Training</td>
<td>224</td>
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<tr>
<td>RESERVE OFFICERS/DEPUTIES</td>
<td>222</td>
</tr>
<tr>
<td>RESPONSE TO CALLS</td>
<td>106</td>
</tr>
<tr>
<td>RESTRAINTS</td>
<td>62</td>
</tr>
<tr>
<td>RESTRICTED INFORMATION</td>
<td>217</td>
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<td>REVIEWS</td>
<td></td>
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<tr>
<td>Crisis intervention incidents</td>
<td>419</td>
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<td>Policy manual</td>
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<td>Use of force - annual</td>
<td>58</td>
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<td>RIDE-ALONG</td>
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<td>Eligibility</td>
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<td>304</td>
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