CHIEF'S PREFACE
LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence 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 and will behave in a manner that does not bring discredit to me or to my agency. I will 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 both in my personal and official life, I will be exemplary in obeying the law 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, political beliefs, aspirations, 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 police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.
MISSION AND VISION STATEMENTS

Mission Statement

The mission of the Napa Police Department, in partnership with the community, is to promote and maintain a peaceful, safe and secure environment.

Vision Statement

We are dedicated to maintaining a high quality of life and safety by recognizing and adjusting to the changing needs of our community. To do this, we pledge, in partnership with the community, a commitment to resolve problems and address needs with excellence, initiative and integrity.
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**Attachments**

- Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf 761
- Mandated reporter acknowledgment.pdf 762
- Mandated reporter PC Sections (2).pdf 763
- Light Duty Memo Final 2 22 16.pdf 764

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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 Napa Police Department to perform their functions based on established legal authority.

100.2 POLICY
It is the policy of the Napa Police Department to limit its members to only exercise the authority granted to them by law.

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

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

100.3.1 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE NAPA POLICE DEPARTMENT
The arrest authority within the jurisdiction of the Napa Police Department includes (Penal Code § 830.1; Penal Code § 836):

(a) When the officer has probable cause to believe the person has committed a felony, whether or not committed in the presence of the officer.

(b) When the officer has probable cause to believe the person has committed a misdemeanor in this jurisdiction and in the presence of the officer.

(c) When the officer has probable cause to believe the person has committed a public offense outside this jurisdiction, in the presence of the officer and the officer reasonably believes there is an immediate danger to person or property, or of escape.

(d) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized or required by statute even though the offense has not been committed in the presence of the officer such as certain domestic violence offenses.

(e) In compliance with an arrest warrant.

100.3.2 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE NAPA POLICE DEPARTMENT
The arrest authority outside the jurisdiction of the Napa 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 with 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.

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

(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.

100.3.4 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.

Napa 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.

100.4 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 Napa 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 Napa 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 Napa 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 Napa 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 Napa Police Department.

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

**Department/NPD** - The Napa 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 Napa Police Department, including:
- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Civilian employees
- Volunteers.

**Officer** - Those employees, regardless of rank, who are sworn peace officers of the Napa 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 Captain 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 Captains, who will consider the recommendations and forward them to the command staff as appropriate.
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 DIVISIONS
The Chief of Police is responsible for administering and managing the Napa Police Department. There are two divisions in the Police Department as follows:

- Administration Division
- Operations Division

200.2.1 ADMINISTRATION DIVISION
The Administration Division is commanded by a Captain, whose primary responsibility is to provide general management direction and control for the Administration Division. The Administration Division consists of Records Bureau, Communications Bureau, Property and Evidence Unit.

200.2.2 OPERATIONS DIVISION
The Operations Division is commanded by a Captain, whose primary responsibility is to provide general management direction and control for the Operations Division. The Operations Division consists of Patrol Operations Bureau, Special Operations Bureau, and Napa Special Investigations Bureau.

200.3 COMMAND PROTOCOL

200.3.1 SUCCESSION OF COMMAND
The Chief of Police exercises command over all personnel in the Department. During planned absences the Chief of Police will designate a Division Captain 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) Captain
(b) Lieutenant
(c) Sergeant

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.
Organizational Structure and Responsibility

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.
Departmental Directive

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

201.1.1 DEPARTMENTAL DIRECTIVE PROTOCOL
Departmental Directives will be incorporated into the manual as required upon approval of Staff. Departmental Directives will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

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

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

201.2 RESPONSIBILITIES

201.2.1 STAFF
The Staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Departmental Directive.

201.2.2 CHIEF OF POLICE
The Chief of Police shall issue all Departmental Directives.

201.3 ACCEPTANCE OF DEPARTMENTAL DIRECTIVES
All employees are required to read and obtain any necessary clarification of all Departmental Directives. All employees are required to acknowledge in writing the receipt and review of any new Departmental Directive. Signed acknowledgement forms and/or e-mail receipts showing an employee's acknowledgement will be maintained by the Office of the Chief and or his/her designee.
Emergency Management Plan

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

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

202.2.1 RECALL OF PERSONNEL
In the event that the Emergency Management Plan is activated, all employees of the Napa Police Department are subject to immediate recall. Employees may also be subject to recall during extraordinary circumstances as deemed necessary by the Chief of Police or the authorized designee.

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

202.3 LOCATION OF THE PLAN
The Emergency Management Plan is available in Administration office. All supervisors should familiarize themselves with the Emergency Management Plan. The Training Manager should ensure that department personnel are familiar with the roles police personnel will play when the plan is implemented.

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

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

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

203.3 OBJECTIVES
The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public
(b) Increase the technical expertise and overall effectiveness of our personnel
(c) Provide for continued professional development of department personnel

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

(a) Legislative Changes
(b) State Mandated Training
(c) Critical Issues Training
(d) Specialized Training
(e) Professional Development

203.5 TRAINING NEEDS ASSESSMENT
The Training Manager 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.
203.6 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
   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 prior to the start of training.
   2. Document his/her absence in a memorandum to his/her supervisor.
   3. Make arrangements through his/her supervisor and the Training Manager to attend the required training on an alternate date.

203.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) is a web-accessed system that provides training on the Napa 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 the Training Manager.

Personnel assigned to participate in DTBs should only use the password and login name assigned to them by the Training Manager. 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.
Electronic Mail

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

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

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

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

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

Email messages addressed to the entire department are only to be used for official business related items that are of particular interest to all users and must be approved by the Chief of Police or a Division Captain. Personal advertisements are not acceptable.

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

204.4 EMAIL RECORD MANAGEMENT
Email may, depending upon the individual content, be a public record under the California Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.
The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.
Administrative Communications

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

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

205.3 CORRESPONDENCE
In order to ensure that the letterhead and name of the Department are not misused, all external correspondence shall be on Department letterhead. All Department letterhead shall bear the signature element of the Chief of Police. Personnel should use Department letterhead only for official business or with approval of their supervisor.

205.4 SURVEYS
All surveys made in the name of the Department shall be authorized by the Chief of Police or a Division Captain.
Staffing Levels

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

206.2 MINIMUM SAFETY STAFFING LEVELS
Minimum patrol staffing levels are based on time of day and should result in the scheduling of at least one supervisor on duty whenever possible. Shift Sergeants will ensure that at least one field supervisor is deployed during each shift. Minimum patrol staffing levels will be as follows:

- 0100 hrs - 0300 hrs 1 sergeant and 4 officers
- 0300 hrs - 0630 hrs 1 sergeant and 3 officers
- 0630 hrs - 1200 hrs 1 sergeant and 4 officers
- 1200 hrs - 0100 hrs 1 sergeant and 5 officers

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

With prior authorization from the affected Division Captain, an officer may be designated as an acting sergeant for a limited period of time.
License to Carry a Firearm

207.1 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.

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

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

207.3 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 Napa Police Department (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 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

207.4 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.

207.4.1 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, 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 Napa Police Department for a nonrefundable 20 percent of the application fee to cover the cost of processing the application (Penal Code § 26190).

1. Additional fees may be required for fingerprinting, training or psychological testing, in addition to the application fee.

2. Full payment of the remainder of the application fee will be required upon issuance of a license.

3. 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
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) The applicant should 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).

207.4.2 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 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).
License to Carry a Firearm

(d) 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).

(e) 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 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).

207.5 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 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 Napa Police Department (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).

207.6 ISSUED FIREARMS PERMITS
In the event a license to carry a firearm is issued by the Chief of Police, the following shall apply:
License to Carry a Firearm

(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.

207.6.1 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.

207.6.2 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.

207.6.3 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 unsuitable to carry a firearm.

(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).
License to Carry a Firearm

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).

207.6.4 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) Completing 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) 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).

207.7 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.
License to Carry a Firearm

207.8 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)).
Retiree Concealed Firearms

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

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

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

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

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

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

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

(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.

208.4 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).

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

(a) A photograph of the retiree.

(b) The retiree’s name and date of birth.

(c) The date of retirement.

(d) The name and address of this department.

(e) A stamped CCW Approved endorsement along with the date by which the endorsement must be renewed (not more than one year). If a CCW endorsement has been denied or revoked, the identification card shall be stamped “No CCW Privilege.”

208.4.2 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION
The Napa 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):
Retiree Concealed Firearms

(a) The retiree’s previous agency is no longer providing law enforcement services or the relevant government body is dissolved.

(b) This department is in possession of the retiree’s complete personnel record or can verify the retiree’s honorably retired status.

(c) The retiree is in compliance with all of the requirements of this department for the issuance of a CCW Approved endorsement.

208.4.3 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).

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

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

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

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

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

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

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

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

(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 Shift Sergeant as soon as practicable. The Shift Sergeant 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 Shift Sergeant 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 Shift Sergeant 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 Shift Sergeant may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

208.8 FIREARM QUALIFICATIONS
The Rangemaster may provide former officers from this department an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.
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).
(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 CAROTID CONTROL HOLD
The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

(a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.
Use of Force

(b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:

1. The subject is violent or physically resisting.
2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.

(c) The application of a carotid control hold on the following 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 applying a carotid control hold:

1. Females who are known to be pregnant
2. Elderly individuals
3. Obvious juveniles
4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries

(d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.

(e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.

(f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.

(g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

300.3.5 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Napa 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 CED 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).
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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 initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.
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.

300.7.1 SHIFT SERGEANT RESPONSIBILITY
The Shift Sergeant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

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 Division Captain 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 Napa 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 Napa 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 a member results in very serious injury or death to another.

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

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

The Chief's designee will convene the Use of Force Review Board as necessary. It will be the responsibility of the Division Lieutenant or supervisor of the involved employee to notify the affected Division Captain of any incidents requiring board review. The involved employee's Division Lieutenant or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

301.4.1 COMPOSITION OF THE BOARD
The Chief's designee should select five Use of Force Review Board members from the following, as appropriate:

- Representatives of each division
- Commanding officer in the involved member's chain of command
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- Training Manager
- Non-administrative supervisor
- A peer officer
- A sworn peace officer from an outside law enforcement agency
- Department instructor for the type of weapon, device or technique used

The senior ranking command representative who is not in the same division as the involved employee will serve as chairperson.

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
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consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation 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 Division Captain for review and appropriate action. If 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 Chief of Police.
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 Napa 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 RESTRAINTS
Only members who have successfully completed Napa 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 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 AUXILIARY RESTRAINT DEVICES**

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

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

**302.6.1 AUTHORIZED RESTRAINT**
The WRAP, manufactured by Safe Restraints, Inc. is supplied by this Department and shall only be used by trained officers.

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

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

(a) Whether the officer or others could be exposed to injury due to the assaultive or resistant behavior of a person.

(b) Whether it is reasonably necessary to protect the person from his/her own actions (e.g., hitting his/her head against the interior of the patrol vehicle, running away from the arresting officer while handcuffed, kicking at objects or officers).

(c) Whether it is reasonably necessary to avoid damage to property (e.g., kicking at windows of the patrol vehicle).

**302.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS**
When applying leg restraints, the following guidelines should be followed:
Handcuffing and Restraints

(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).

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

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

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

(a) The factors that led to the decision to use restraints.

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

(d) The amount of time the person was restrained.

(e) How the person was transported and the position of the person during transport.

(f) Observations of the person’s behavior and any signs of physiological problems.

(g) Any known or suspected drug use or other medical problems.

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

(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 Napa Police Department authorizes officers to use control devices in accordance with the guidelines in this policy and the Use of Force Policy.

303.2.1 IMPROVISED IMPACT WEAPONS
On certain rare occasions, an officer may be forced to resort to the use of an improvised impact weapon. An improvised impact weapon is any object used to strike a human being which is not primarily designed for use as an impact weapon. Examples include flashlights, radios and firearms. As such items are not designed for use as impact weapons they may cause more severe injury than intended or result in other dangerous consequences such as the discharge of a firearm.

Officers shall not use improvised impact weapons unless no reasonable alternative exists to prevent the escape of a violent suspect or to protect the officer or another person from injury. Every officer who uses an improvised impact weapon will be required to thoroughly explain and support the failure to use an authorized impact weapon in an appropriate report pursuant to Policy Manual 300.4 and 300.5.

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 WATCHCOMMANDER RESPONSIBILITIES
The Shift Sergeant 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 RANGEMASTER RESPONSIBILITIES
The 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 Rangemaster or 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 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.

303.6 TEAR GAS GUIDELINES
Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Shift Sergeant, 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.

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

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

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

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

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

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.

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

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

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

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

303.9.2 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.

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

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

303.10 TRAINING FOR CONTROL DEVICES
The Training Manager shall ensure that all personnel who are authorized to carry a control device have been properly trained and certified to carry the specific control device and are retrained or 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.
Conducted Energy Device

304.1 PURPOSE AND SCOPE
This policy provides guidelines for the issuance and use of Conducted Energy Devices (CEDs).

304.2 POLICY
The Conducted Energy Device 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 CED
Only members who have successfully completed department-approved training may be issued and carry the CED.

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

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

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

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

(a) All CEDs 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 CED.

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

(d) Officers should not hold both a firearm and the CED at the same time.

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

(a) Provide the individual with a reasonable opportunity to voluntarily comply.

(b) Provide other officers and individuals with a warning that the CED may be deployed.
Conducted Energy Device

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 CED. 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 CED in the related report.

304.5 USE OF THE CED
The CED has limitations and restrictions requiring consideration before its use. The CED should only be used when its operator can safely approach the subject within the operational range of the device. Although the CED 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.

304.5.1 APPLICATION OF THE CED
The CED 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.

(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 CED to apprehend an individual.

304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS
The use of the CED on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the 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).

Because the application of the CED 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 CED 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 CED 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 CED
Officers should apply the CED for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CED 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.

If the first application of the CED appears to be ineffective in gaining control of an individual, the officer should consider certain factors before additional applications of the CED, 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.

Officers should generally not intentionally apply more than one CED at a time against a single subject.

304.5.5 ACTIONS FOLLOWING DEPLOYMENTS
Officers shall notify a supervisor of all CED discharges. Confetti tags should be collected and the expended cartridge, along with both probes and wire, should be submitted into evidence. The cartridge serial number should be noted and documented on the evidence paperwork. The evidence packaging should be marked “Biohazard” if the probes penetrated the subject’s skin.
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304.5.6 DANGEROUS ANIMALS
The CED 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 TASER® CAM™
The TASER CAM is activated any time the safety is in the off position. The safety should be in the safe position unless the officer intends to use the device. Because the TASER CAM memory is limited, the video and audio data should be downloaded frequently and retained as required by the department records retention schedule.

304.5.8 OFF-DUTY CONSIDERATIONS
Officers are not authorized to carry department CEDs while off-duty.

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

304.6 DOCUMENTATION
Officers shall document all CED discharges in the related arrest/crime report and the CED report form. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

304.6.1 CED FORM
Items that shall be included in the CED report form are:

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

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

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

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

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

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

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

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

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

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

304.9 TRAINING

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

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

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

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

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

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

The Training Manager should ensure that all training includes:

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

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

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

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

305.3 TYPES OF INVESTIGATIONS
Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

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

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

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

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS
The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect’s crime occurred. For example, the Napa Police Department would control the investigation if the suspect’s crime occurred in Napa Police Department.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.
305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS
The control of the criminal investigation into the involved officer’s conduct during the incident will be determined by the employing agency’s protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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

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

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

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

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

305.5.2 WATCHCOMMANDER RESPONSIBILITIES
Upon learning of an officer-involved shooting or death, the Shift Sergeant shall be responsible for coordinating all aspects of the incident until he/she is relieved by the Chief of Police or a Division Captain.

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

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

- Chief of Police
- Investigation Division Captain
- Napa County Major Crimes Investigative Team
- Outside agency investigator (if appropriate)
305.5.4 SUPERVISOR RESPONSIBILITIES

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

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
   1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.

(b) If necessary, the supervisor may administratively order any NPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
   1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
   2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Shift Sergeant and the Communications Center. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional NPD members until properly relieved by another supervisor or other assigned personnel or investigator.

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
   1. Each involved NPD officer should be given an administrative order not to discuss the incident with other involved officers or NPD members pending further direction from a supervisor.
   2. When an involved officer’s weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:
Officer-Involved Shootings and Deaths

(a) Any request for legal or union representation will be accommodated.
   1. Involved NPD officers shall not be permitted to meet collectively or in a group
      with an attorney or any representative prior to providing a formal interview or
      report.
   2. Requests from involved non-NPD officers should be referred to their employing
      agency.

(b) Discussions with licensed attorneys will be considered privileged as attorney-client
    communications.

(c) Discussions with agency representatives/employee groups will be privileged only as
    to the discussion of non-criminal information (Government Code § 3303(i)).

(d) A licensed psychotherapist shall be provided by the Department to each
    involved NPD officer. A licensed psychotherapist may also be provided to any other
    affected NPD members, upon request.
   1. Interviews with a licensed psychotherapist will be considered privileged.
   2. An interview or session with a licensed psychotherapist may take place prior to
      the member providing a formal interview or report. However, involved members
      shall not be permitted to consult or meet collectively or in a group with a licensed
      psychotherapist prior to providing a formal interview or report.
   3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty
      Policy).

(e) Although the Department will honor the sensitivity of communications with peer
    counselors, there is no legal privilege to such communications. Peer counselors are
    cautioned against discussing the facts of any incident with an involved or witness
    officer.

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

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

305.6 CRIMINAL INVESTIGATION
The Napa County Major Crimes Investigative Team is responsible for the criminal investigation
into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with
investigators from outside agencies to avoid duplicating efforts in related criminal investigations.

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

(a) NPD supervisors and Internal Affairs Investigator personnel should not participate directly in any voluntary interview of NPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

(b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators (Government Code § 3303(i)). However, in order to maintain the integrity of each involved officer’s statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.

(c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.

(d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

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

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

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

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

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

(a) Identification of all persons present at the scene and in the immediate area.
1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

   (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

   1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

   (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect’s activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL
Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigative Bureau supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the Napa County Major Crimes Investigative Team and may be assigned to separately handle the investigation of any related crimes not being investigated by the Napa County Major Crimes Investigative Team.

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

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

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

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

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

(b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.

1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer’s physical and psychological needs have been addressed before commencing the interview.

2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual officer’s statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).

3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).

4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her Lybarger or Garrity rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.

5. The Internal Affairs Investigator shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.

6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.

7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.
305.8 AUDIO AND VIDEO RECORDINGS
Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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

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

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

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

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

305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING
A critical incident/stress debriefing should occur as soon as practicable. The Administration Division Captain is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

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

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other civilian). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Internal Affairs Investigator personnel.
305.10.2 TACTICAL DEBRIEFING
A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

305.11 MEDIA RELATIONS
Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Shift Sergeant, Investigation Division Captain and Public Information Officer in the event of inquiries from the media.

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

305.12 REPORTING
If the death of an individual occurs in the Napa Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide or an in-custody death, the Operations Division Captain will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022; Government Code § 12525).
Code 55 Plan

306.1 PURPOSE AND SCOPE
The purpose of this order is to implement a countywide response plan to major felonies, which have just occurred in order to prevent the suspect(s) from fleeing the County without detection.

306.2 POLICY
It is the policy of the Napa Police Department to participate in the countywide CODE 55 PLAN pursuant to the guidelines established therein.

306.3 PROCEDURE
The procedure for activation and participation in the CODE 55 PLAN is attached herein and identified as "The Napa County Law Enforcement Administrators Association Code 55 Plan."

306.3.1 BACKGROUND
Napa County has primary law enforcement agencies within its borders: the Napa County Sheriff's Department, the Napa Police Department, the St. Helena Police Department, the Calistoga Police Department, and the California Highway Patrol.

The county geography and road system allows for only eleven (11) traversable exits from the county. In the North via (1) Butts Canyon Road and (2) Highway 29; in the Northwest via (3) Highway 128, (4) Petrified Forest Road and (5) Spring Mountain Road; to the West via (6) Dry Creek Road and (7) Highway 12; to the South via (8) Highway 29; to the East via (9) Highway 12, (10) Wooden Valley Road, and (11) Highway 128. The 11 exits can effectively be closed with nine (9) observation points countywide. These points would eliminate a felon from fleeing the county undetected from everywhere but the most remove portions of the county. Plans of this type are used in adjacent and nearby counties have proven very effective in capturing fleeing felons.

306.3.2 POLICY
It shall be the policy of the Napa County Law Enforcement Administrators to utilize a felony observation point plan called CODE 55.

306.3.3 ACTIVATION
(a) Criteria for activation: A CODE 55 may be activated by any law enforcement agency under the following conditions:
   1. The crime involved is a felony.
   2. The crime occurred within twenty (20) minutes of activating CODE 55.
   3. A distinctive suspect vehicle description and/or license number is available.

(b) The agency of jurisdiction shall request a CODE 55 by notifying Napa Central Dispatch either by radio or telephone.
(c) The originating agency shall provide Central Dispatch with all pertinent information including, but not limited to the following:

1. Suspect and suspect vehicle description
2. Type of crime
3. Location of crime
4. Weapons involved
5. Direction of travel (if known)

306.3.4 CENTRAL DISPATCH

(a) Central Dispatch shall immediately broadcast a CODE 55 request and repeat the information given above on the county primary channel.

(b) During a CODE 55 the same radio traffic restrictions as a CODE 33 shall apply.

(c) It shall be the responsibility of Central Dispatch to coordinate the county wide response, relay traffic, and maintain the CODE 55 log in the CAD system.

306.3.5 RESPONDING AGENCIES

(a) The responding agencies shall assign units to the primary observation points as indicated below.

(b) All responding units except the California Highway Patrol shall operate on the county primary radio channel during the CODE 55.

(c) If due to other workload demands, a participating agency cannot cover any or all of its pre-assigned points, the agency shall notify Central Dispatch. Central Dispatch shall then assign the secondary agency to the observation point as indicated below.

(d) Responding units shall advise Central Dispatch on primary channel when they are 10-97 at the observation point. They shall refer to the observation point by number and not by name.

(e) Depending on the location of the crime and the available manpower, agencies may assign units to secondary positions as show below.

306.3.6 CANCELLATION OF CODE 55

(a) Only the originating agency may cancel a CODE 55. When the originating agency desires to cancel a CODE 55, it shall notify Central Dispatch and Central Dispatch shall cancel the CODE 55.

(b) Originating agencies should be mindful of the manpower commitment involved in the CODE 55 plan and should make every effort to cancel within a reasonable amount of time.
### 306.4 OBSERVATION POINTS

#### 306.4.1 PRIMARY POINTS

<table>
<thead>
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<th>Location Number</th>
<th>Primary</th>
<th>Secondary Agency</th>
<th>Secondary Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>P-1</td>
<td>HWY 29/128</td>
<td>CALISTOGA, CHP/SO</td>
<td>NPD</td>
</tr>
<tr>
<td>P-2</td>
<td>DEER PARK/SILVERADO TRAIL</td>
<td>ST. HELENA PD</td>
<td>SO/CHP/CDF</td>
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<td>P-3</td>
<td>HWY 29/OAKVILLE GRADE</td>
<td>SO</td>
<td>CHP</td>
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<td>HWY 12/OLD SONOMA RD</td>
<td>CHP</td>
<td>NPD</td>
</tr>
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<td>P-5</td>
<td>HWY 29/N. KELLY ROAD</td>
<td>CHP</td>
<td>NPD</td>
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<tr>
<td>P-6</td>
<td>HWY 29/AM. CYN. RD.</td>
<td>SO</td>
<td>CHP</td>
</tr>
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<td>P-7</td>
<td>TRANCAS/MONTICELLO RD</td>
<td>NPD</td>
<td>CHP/SO</td>
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<tr>
<td>P-8</td>
<td>MONTICELLO RD/WOODEN VALLEY RD</td>
<td>SO/Fish &amp; Game</td>
<td>CHP/CDF</td>
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#### 306.4.2 SECONDARY POINTS

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<th>Location</th>
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<th>Secondary Agency</th>
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<td>ST. HELENA</td>
<td>SO</td>
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<td>HWY 29/SALVADOR</td>
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<td>CHP</td>
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<td>NPD</td>
<td>St. Hospital</td>
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<td>DRY CREEK/OAKVILLE GRADE</td>
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<td>CHP</td>
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<tr>
<td>S-7</td>
<td>HWY 128/LOWER CHILES VALLEY ROAD</td>
<td>SO/CDF</td>
<td>Fish &amp; Game</td>
</tr>
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Firearms

307.1 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.

307.2 POLICY
The Napa 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.

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

307.3.1 HANDGUNS
The authorized department-issued handgun is the Glock/Model 22/40 Cal & Sig/P226/.40 Cal. Other firearms that are .40 caliber or larger, semi-automatic, and approved by the Rangemaster may also be allowed for on-duty use.

307.3.2 SHOTGUNS
The authorized department-issued shotgun is the Remington 870 12 gauge.

When not deployed, the shotgun shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

307.3.3 PATROL READY
Any qualified officer carrying a patrol rifle in the field shall maintain the weapon in a patrol ready condition until deployed. A rifle is considered in a patrol ready condition when it has been inspected
by the assigned officer, the fire selector switch is in the fire position, the chamber is empty and a fully loaded magazine is inserted into the magazine well.

Any Supervisor or Acting Supervisor operating a supervisor’s vehicle equipped with a police shotgun, shall maintain the shotgun in a patrol ready condition until deployed. A shotgun is considered in a patrol ready condition when it has been inspected by the vehicle operator, the safety is on safe, the magazine tube is loaded with one or more rounds and the chamber is empty.

307.3.4 PERSONALLY OWNED DUTY FIREARMS
Members desiring to carry an authorized but personally owned duty firearm must receive written approval from the Chief of Police or the authorized designee. Once approved, personally owned duty firearms are subject to the following restrictions:

(a) The firearm shall be in good working order and on the department list of approved firearms.

(b) The firearm shall be inspected by the Rangemaster prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(c) Prior to carrying the firearm, members shall qualify under range supervision and thereafter shall qualify in accordance with the department qualification schedule. Members must demonstrate proficiency and safe handling, and that the firearm functions properly.

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

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

(a) The handgun shall be in good working order and on the department list of approved firearms.

(b) Only one secondary handgun may be carried at a time.

(c) The purchase of the handgun and ammunition shall be the responsibility of the member unless the handgun and ammunition are provided by the Department.

(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.
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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.

307.3.6 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.

307.3.7 PATROL RIFLES
The authorized department-issued patrol rifle is the Colt AR-15. Other semi-automatic rifles that are chambered .223 or 5.56 caliber and inspected / approved by the Rangemaster may be approved for on-duty use.

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.

When not deployed, the patrol rifle shall be properly secured consistent with department training in a locking weapons rack in the patrol vehicle.

307.3.8 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.

(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 department-authorized ammunition.

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

307.4 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.

307.4.1 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 department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Rangemaster.

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

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

307.4.4 OPTICS OR LASER SIGHTS
Optics or laser sights may only be installed on a firearm carried on- or off-duty after they have been examined and approved by the Rangemaster. Any approved sight shall only be installed in strict accordance with manufacturer specifications. Once approved sights have been properly installed on any firearm, the member shall qualify with the firearm to ensure proper functionality and sighting of the firearm prior to carrying it.

Except in an approved training situation, a member may only sight in on a target when the member would otherwise be justified in pointing a firearm at the target.

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

(a) Members shall not unnecessarily display or handle any firearm.
(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Rangemaster. Members shall not dry fire or practice quick draws except as instructed by the Rangemaster or other firearms training staff.
(c) Members shall not 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.
(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.
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(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.

307.5.1 DEPLOYMENT OF THE PATROL RIFLE
Officers may deploy the patrol rifle in any circumstance where the officer can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include, but are not limited to:

(a) Situations where the officer reasonably anticipates an armed encounter.
(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range.
(c) When an officer reasonably believes that a suspect may be wearing body armor.
(d) When authorized or requested by a supervisor.
(e) When needed to euthanize an animal.

307.5.2 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 or in a secured departmental personal locker.

307.5.3 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).
307.5.4 ALCOHOL AND DRUGS
Firearms shall not be carried by any member, either on- or off-duty, who has consumed an amount of an alcoholic beverage, taken any drugs or medication, or has taken any combination thereof that would tend to adversely affect the member’s senses or judgment.

307.5.5 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).

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

307.6 FIREARMS TRAINING AND QUALIFICATIONS
All members who carry a firearm while on-duty are required to successfully qualify quarterly with their duty firearms. Members will qualify with off-duty and secondary firearms at least once a year. 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.

307.6.1 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.
307.7 FIREARM DISCHARGE

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

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

(a) If on-duty at the time of the incident, the member shall file a written report with his/her Division Captain 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.

307.7.1 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, Conducted Energy 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.

307.7.2 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 (Penal Code § 597.1(e)).

Injured animals (with the exception of dogs and cats) may only be euthanized after a reasonable search to locate the owner has been made (Penal Code § 597.1(b)). Injured dogs and cats found without their owners shall be taken to an appropriate veterinarian for determination of whether they should be treated or humanely destroyed.

307.7.3 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.
307.8 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 Manager 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 yearly basis, can demonstrate proficiency in the care, cleaning and safety of all firearms the member is authorized to carry.

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

307.9 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 Napa 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 Napa Police Department must submit a National Law Enforcement Telecommunications System (NLETS) message prior to the officer’s travel. If approved, TSA will send the Napa 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. Firearms 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.

307.10 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 Napa 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).

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.
Firearms

Active law enforcement officers from other states are subject to all requirements set forth in 18 USC § 926B.
Confiscated Weapons

308.1 PURPOSE AND SCOPE
The purpose of this Order is to establish standard operating procedure for the Napa Police Department in the assignment and control of confiscated firearms pursuant to California Penal Code §§12028 and 12030.

308.2 POLICY

(a) A firearm which comes into the Napa Police Department's possession pursuant to Penal Code §12028 (which sets forth the various crimes in which law enforcement may confiscate these firearms) may be issued to specialized units of this department, or individual officers, for official purposes, by the Chief of Police or his/her designee.

308.2.1 DISSEMINATION OF FIREARMS

(a) All long guns (i.e. rifles, shotguns, carbines) or any machine pistols or other handguns that meet the department's criteria, may be issued to specialized units of this department for official duties. These firearms will be included in the firearm's inventory maintained by the department's range staff.

(b) Other handguns that meet the department's criteria for off-duty use (Policy 312 Firearms) may be issued to individual officers for off-duty use.

308.2.2 RETURN OF FIREARMS
When the firearm becomes inoperative, the officer/department no longer needs the firearm or the officer leaves the employment of the Napa Police Department, the firearm will be returned to the property room and removed from the range's firearms inventory. The firearm will be reissued or destroyed pursuant to §12028 of the California Penal Code.
Vehicle Pursuits

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

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

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

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

309.1.2 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. Generally, the vehicle operator continues to travel forward at or below the speed limit, observes applicable rules of the road and does not change the direction of travel in an evasive manner.

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

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

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

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

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

(c) Apparent nature of the fleeing suspects (e.g., whether the suspects represent a serious threat to public safety).

(d) The identity of the suspects has been verified and there is comparatively minimal risk in allowing the suspects to be apprehended at a later time.

(e) Safety of the public in the area of the pursuit, including the type of area, time of day, the amount of vehicular and pedestrian traffic and the speed of the pursuit relative to these factors.

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

(g) Weather, traffic and road conditions that substantially increase the danger of the pursuit beyond the worth of apprehending the suspect.

(h) Performance capabilities of the vehicles used in the pursuit in relation to the speeds and other conditions of the pursuit.

(i) Vehicle speeds.

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

(k) Availability of other resources such as helicopter assistance.

(l) The police unit is carrying passengers other than police officers. Pursuits should not be undertaken with a prisoner in the police vehicle.

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

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

The factors listed in When to Initiate a Pursuit of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors must objectively and continuously weigh the seriousness of the offense against the potential danger to innocent motorists and themselves when electing to continue a pursuit. In the context of this policy, the term “terminate” shall be construed to mean discontinue or to stop chasing the fleeing vehicle.

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

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

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

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

(a) Pursuit speeds have become unreasonably unsafe for the surrounding conditions.
(b) Pursuit speeds have exceeded the driving ability of the officer.
(c) Pursuit speeds are beyond the capabilities of the pursuit vehicle thus making its operation unsafe.
309.3 PURSUIT UNITS
Pursuit units should be limited to three vehicles (two units and a supervisor); however, the number
of units involved will vary with the circumstances. An officer or supervisor may request additional
units to join a pursuit if, after assessing the factors outlined above, it appears that the number of
officers involved would be insufficient to safely arrest the suspects. All other officers should stay
out of the pursuit, but should remain alert to its progress and location. Any officer who drops out
of a pursuit may then, if necessary, proceed to the termination point at legal speeds, following the
appropriate rules of the road.

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

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

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

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

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

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

309.3.4 SECONDARY UNITS RESPONSIBILITIES
The second officer in the pursuit is responsible for the following:

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

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

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

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

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

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.

309.3.7 PURSUIT TRAILING

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

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

309.3.8 AIRCRAFT ASSISTANCE

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

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

309.4 SUPERVISORY CONTROL AND RESPONSIBILITY

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

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

(a) Upon becoming aware of a pursuit, immediately ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit in order to ensure that the pursuit is conducted within established department guidelines.
(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

(c) Exercising management and control of the pursuit even if not engaged in it.

(d) Ensuring that no more than the number of required police units needed are involved in the pursuit under the guidelines set forth in this policy.

(e) Directing that the pursuit be terminated if, in his/her judgment, it is unjustified to continue the pursuit under the guidelines of this policy.

(f) Once a pursuit is terminated by supervisor, a meeting point of all involved department vehicles will be identified. All vehicle will immediately respond to the meeting point so that the supervisor can ensure that the pursuit has terminated.

(g) Ensuring that aircraft are requested if available.

(h) Ensuring that the proper radio channel is being used.

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

(j) Controlling and managing NPD units when a pursuit enters another jurisdiction.

(k) Preparing post-pursuit critique and analysis of the pursuit for training purposes.

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

The Shift Sergeant shall review all pertinent reports for content and forward to the Division Captain.

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

309.5.1 COMMUNICATION CENTER RESPONSIBILITIES
Upon notification that a pursuit has been initiated, the Communications Center will:

(a) Coordinate pursuit communications of the involved units and personnel.

(b) Notify and coordinate with other involved or affected agencies as practicable.

(c) Ensure that a field supervisor is notified of the pursuit.

(d) Assign an incident number and log all pursuit activities.

(e) Broadcast pursuit updates as well as other pertinent information as necessary.

(f) Notify the Shift Sergeant as soon as practicable.
309.5.2 LOSS OF PURSUED VEHICLE
When the pursued vehicle is lost, the primary unit should broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

309.6 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.

309.6.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY
Units originally involved will discontinue the pursuit when advised that another agency has assumed the pursuit and assistance of the Napa Police Department is no longer needed. Upon discontinuing the pursuit, the primary unit may proceed upon request, with or at the direction of a supervisor, to the termination point to assist in the investigation. The role and responsibilities of officers at the termination of a pursuit initiated by this department shall be coordinated with appropriate consideration of the units from the agency assuming the pursuit.

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

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

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

(a) Ability to maintain the pursuit
(b) Circumstances serious enough to continue the pursuit
(c) Adequate staffing to continue the pursuit
Vehicle Pursuits

(d) The public’s safety within this jurisdiction
(e) Safety of the pursuing officers

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

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

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

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

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

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

309.7.2 DEFINITIONS

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

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

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

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

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

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

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

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

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to public safety when officers reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this technique should only be employed by officers who have received training in such tactics after giving consideration to the following:

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.
2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.
Vehicle Pursuits

(b) Only those officers trained in the use of the Pursuit Intervention Technique (PIT) will be authorized to use this procedure and only then with approval of a supervisor upon consideration of the circumstances and conditions presented at the time, including the potential for risk of injury to officers, the public and occupants of the pursued vehicle.

c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the officer’s disposal have been exhausted. This tactic should be reserved for situations where there does not appear to be another reasonable alternative method. This policy is an administrative guide to direct officers in their decision-making process before ramming another vehicle. When ramming is used as a means to stop a fleeing vehicle, one or more of the following factors should be present:

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.

2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.

3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

d) As with all intervention techniques, pursuing officers should obtain supervisor approval before attempting to box a suspect vehicle during a pursuit. The use of such a technique must be carefully coordinated with all involved units, taking into consideration the circumstances and conditions presented at the time as well as the potential risk of injury to officers, the public and occupants of the pursued vehicle.

e) The use of spike strips should be approved in advance by a supervisor and deployed only when it is reasonably certain that only the pursued vehicle will be affected by their use. Officers should carefully consider the limitations of such devices as well as the potential risks to officers, the public and occupants of the pursued vehicle. If the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, officers and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.
Vehicle Pursuits

309.7.5 CAPTURE OF SUSPECTS
Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Officers shall use only that amount of force, which reasonably appears necessary under the circumstances, to properly perform their lawful duties. Officers should consider safety of the public and the involved officers when formulating plans to contain and capture the suspect.

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

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

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

(c) After first obtaining the available information, a field supervisor shall promptly complete a Supervisor's Log, briefly summarizing the pursuit, and submit it to his/her manager. This log should minimally contain the following information:
   1. Date and time of pursuit
   2. Length of pursuit
   3. Involved units and officers
   4. Initial reason for pursuit
   5. Starting and termination points
   6. Disposition (arrest, citation), including arrestee information if applicable
   7. Injuries and/or property damage
   8. Medical treatment
   9. Name of supervisor at scene
   10. A preliminary determination whether the pursuit appears to be in compliance with this policy and whether additional review or follow-up is warranted

309.8.1 REGULAR AND PERIODIC PURSUIT TRAINING
In addition to initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, all sworn members of this department will participate no less than annually in regular and periodic department training addressing this policy and the importance of vehicle safety and protecting the public at all times, including a recognition of the need to balance the known offense and the need for immediate capture against the risks to officers and others (Vehicle Code § 17004.7(d)).
309.8.2 POLICY REVIEW
Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments. The POST attestation form, or an equivalent form, may be used to document the compliance and should be retained in the member’s training file.

309.9 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.
Vehicle Pursuits-Spike Strip Procedures

310.1 PURPOSE AND SCOPE
The purpose of this order is to outline the responsibilities and duties of personnel involved in the use of a tire-deflating device known as a Spike Strip. This order establishes guidelines that should assist members in deciding when this course of action is warranted in a pursuit and to reduce potential hazards to the public and pursuing personnel generated by use of a Spike Strip while assuring the apprehension of law violators. In this regard, Department personnel will remain familiar with these procedures and abide by them.

310.2 POLICY
The policy of this Department is to pursue a law violator to that degree where the need for apprehension outweighs the potential hazard to uninvolved parties or Department members. Use of the Spike Strip is a highly effective method of terminating pursuits when used correctly and under the proper conditions.

The Training Manager is responsible for Spike Strip training, maintaining a list of trained officers, periodic maintenance and inspection of the device, and dealing with the manufacturer as necessary.

310.3 PROCEDURES

(a) Deploying the Spike Strip

1. The Spike Strip is to be used only when there is no apparent risk to any individual outside the pursued vehicle. In other words, if conditions are not right (i.e. other traffic is very close to the suspect), DO NOT deploy the Spike Strip.

2. The Spike Strip shall only be deployed by officers trained in its use. Certification of the required training is the responsibility of the Training Manager.

   (a) Officers shall be trained in the deployment instructions from the manufacturer and the policy and procedures as outlined in this order.

(b) Whenever possible permission to deploy the Spike Strip is to be obtained from the shift supervisor. If possible, the shift supervisor should also respond to the scene of deployment.

(c) Do not use the Spike Strip to terminate motorcycle pursuits unless the use of lethal force is otherwise justified.

(d) Whenever possible the supervisor shall consider all circumstances and options and only give permission to use the Spike Strip on motorcycles in cases where lethal force is justified.
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Vehicle Pursuits-Spike Strip Procedures

(e) The following guidelines are to be used when selecting a site for deployment of the spike strip.

(a) Make sure the officer deploying the Spike Strip has a place to seek protection immediately after deployment (i.e. behind a bridge support, guard rail, large tree, etc.)

(b) When deployed on two-lane roadways, opposing traffic should be stopped well ahead of the selected site. An open, primarily flat and level stretch of highway is desirable in order to provide a safe run-out distance for the violator's vehicle after its tires are punctured. Winding mountainous roads with descending slopes and very curvy areas should be avoided.

(c) Locations where the Spike Strip will be used should have reasonably good sight distances so the person deploying the device can observe the suspect and other traffic as they approach.

(f) When an officer deploys the Spike Strip, the following guidelines are to be followed:

(a) Officers should wear gloves whenever handling the Spike Strip for protection from sharp spikes. Safety glasses should also be worn. Prior to deployment the deploying officer shall confirm that all involved pursuing units are aware the Spike Strip is being deployed and the location of the deployment.

(b) If any allied agencies are involved in the pursuit, they too are to be advised of the planned deployment, and requested to stay clear of the immediate area of the deployment.

(c) The officer deploying the Spike Strip should be certain to check the markings on the strip to ensure that it is deployed in the correct position.

(d) The officer deploying the Spike Strip should attempt to keep a visual "low profile". If the suspect sees what appears to be a large Police presence, sudden evasive actions might be taken which could endanger others.

(g) Whenever the Spike Strip is used, include information in the Departmental reports concerning deployment of the strip. The shift supervisor shall also include this information in the pursuit critique form.

(h) After use, replace missing spikes following manufacturer's instructions. If other maintenance is needed, return the Spike Strip system to the Operations Lieutenant for repair or replacement.

(i) Nothing in this order shall preclude the use of a Spike Strip in a non-pursuit situation when the Spike Strip is used as a prevention device to disable a vehicle that may otherwise be used as a means of escape or be used as a weapon.
Officer Response to Calls

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

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

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

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

311.3 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

311.4 INITIATING CODE 3 RESPONSE
If an officer feels a Code 3 response to any call is appropriate, the officer shall immediately notify Communications. Generally, only one unit should respond Code 3 to any situation. Should another officer feel a Code 3 response is appropriate, Communications shall be notified and the Watch Commander or field supervisor will make a determination as to whether one or more officers driving Code 3 is appropriate.
311.5 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.

311.6 COMMUNICATIONS RESPONSIBILITIES
A dispatcher shall assign a Code-3 response when an officer requests emergency assistance or available information reasonably indicates that the public is threatened with serious injury or death and immediate police response is needed. In all other circumstances, the dispatcher shall obtain authorization from the Shift Sergeant or a field supervisor prior to assigning units Code-3. The dispatcher shall:

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

311.7 SUPERVISORY RESPONSIBILITIES
Upon being notified that a Code-3 response has been initiated, the Shift Sergeant 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 Shift Sergeant 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

### 311.8 FAILURE OF EMERGENCY EQUIPMENT
If the emergency equipment on the vehicle should fail to operate, the officer must terminate the Code-3 response and respond accordingly. In all cases, the officer shall notify the Shift Sergeant, field supervisor, or the Communications Center of the equipment failure so that another unit may be assigned to the emergency response.
Radio Discipline/Operational Protocol

312.1 PURPOSE AND SCOPE
The purpose of this protocol is to establish an efficient and effective process for the exchange of information between the Communications Center and field units. In addition to the statutes governing radio and MDC usage, professional standards are established to improve officer safety and service by reducing non essential radio communications.

312.2 POLICY
It is the policy of the Communications Center and the law enforcement user groups to utilize a standardized format for the relaying of information and to use the Mobile Data Computers for the majority of this information exchange.

312.3 PROCEDURES
To reduce non-priority radio traffic on the law enforcement channel(s), involved parties will utilize the Mobile Data Computer (MDC) system to electronically transmit calls for service and for field units sending and receiving information to and from the CLETS/NCIC system.

To achieve a more efficient and effective system, the following guidelines are to be followed.

312.3.1 GENERAL
Communication is a vital component of the law enforcement mission. Although many means of communication are utilized to complete this mission, the relaying of information from citizens, through the Communications Center, to field units is critical. Accessing of information by field units through the Communications Center is equally important. To facilitate the transfer of information in the most effective end efficient manner, guidelines have been established to govern the use of the law enforcement radio channel and the MDC.

312.3.2 RELATIONSHIP
Professional interaction is important to the working relationship between Communications employees and field units. Communications between both groups is to be appropriate for the work environment. Inappropriate comments, remarks, language, messages or expressions directed at an individual are not tolerated and shall be dealt with by the employee’s supervisor.

312.3.3 PROFESSIONAL STANDARDS
   (a) The acquisition of, and activity on, the law enforcement radio channel is governed both statutorily and by internal policy. The use of inappropriate language or other unprofessional comments in prohibited.

   (b) It is the policy of the agencies utilizing the law enforcement radio channels that only essential radio communications are conducted on the primary law enforcement radio channel (primary radio channel is that/those radio channel(s) established as the primary communication channel for any given agency, or agencies, at any given
time). All other communications are to take place through MDC messaging, alternate law enforcement radio channel(s) not in use by another agency, by cellular telephone or in person. Regardless of the method or channel, all communications shall be professional in nature and content.

(c) Examples of essential radio communications are, but not limited to: calling in vehicle stops, calling in pedestrian checks, running CLETS/NCIC requests (when the MDC is not available), and other essential radio communications used to facilitate the apprehension of a wanted person or management of an incident.

(d) Examples of non-essential radio traffic include, but are not limited to: checking the availability to meet with another unit or discussions regarding where to meet, asking the Communications Center to change the coding of an event or any other radio traffic that does not specifically facilitate the apprehension of a wanted person or management of an incident.

312.3.4 OFFICER SAFETY
Nothing in this policy is intended to prohibit any peace officer or CSO in need of immediate assistance, to prevent the loss of life or great bodily injury, from using the radio to request necessary information or assistance.

312.3.5 REQUESTED INFORMATION

(a) Field units will limit their inquiries, related to calls for service, to safety issues and questions that would lead to immediate apprehension of a suspect and management of the scene. Soliciting other types of information, via radio or telephone, from the Communications Center should be avoided as to maximize efficiencies.

(b) The Communications Center will solicit and relay all pertinent updated information, including officer safety information, to field units. These updates will include any additional information that is received after the field units arrive on scene.

312.3.6 CALLS FOR SERVICE/DISPATCH

(a) The Communications Center shall obtain all pertinent information from the person(s) reporting an incident and relay that information and any updated information to the appropriate field unit(s).

(b) If a field unit does not answer when called by the dispatcher, the dispatcher will utilize one alert tone to draw the attention of the unit to the radio traffic just prior to the third attempt. If the field unit does not answer on the third attempt (after the alert tone) a cover unit will be dispatched to the last known location of the non-answering unit, or if a cover unit is already assigned he/she will be advised of the non-response and the affected supervisor will immediately be notified.

(c) Calls for service that require two field units (or more) will be voice dispatched regardless of priority.
(d) Priority 1 and 2 calls will be voice dispatched with the following information as it becomes available:

1. Units responding
2. Event type
3. Location and common place name (where available)
4. Brief synopsis of what is occurring or has occurred
5. Weapon information
6. Suspect description
   (a) Race
   (b) Gender
   (c) Age
   (d) Height
   (e) Weight
   (f) Hair color/style
   (g) Clothing
7. Vehicle description
   (a) Color
   (b) Year
   (c) Make
   (d) Body style (and make if known)
   (e) Other distinguishing features
   (f) License plate
8. Direction of Travel
9. Time Element
10. Any pertinent updates which may facilitate in the safety or apprehension of persons involved in the incident.

(e) Priority 3, 4, and 5 calls, requiring two field units (or more), will be voice dispatched with the following information:

   (a) Units responding
   (b) Event type
   (c) Location and common place name (when available)
Radio Discipline/Operational Protocol

(f) Priority 4, 5, and 6 calls, requiring one field unit, will be electronically dispatched to field units via the MDC.

(g) The Communications Center will electronically dispatch calls to field units immediately and provide updated information as soon as it becomes available. Management of assigned workload is the field units' and/or field unit's supervisor's responsibility.

(h) Any calls for service containing officer safety information will be broadcast via the radio.
   (a) The dispatcher will voice dispatch any change in status or location of the responsible.
   (b) The dispatcher will voice dispatch any change or additions to the call, which occur after the unit(s) have marked arrival.

(i) The Communications Center will automatically interchange the names when an AKA is given by a field unit or in situations where the subject has what could be considered two last names (i.e. Ruth Smith Jones or Jose Ramirez Ochoa).

(j) The Communications Center will not reclassify calls on the event card after the event has been closed.

(k) The Communications Center shall only accept the reassignment of events from the appropriate agency supervisor unless the incident is found to be from another jurisdiction (not beat), out of the employee's job classification, or some other exigency exists.

(l) The Communications Center may reassign a field unit to any in-progress crimes against persons or calls with a reasonable expectation of apprehension, otherwise the dispatcher will not clear the field units off of calls and reassign them to another event. It is the responsibility of the field unit to clear their current event in order to be assigned to/handle the next event.

(m) The Communications Center will answer all radio communications immediately when called by a field unit. The dispatcher will acknowledge the unit to transmit by repeating their call sign only using the following format:
   (a) "Napa, (Unit identifier)"
   (b) Communications will respond "(Unit identifier)" as an indication to continue.
   (c) Communications will check the status of any field unit on a traffic stop at least every 10 minutes.

(n) When multiple units call at the same time, the dispatcher will use their best judgment when selecting which unit it to go first or, if neither appears to be priority radio traffic, select one or the other.
Radio Discipline/Operational Protocol

(o) 10 and 11 Codes will be utilized to provide for clarity, brevity and accuracy when transmitting.

312.3.7 CALLS FOR SERVICE/PATROL

(a) Field unit change of status (i.e. acknowledgement, enroute, on scene, clear, etc.) is the responsibility of the field unit.

(b) A field unit responding with at least one other unit, may verbally announce "10-97" after utilizing the arrived command on the MDC, however, unless urgency exists it is still the field unit's responsibility to update their status.

(c) When possible, field units will prioritize and then self-initiate incidents of priority 5, 6, 7, and 8 via the MCD.

(d) Field units will self-initiate administrative status changes via the MDC (i.e. on reports, court, follow-up, etc.).

(e) Field units shall not self-initiate on enforcement actions such as traffic stops, vehicle checks, subject contacts, bike stops, etc.

(f) Any unit calling in a vehicle stop or check will provide the vehicle license plate number and location. Make, color, model and/or number of occupants in the vehicle may be given at the field unit's discretion. This information will be documented by the dispatcher on the event, or as time permits in supplemental information.

1. If the vehicle registration does not match the make and model of the vehicle being stopped (or checked) the dispatcher will immediately notify the affected field unit and send a cover unit (if one was not requested).

(g) The field units calling in vehicle stops will utilize the following format when calling in the vehicle stop:

1. "Napa, (provide field unit identifier), 10-96, (location) or 10-95".
2. Communications will respond "(Unit identifier)" as an indicator to continue.
3. Field unit will reply with the license plate information and location (or additional information as listed in the previous section).
4. Communications will assign a cover unit on vehicle stops and the cover unit will be the closest available field unit.

(h) Field units making subject contacts will utilize the following format when calling in the contact:

1. "Napa, (provide field unit identifier), Ped Check"
2. Communications will respond "(Unit identifier)" as an indicator to continue.
3. Field unit will reply with the number of subjects and location and the dispatcher will assign a cover unit.

(i) The proper format for CLETS/NCIC inquiries is:

1. Last name first, first name and middle initial (if there is one) followed by the date of birth and Driver's License state and number, if available. The phonetic alphabet is to be used to spell out the entire name and the term "common spelling" is not acceptable.

2. In instances where the subject has an AKA or two names that could be considered two last names (i.e. Ruth Smith Jones or Jose Ramirez Ochoa), Communications will automatically interchange the names.

(j) Field units with adequate cover units or who are not attached to an event shall make their own CLETS/NCIC inquiries via the MDC.

(k) Field units are responsible for updating, and/or adding comments to the event prior to clearing the call. (i.e. on alarm calls noting what areas were checked or were inaccessible, that the RP wants patrol checks, etc.). This does not apply to Premise Information (e.g. gate codes, directions to residence, etc.).

(l) The Communications Center will electronically dispatch calls to field units immediately using the Dispatch Assign function if a unit is not immediately available and provide updated information as soon as it becomes available. Management of workload is the field unit's responsibility.

(m) Field units will answer their radio immediately when called by Communications.

(n) 10 and 11 Codes will be utilized to provide for clarity, brevity and accuracy when transmitting.

(o) Communications will clear field units and re-dispatch them and/or a supervisor to any higher priority in-progress crimes against persons or other calls with a reasonable expectation of apprehension, otherwise the dispatcher will not clear the field units off of calls and reassign them to another event. It is the responsibility of the field unit to clear their current event in order to be assigned to/handle the next event.

(p) If no field units are available to respond to a priority 1 or 2 call, the affected supervisor will be notified.

(q) Field units contacting other field units with non-priority radio traffic shall do so by utilizing a back channel (Red or Blue), cellular phone, messaging or other appropriate means of communication.

312.3.8 COVER UNITS

(a) Any field unit who is assigned and/or acknowledges as a cover unit for another field unit is to proceed to the location of cover without delay.
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(b) In most situations a cover unit will respond Code 1 to cover on routine incidents.

(c) Depending on circumstances, where a field unit believes an urgency exists, he/she shall use the terminology "Code 2 cover" (no lights and/or siren) or "Code 3 cover" (lights and siren) when possible and while requesting the cover unit.

(d) Terms such as "step up my cover", "expedite cover" or any other subjective term shall not be used when requesting a cover unit.

(e) The employee's agency or on-duty supervisor will dictate the number of cover units assigned/responding to any given incident.

(f) The law enforcement radio dispatcher may also assign a cover unit and the level of response.

(g) 11-99 (Officer needs assistance) will generate a Code 3 cover. The number of units and agencies responding is the responsibility of the affected officer's on-duty supervisors.

312.3.9 CODE 33

(a) A Code 33 may be called by any field unit or by the Communications Center to clear the law enforcement channel for emergency radio traffic.

(b) Code 33's for preplanned events (i.e. search or arrest warrant service, tactical operations, etc.) will be initiated on an alternate channel after the affected agency supervisor has contacted the Communications Supervisor.

(c) Code 33's will be announced on the affected radio channel by utilization of 3 (three) alert tones and the statement "Code 33 on this channel". The Communications Center should also announce the location of the event necessitating the Code 33 for Berryessa Code 33's and when multiple events are occurring simultaneously.

(d) At the direction of Communications, the field units involved in the incident will be moved to an alternate channel. This move will only be made after the situation has stabilized.

(e) The channel marker tones will remain activated unless a field unit requests they be turned off.

(f) Units not involved in the incident that broadcast during the Code 33 will be directed to either hold their traffic or to an alternate channel.

(g) Napa Police Department Code 33's will be moved to Blue channel when not utilizing Law Enforcement Primary.

(h) Napa Sheriff's Department and American Canyon Police Department Code 33's will be moved to Red channel when not utilizing Law Enforcement Primary.

(i) A second law enforcement channel will be operated by the Communications Center during a Code 33 whenever staffing permits.
Dispatch will announce the cancellation of a Code 33 by utilizing 3 (three) alert tones and the statement "Code 33 is canceled, resume routine traffic".

312.3.10 ALERT TONES

(a) Three alert tones shall be used to announce the dispatching of all Priority 1 and 2 calls at the time of assignment and as previously specified for Code 33's.

(b) Three alert tones shall also be used to announce the dispatching of any active crime of violence where the threat of great bodily injury or death exists.

(c) Two alert tones will be used to announce the dispatching of any active crime against property where a prompt law enforcement response will increase the likelihood of apprehension.

(d) A single alert tone will be utilized just prior to the third attempt to raise a field unit that has not answered their radio.

312.3.11 DISPATCH ASSIGNED/SELF ASSIGNED

(a) The Communications Center will not "dispatch assign" two unit calls, unless requested to do so. This applies to MDC use only for those units with MDC's.

(b) Field units may self attach to two unit calls with the expectation that if a second unit is needed, the field unit will make that request verbally through dispatch.

(c) If a field unit redirects a call from dispatch assign status to pending, the field unit will add comments to the event indicating the reason.

312.3.12 CLETS/NCID INQUIRIES

Field units should make CLETS/NCIC inquiries via their MDC when:

(a) The inquiry is for legal information purposes only.

(b) The situation is under control with multiple field units on scene and at least one MDC is available.

(c) On any occasion when the field unit believes he/she can utilize the MDC and continue routine patrol in a safe manner.

Field units are encouraged to keep a listing of Records and Probation telephone number and to call those agencies directly for requested information when not engaged in enforcement actions.

312.3.13 MESSAGING

The CAD and MDC systems are equipped with an interfaced messaging system that allows messages to be transmitted to one or more field units or CAD consoles. All activity, including messages, is recorded at the server in various log files. These files are retrievable public records and can be reviewed by administration and the public.
Radio Discipline/Operational Protocol

Messages will be of a work related nature and conform to agency/jurisdictional policy. Messages will not contain derogatory or discriminatory comments, slurs, jokes or stories.

312.3.14 FIELD UNITS WITHOUT MDC’S
Field units without functional MDC’s are to minimize their radio traffic by making short, clear and concise transmissions when using the law enforcement channel.

312.3.15 OFFICER SAFETY
Nothing in this policy is intended to prohibit an officer in need of immediate assistance, to prevent the loss of life or great bodily injury, from using the radio to request necessary assistance.

312.3.16 EVENT TYPE TIMERS
The pending event type timers are as follows:

(a) All calls will be dispatched as soon as possible according to each agency’s established guidelines.

(b) Field units are available for dispatch up to the end of watch time on all calls. If the field unit believes the call should be reassigned, the field unit shall request, through their supervisor, the reassignment of the call to another field unit. Dispatchers will only reassign calls at the direction of the shift supervisor or OIC.

(c) Priority 1 and 2 calls will be dispatched immediately. If units are not immediately available, a general broadcast will be made, the appropriate supervisor shall be notified and comments added to the event card of that advisement.

(d) Priority 3 and 4 calls will be dispatched immediately when units are available. If field units are not available within 5 minutes, the pending event timer will alert on the pending status monitor. The dispatcher will verbally advise the appropriate supervisor and comments added to the event card of that advisement.

(e) Priority 5 and 6 calls will be dispatched (or dispatch assigned) immediately to an available beat unit. If field units are not available within 15 minutes, the pending event timer will alert on the pending status monitor. The dispatcher will verbally advise the appropriate supervisor and comments added to the event card of that advisement.

(f) Priority 7 and 8 calls will be dispatched (or dispatch assigned) immediately to an available unit. If field units are not available within 30 minutes, the pending event timer will alert on the pending status monitor. The dispatcher will verbally advise the appropriate supervisor and comments added to the event card of that advisement.

(g) For the Sheriff's Department: If any priority call is received while briefing is being conducted, Communications will notify the supervisor conducting the briefing immediately upon receipt of that call.
(h) For American Canyon PD: If any priority call is received while briefing is being conducted, Communications will notify the supervisor conducting the briefing immediately upon receipt of that call.

(i) For Napa Police Department: If a high priority call is received, immediate notification will be made to the supervisor conducting briefing. If two or more priority 4, or above, calls are pending during briefing (and no field units are available), Communications will notify the supervisor or OIC conducting briefing immediately upon receipt of the second call. Notification will be attempted in the following order: Briefing room telephone, sergeant's office telephone, via radio, paging within the building.

312.3.17 STATUS TIMERS

(a) The "dispatch timer" on all calls is one minute. If a field unit has not marked enroute within 1 minute, the dispatch timer will alert on the status monitor. Immediately, the dispatcher will verbally confirm the field unit is aware there is a call on their MDC. Once verbal acknowledgment has been received, the dispatcher will show the unit enroute.

(b) The "enroute timer" on all calls is 30 minutes.

1. If a field unit has not marked on scene within 30 minutes of the enroute time, the enroute timer will alert on the status monitor. The dispatcher will confirm with the field unit that they are still enroute. If the field unit is still enroute, the dispatcher will indicate such on the call and contact unit (CU) to reset the enroute timer.

2. If the field unit advised they forgot to mark on scene or the MDC on scene function did not come through, the dispatcher will put the unit on scene at that time and add those comments to the event, (i.e. late entry-2x1 10-97 at 1344 hours).

(c) "Arrive timers" are established based upon priority or event type. The "arrive timers" are:

1. Priority 1 and 2 calls - 20 minutes
2. Priority 3 and 4 calls - 60 minutes
3. One field unit traffic stops and vehicle checks - 10 minutes.

(d) The purpose of the arrive timer is to check on the field unit's welfare and/or status. If a field unit is on a traffic stop, the "arrive timer" is set for 10 minutes. If the unit has not cleared the call within 10 minutes of initiating the stop, the arrive timer will alert on the status monitor.

1. If within that 10 minutes, the field unit has not made contact with dispatch either via comments, terminal message, or verbally, the dispatcher will continue to check on the field unit's welfare again when the arrive timer alerts. The dispatcher will reset the timer to 30 minutes (i.e. CU,UNIT, 60).
2. If the dispatcher is unable to raise the unit within a reasonable amount of time, a second field unit will be dispatched and the appropriate supervisor or OIC notified.

3. If the field unit is contacted, the contact unit timer will be reset by the dispatcher to 30 minutes (i.e. CU, UNIT 60).

312.4 REVIEW PROCESS

(a) It is the responsibility of the supervisor or OIC of any group utilizing the radio or MDC to monitor, supervise and take any corrective action for those individuals under their immediate control.

(b) Appropriate corrective action reverts to the employing agency of any person who willfully violates the provisions of this protocol.

(c) Habitual and/or blatant violators will be referred to a Dispatch Protocol Oversight Committee. This committee will be comprised of one management person each representing the Napa Sheriff's Department Patrol Bureau, American Canyon Police Department, Napa Police Department Operations Bureau and the Communications Center. The committee may review any actions and make recommendations for administrative action or any other appropriate referrals to the employee's agency. Additionally, the Committee may review any actions or situations and make recommendations for change to this protocol.
Canines

313.1 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.

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

313.3 ASSIGNMENT
Canine teams should be assigned to assist and supplement the Operations Division to function primarily in assist or cover assignments. However, they may be assigned by the Shift Sergeant to other functions, such as routine calls for service, based on the current operational needs.

Canine teams should generally not be assigned to handle routine matters that will take them out of service for extended periods of time. If such assignment is necessary, it should only be made with the approval of the Shift Sergeant.

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

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

(a) Reviewing all canine use reports to ensure compliance with policy and to identify training issues and other needs of the program.

(b) Maintaining a liaison with the vendor kennel.

(c) Maintaining a liaison with command staff and functional supervisors.

(d) Maintaining a liaison with other agency canine coordinators.

(e) Maintaining accurate records to document canine activities.

(f) Recommending and overseeing the procurement of equipment and services for the teams of handlers and canines.

(g) Scheduling all canine-related activities.

(h) Ensuring the canine teams are scheduled for regular training to maximize their capabilities.
313.5 REQUESTS FOR CANINE TEAMS
Operations Division members are encouraged to request the use of a canine. Requests for a canine team from department units outside of the Operations Division shall be reviewed by the Shift Sergeant.

313.5.1 OUTSIDE AGENCY REQUEST
All requests for canine assistance from outside agencies must be approved by the Shift Sergeant and are subject to the following:

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

313.5.2 PUBLIC DEMONSTRATION
All public requests for a canine team shall be reviewed and, if appropriate, approved by the canine coordinator prior to making any resource commitment. The canine coordinator is responsible for obtaining resources and coordinating involvement in the demonstration to include proper safety protocols. Canine handlers shall not demonstrate any apprehension work unless authorized to do so by the canine coordinator.

313.6 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 Shift Sergeant. 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.

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.

313.6.1 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.
313.6.2 WARNINGS AND ANNOUNCEMENTS
Unless it would increase the risk of injury or escape, a clearly audible warning announcing that a canine will be used if the suspect does not surrender should be made prior to releasing a canine. The handler should allow a reasonable time for a suspect to surrender and should quiet the canine momentarily to listen for any verbal response to the warning. If feasible, other members should be in a location opposite the warning to verify that the announcement could be heard. If available, warnings given in other languages should be used as necessary.

If a warning is not to be given, the canine handler, when practicable, should first advise the supervisor of his/her decision before releasing the canine. In the event of an apprehension, the handler shall document in any related report how the warning was given and, if none was given, the reasons why.

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

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

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

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

313.7 NON-APPREHENSION GUIDELINES
Properly trained canines may be used to track or search for non-criminals (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining the canine’s suitability for such assignments based on the conditions and the particular abilities of the canine. When the canine is deployed in a search or other non-apprehension operation, the following guidelines apply:

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under
Canines

conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

(b) Unless otherwise directed by a supervisor, assisting members should take direction from the handler in order to minimize interference with the canine.

(c) Throughout the deployment, the handler should periodically give verbal assurances that the canine will not bite or hurt the individual and encourage the individual to make him/herself known.

(d) Once the individual has been located, the handler should place the canine in a down-stay or otherwise secure it as soon as reasonably practicable.

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

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

(a) The search of vehicles, buildings, bags, and other articles.

(b) Assisting in the search for narcotics during a search warrant service.

(c) Obtaining a search warrant by using the narcotics-detection trained canine in support of probable cause.

A narcotics-detection trained canine will not be used to search a person for narcotics unless the canine is trained to passively indicate the presence of narcotics.

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

(a) Assisting in the search of a building, structure, area, vehicle, or article where an actual or suspected explosive device has been reported or located.

(b) Assisting with searches at transportation facilities and vehicles (e.g., buses, airplanes, trains).

(c) Preventive searches at special events, VIP visits, official buildings, and other restricted areas. Searches of individuals should remain minimally intrusive and shall be strictly limited to the purpose of detecting explosives.

(d) Assisting in the search of scenes where an explosion has occurred and an explosive device or secondary explosive device is suspected.
At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

313.8 HANDLER SELECTION
The minimum qualifications for the assignment of canine handler include:

(a) An officer who is currently off probation.
(b) Residing in an adequately fenced single-family residence (minimum 5-foot-high fence with locking gates).
(c) A garage that can be secured and can accommodate a canine vehicle.
(d) Living within 30 minutes travel time from the Napa Police Department City limits.
(e) Agreeing to be assigned to the position for a minimum of three years.

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

The canine handler will be responsible for the following:

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

(j) When off-duty, the handler shall not involve the canine in any law enforcement activity or official conduct unless approved in advance by the canine coordinator or Shift Sergeant.

(k) Whenever a canine handler is off-duty for an extended number of days, it may be necessary to temporarily relocate the canine. In those situations, the handler shall give reasonable notice to the canine coordinator so that appropriate arrangements can be made.

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

(a) A canine shall not be left unattended in any area to which the public may have access.

(b) When the canine vehicle is left unattended, all windows and doors shall be secured in such a manner as to prevent unauthorized access to the canine. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

313.10 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 Shift Sergeant 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.

313.11 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 and/or explosives also shall be trained and certified by the California Narcotic Canine Association (CNCA) or other recognized and approved certification standards established for their particular skills.

The canine coordinator shall be responsible for scheduling periodic training for all department members in order to familiarize them with how to conduct themselves in the presence of department canines. Because canines may be exposed to dangerous substances such as opioids, 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 Shift Sergeant.
313.11.1 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 teams should receive training as defined in the current contract with the Napa Police Department canine training provider.

(b) Canine handlers are encouraged to engage in additional training with approval of the canine coordinator.

(c) To ensure that all training is consistent, no handler, trainer, or outside vendor is authorized to train to a standard that is not reviewed and approved by the Department.

313.11.2 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.

313.11.3 TRAINING RECORDS
All canine training records shall be maintained in the canine handler's and the canine's training file.

313.11.4 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. Alternatively, the Napa Police Department may work with outside trainers with the applicable licenses or permits.

313.11.5 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 Napa 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.
313.11.6 CONTROLLED SUBSTANCE PROCEDURES
Due to the responsibilities and liabilities involved with possessing readily usable amounts of controlled substances and the ever-present danger of the canine’s accidental ingestion of these controlled substances, the following procedures shall be strictly followed:

(a) All controlled substance training samples shall be weighed and tested prior to dispensing to the individual canine handler or trainer.

(b) The weight and test results shall be recorded and maintained by this department.

(c) Any person possessing controlled substance training samples pursuant to court order or DEA registration shall maintain custody and control of the controlled substances and shall keep records regarding any loss of, or damage to, those controlled substances.

(d) All controlled substance training samples will be inspected, weighed, and tested quarterly. The results of the quarterly testing shall be recorded and maintained by the canine coordinator with a copy forwarded to the dispensing agency.

(e) All controlled substance training samples will be stored in locked, airtight, and watertight cases at all times, except during training. The locked cases shall be secured in the trunk of the canine handler’s assigned patrol vehicle during transport and stored in an appropriate locked container. There are no exceptions to this procedure.

(f) The canine coordinator shall periodically inspect every controlled substance training sample for damage or tampering and take any appropriate action.

(g) Any unusable controlled substance training samples shall be returned to the Property and Evidence Section or to the dispensing agency.

(h) All controlled substance training samples shall be returned to the dispensing agency upon the conclusion of the training or upon demand by the dispensing agency.

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

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

(a) All explosive training aids, when not in use, shall be properly stored in a secure facility appropriate for the type of materials.

(b) An inventory ledger shall be maintained to document the type and quantity of explosive training aids that are stored.

(c) The canine coordinator shall be responsible for verifying the explosive training aids on hand against the inventory ledger once each quarter.

(d) Only members of the canine team shall have access to the explosive training aids storage facility.
(e) A primary and secondary custodian will be designated to minimize the possibility of loss of explosive training aids during and after the training. Generally, the handler will be designated as the primary custodian while the trainer or authorized second person on-scene will be designated as the secondary custodian.

(f) Any lost or damaged explosive training aids shall be promptly reported to the canine coordinator, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).
Calls for Service Prioritization

314.1 PURPOSE AND SCOPE
The purpose of this order is to set forth policy for the Napa Police Department in regard to calls for service prioritization, dispatch assignment and types of responses to calls for service. The intent of this order is to improve response time to more serious calls for service, to maintain sufficient available sworn personnel to respond to emergency calls and requests for cover and to increase the time available for sworn personnel to engage in self-initiated activity, patrol activities including the ability to conduct thorough investigations and complete necessary reports.

314.2 TYPES OF FIELD UNIT RESPONSES
CODE 3/EMERGENCY RESPONSE: Responding units should respond to the scene immediately using available emergency vehicle warning equipment as needed when responding to any calls for service which involves an immediate danger of loss of life or serious injury (i.e. major injury collision, robbery in progress, fight with weapons). Refer to Policy Manual § 316.2 for additional information related to Code 3 driving.

CODE 2/URGENT RESPONSE: Responding units should respond to the scene as quickly as possible and may use emergency vehicle warning equipment if necessary to avoid lengthy delays in traffic. This type of response involves a call for service which involves an immediate or potential threat to persons or property or which involves the potential for the immediate apprehension of criminals.

CODE1/ROUTINE RESPONSE: Responding units should respond to the scene as soon as practical obeying all traffic laws.

314.3 TYPES OF CALLS FOR SERVICE
COLD REPORTS: Incidents having already occurred and there is no information to indicate any potential of danger to persons, immediate apprehension of the offender(s) or continued criminal activity. In general, cold reports are handled civilian personnel by phone with CSO's collecting any available evidence.

COUNTER REPORTS: Reports taken by employees at the Police Department and can be handled by civilian personnel.

FOLLOW-UP REQUESTS: When a filed unit (either a Police Officer or Community Service Officer) is requested or has contact regarding a previously reported incident.

IN-PROGRESS CALLS: Incidents occurring when the call is received by Communications or observed by a field unit.

JUST OCCURRED: Incidents which have occurred within five minutes prior to Communications or an officer receiving the call from a reporting party.
Calls for Service Prioritization

JUST DISCOVERED: Incidents wherein the specific time of occurrence is not clearly established, but the reporting party just discovered the crime.

AGENCY ASSIST: Incidents in which another governmental agency is requesting assistance.

ON-LINE REPORTS: Incidents reported to Communications or other police employees that require a report and have no apparent potential for suspect apprehension. The reporting party is referred to the Napa Police Department Police Department Website to complete an online report using Coplogic™.

MAIL-IN REPORTS: In the event a reporting party wishes to complete a cold report by mail, the dispatcher will collect the reporting parties address, then contact a CSO with the information. A CSO will mail the forms to reporting party.

MERCHANT THEFT REPORTS: Registered merchants who have arrested petty theft suspects meeting the criteria as established in the Merchant Theft Reporting program are to report the incident online using CopLogic. A Community Service Officer will review the report for content and elements of the alleged offense(s). If complete, the Community Service Officer will approve the online report, complete an Arrest and Detention Complaint (ADC) form, and forward both to a Sergeant for review, approval and signature. Once approved by a Sergeant, Records will forward both the report and ADC to the District Attorney's Office for review. All other merchants will continue to complete and submit the "Merchant Theft" forms.

314.4 CALL PRIORITY
The Chief of Police or his/her designee will prioritize all calls for service. Calls for service, which involves serious injury, immediate danger or loss of life will be given the highest priority. Calls involving cold reports or calls for service requiring a field response in an efficient and effective manner will be given the lowest priority.

314.5 ASSIGNMENT OF CALLS
When available the beat officer for the area of the call will be assigned. The next recommended or closest officer to the call will be assigned as the cover officer or the primary officer if the beat officer is not available. High priority calls will be assigned over the radio by communications. Other calls for service will be assigned to beat officers via the Mobile Data Terminal (MDT) by communications. If the nature of the high priority call or department guidelines require the assignment of more than two officers, communications will use the recommended unit(s) or the closest unit(s) to the call.

An alert tone may precede the dispatch of a high priority call. The dispatcher should give the nearest cross street on all calls for service. If the call for service involves a business the dispatcher should give the name of the business as well as the address of the business.
314.6 PRE-EMPTED CALLS FOR SERVICE
When an officer is assigned calls for service that officer is responsible for the disposition of that call. If an officer cannot respond to a call due to mitigating circumstances, such as it is the end of their shift, that officer must get permission from the on-duty supervisor to send the call(s) for service back to Communications for reassignment.
Domestic Violence

315.1 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.

315.1.1 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.

315.2 POLICY
The Napa 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.

315.3 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.

315.4 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 Investigative Bureau in the event that the injuries later become visible.

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

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

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

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

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

1. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.
315.4.1 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.

315.4.2 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.

315.5 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).

315.6 DISPATCH ASSISTANCE
All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.
Dispatchers are not required to verify the validity of a court order before responding to a request for assistance. Officers should request that dispatchers check whether any of the involved persons are subject to the terms of a court order.

### 315.7 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).

### 315.8 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.
315.9 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

315.9.1 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.
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(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).

315.9.2 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).

315.9.3 PUBLIC ACCESS TO POLICY

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

315.9.4 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.
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(c) Officers who seize any firearm or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)(2)).

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

315.9.6 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).
Court Protective Orders

316.1 PURPOSE AND SCOPE
The purpose of this General Order is to establish a procedure concerning Court Protective Orders.

316.2 POLICY
Recognizing that there are different types of protective orders issued by a court, the Napa Police Department shall maintain a complete and systematic record of all protective orders, including, but not limited to, domestic violence orders, restraining orders, emergency protective orders (EPO), and proofs of service in effect. This order shall be used to inform officers responding to domestic violence and harassment calls of the existence, terms, and effective dates of protective orders in effect (PC 13710 and CCP 527.6(h)).

For the purposes of this order, "harassment" is defined by CCP 527.6(b) as follows: Unlawful violence, a credible threat of violence or knowing and willful course of conduct directed at a specific person that seriously alarms, annoys or harasses the person and that serves no legitimate purpose. The section further defines the key terms set forth above as including assault, battery, stalking, intentionally creating a fear for personal safety, or the safety of one’s family, harassing telephone calls or correspondence and the like.

316.3 RESTRAINING ORDERS

316.3.1 VERIFICATION OF RESTRAINING ORDERS
Whenever a complainant advises of the existence of a restraining order, the officer shall determine:

(a) If a restraining order is on file with the department or whether the complainant has a copy of the order in their possession.

(b) If a restraining order is valid.

(c) If proof of service or prior notice exists or that the person to be restrained was present in court when the order was made.

(d) The terms of the restraining order.

(e) Arrest criteria and enforcement procedures

A violation of a restraining order is a misdemeanor under either Penal Code Sections 273.6 or 166(a)(4). 273.6 PC applies to domestic violence orders and does not require commission in the presence of an officer. 273.6 PC and 166(a)(4) PC arrests can be made when one of the following conditions is met:

• The existence of the order and proof of service on the person restrained has been verified by the officer.

• The complainant produces a valid copy of the order bearing a file stamp of the issuing court and a proof of service on the restrained person.
**Court Protective Orders**

- The existence of the order has been verified by the officer. No proof of service is required if the order reflects that the restrained person was present in court when the order was made.

- The existence of the order has been verified, and there is proof that the restrained person has previously been admonished by an officer.

When the officer verifies that a restraining order exists, but cannot verify proof of service or prior knowledge of the order by the restrained person, the officer shall when possible:

- Inform the restrained person of the terms of the order.

- Inform the restrained person of the order, that he/she is now on notice and that the violation of the order will result in arrest. If the restrained person continues to violate the order after being advised of the terms, an arrest shall be made.

- If the restrained person complies after admonishment of the terms of the order, the officer shall make a retrievable report showing that the restrained person was advised of the specific terms of the order, the name of the admonishing officer, time and date. The department's copy of the restraining order will be updated to reflect the admonishment information listed and the report shall include proof of service.

In the event the restrained person is not present upon the officer's arrival, the officer shall conduct an investigation to determine if a crime was committed. A retrievable report shall be made and the complainant shall be advised of the report number. A request for criminal charges shall be forwarded to the District Attorney's Office for review.

When the victim is not in possession of the restraining order, and/or officers cannot verify the restraining order via department resources, the officer shall write a report, give the victim the police report number and direct the victim to bring a copy of the order into the department for proper filing. The officer shall, if appropriate, consider securing an Emergency Protective Order (EPO).

### 316.3.2 STAY AWAY ORDERS

(a) Verification of Stay Away Orders

1. A stay-away order is issued in a criminal case where the Court believes there is a reasonable likelihood of victim intimidation. Violation of a criminal stay away order is a violation of 166(a)(4), or in cases involving domestic violence, 166(c)(1).

2. Request the victim show a copy of the order. Verify, through the department, that the suspect is under court's jurisdiction, or,

3. Verify through the department, that a stay-away-order has been issued against the suspect.

(b) Arrest Criteria and Enforcement Procedures:
1. When the order has been verified, officers shall make an arrest if the suspect has violated any terms of the order. The report shall note the specific violations of the order, and the victim is to be given the police report number.

2. A violation of the order is a violation of Penal Code § 166(a)(4) or in some cases 273.6 PC. This violation can be added to other applicable charges.

3. An act of victim intimidation relating to the court proceedings is a violation of Penal Code § 136. Examples of victim intimidation include:
   (a) Attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding is a misdemeanor.
   (b) Using force, or expressing or implying threat of force or violence related to the court proceeding is a felony.

316.3.3 EMERGENCY PROTECTIVE ORDERS
Emergency Protective Orders (EPO) shall be obtained when, in the judgment of an officer, a person is in immediate and present danger of domestic violence by a family or household member, based on the person's allegation of a recent incident of abuse or threat of abuse by that family or household member.

   (a) When the officer feels an EPO is an appropriate protective step, he/she shall inform the victim of the function of the EPO, and facilitate securing the Issuance of the EPO from the on-call Judge.
   (b) The officer will contact the on-call Judge by telephone and relate to the Judge all pertinent facts.
   (c) If the Judge orally issues the EPO, the officer shall immediately complete and sign the EPO.
   (d) The officer will issue a copy of the order to the protected party.
   (e) The officer will issue a copy of the order to the restrained party if that party can be reasonably located.
   (f) The law enforcement agency copy of the order will remain with the case file.
   (g) The original EPO shall be filed with the Napa County Clerk no later than 9:00 AM the following court day. This is so that all subsequent court paperwork can be completed by the EPO expiration date, five (5) court days after issuance. The protected party should be advised that they may request an extension of the Protective Order.
   (h) The officer shall use every means reasonable to enforce an Emergency Protective Order.
316.3.4 OFFICER SERVICE OF COURT ORDERS

It is not the policy of the Napa Police Department to respond to a call for service where the sole purpose is for serving court orders. However, an order issued by the court shall, upon the request of the petitioner, be served on the respondent, whether or not the respondent has been taken into custody by an officer at the scene of a reported domestic violence, stalking, or harassment incident, or other calls where both parties to the proceedings are present.

(a) The petitioner shall provide the officer with an endorsed copy of the order and a proof of service, which the officer shall complete and send to the issuing court.

(b) Upon receiving information at the scene that a protective order has been issued, or that a person who has been taken into custody is the respondent to such an order and the protected person cannot produce a certified copy of the order, the officer shall immediately attempt to verify the existence of the order.

(c) If the officer determines that a protective order has been issued but not served, the officer shall immediately notify the respondent of the terms of the order and shall at that time also enforce the order if the respondent does not comply with the terms. Verbal notice of the terms of the order shall constitute service.

(d) Whenever verbal notice is given, the officer shall complete a proof of service and forward it to the Records Bureau.

316.4 CHILD CUSTODY ORDERS

In accordance with an agreement with the Napa County District Attorney, the department will not file criminal charges on minor technical violations of child custody orders.

(a) Minor technical violations are defined as those related to terms of visitation, exchanges, meeting times and places, changes in schedule without notice, and other conditions not related to the health and welfare of a child.

(b) All other violations related to child custody orders will be investigated in accordance with this policy.

(c) Minor technical violations will be referred to civil court for resolution.
Search and Seizure

317.1 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 Napa Police Department personnel to consider when dealing with search and seizure issues.

317.2 POLICY
It is the policy of the Napa 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.

317.3 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.
317.4 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.

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

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

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

318.1 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 Napa Police Department (34 USC § 11133).

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

318.1.1 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.
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(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).

318.2 POLICY
The Napa 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 Napa Police Department. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer, or release.

318.3 JUVENILES WHO SHOULD NOT BE HELD
Juveniles who exhibit any of the following conditions should not be held at the Napa 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 Shift Sergeant. 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 Napa Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).
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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).

318.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY
When emergency medical attention is required for a juvenile, medical assistance will be called immediately. The Shift Sergeant shall be notified of the need for medical attention for the juvenile. Department members should administer first aid as applicable (15 CCR 1142).

318.3.2 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).

318.4 CUSTODY OF JUVENILES
Officers should take custody of a juvenile and temporarily hold the juvenile at the Napa 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 Napa Police Department without authorization of the arresting officer’s supervisor or the Shift Sergeant. 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 Napa Police Department (34 USC § 11133; Welfare and Institutions Code § 207.1(d)).

318.4.1 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 Napa 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 an offense that would subject an adult to arrest may be held in non-secure custody for the offenses listed in Welfare and Institutions Code § 602(b) (murder and the sexual assault offenses) and should be referred to a probation officer for a placement determination.

318.4.2 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
318.4.3 CUSTODY OF JUVENILE OFFENDERS
Juvenile offenders should be held in non-secure custody while at the Napa 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).

318.5 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).
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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).

318.6 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 Napa Police Department (15 CCR 1150).
(c) Shift Sergeant 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 Shift Sergeant shall initial the log to approve the custody, including any secure custody, and shall also initial the log when the juvenile is released.

318.7 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 Napa Police Department (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-
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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).

318.8 TEMPORARY CUSTODY REQUIREMENTS
Members and supervisors assigned to monitor or process any juvenile at the Napa Police Department shall ensure the following:

(a) The Shift Sergeant should be notified if it is anticipated that a juvenile may need to remain at the Napa Police Department more than four hours. This will enable the Shift Sergeant to ensure no juvenile is held at the Napa 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).

(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.
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(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).

318.9 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 Napa 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 Shift Sergeant. 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).

318.10 PERSONAL PROPERTY
The officer taking custody of a juvenile offender or status offender at the Napa 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 Napa Police Department.

318.11 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). Shift Sergeant 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):

(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
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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).

318.11.1 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).

(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.
318.12 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY OF A JUVENILE
The Shift Sergeant will ensure procedures are in place to address the suicide attempt, death, or serious injury of any juvenile held at the Napa Police Department (15 CCR 1142; 15 CCR 1047). The procedures will address:

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

318.13 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 15 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.

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

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

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.
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(b) The individual refuses to have the interrogation recorded, including 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).

318.14 FORMAL BOOKING

No juvenile offender shall be formally booked without the authorization of the arresting officer's supervisor, or in his/her absence, the Shift Sergeant.

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

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

(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender

318.15 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.
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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 Napa 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 Investigative Bureau supervisors to ensure that personnel of those bureaus act within legal guidelines.

318.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION
The Operations Division Captain shall coordinate the procedures related to the custody of juveniles held at the Napa Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

318.17 RELIGIOUS ACCOMMODATION
Juveniles have the right to the same religious accommodation as adults in temporary custody (see the Temporary Custody of Adults Policy).
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319.1 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 Napa Police Department members as required by law.

319.1.1 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).

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

319.3 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.
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(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.

319.4 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).

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

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

For further information and reference: See attachment: Mandated reporter acknowledgment.pdf
See attachment: Mandated reporter PC Sections.pdf

319.5.1 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.
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(g) Any other information, including information that led the person to suspect elder or dependent adult abuse.

319.6 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.

319.6.1 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)).

319.7 INTERVIEWS

319.7.1 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.
319.7.2 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:

(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.

319.8 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.

319.9 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.

319.9.1 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 Investigative Bureau supervisor so an interagency response can begin.

319.9.2 SUPERVISOR RESPONSIBILITIES
The Investigative Bureau supervisor should:

(a) Work with professionals from the appropriate agencies, including APS, other law enforcement agencies, medical service providers and local prosecutors, to develop community specific procedures for responding to situations where there are adult
abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigative Bureau supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives.

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

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

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

319.11 RECORDS BUREAU RESPONSIBILITIES
The Records Bureau is responsible for:

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

(b) Retaining the original adult abuse report with the initial case file.

319.12 JURISDICTION
The Napa 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).

319.13 RELEVANT STATUTES
Penal Code § 368 (c)
Adult Abuse

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.
Adult Abuse

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

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

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

Welfare and Institutions Code § 15610.43

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

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

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a 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:
Adult Abuse

(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.

(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.
Harassment Policy

320.1 PURPOSE AND SCOPE
It is the policy of the Napa Police Department that all employees should be treated with respect and dignity. The Department will not tolerate or condone conduct which constitutes harassment of an employee or someone acting on behalf of an employee on the basis of race, religious creed, color, national origin, ancestry, physical handicap, medical condition, marital status, sex (including gender and pregnancy), gender identification, age (over 40), or perception that an individual has one of these characteristics. Harassment, including sexual harassment, undermines the integrity of the working environment and is an unlawful employment practice prohibited by both Federal and State law. City officials, managers, supervisors and employees who violate this policy will be subject to disciplinary action, up to and including dismissal.

The Napa Police Department has a zero tolerance for any conduct that violates this Policy. Conduct need not rise to the level of a violation of law in order to violate this Policy. A single act can violate this Policy and provide grounds for discipline or other appropriate sanctions. Additionally, conduct can constitute harassment even if the individual engaging in the conduct has no intention to harass or even if the person to whom the conduct is directed has failed to make a complaint.

320.1.1 DEFINITION
Harassment based on any of the protected status characteristics listed above interferes with the work productivity of its victims and their coworkers. Harassment occurs when the following acts or conditions would be both objectively and subjectively offensive, as well as so severe and/or pervasive that it unreasonably interferes with the work environment or employment opportunities of an individual:

- verbal harassment, e.g. derogatory comments or slurs, epithets;
- physical harassment, e.g. assault, impeding or blocking movement, gestures, or any physical interference with normal work or movement;
- visual forms of harassment, e.g. derogatory posters, letters, poems, graffiti, cartoons or drawings.

Sexual harassment is a hostile work environment on the basis of sex or gender or conditioning, whether explicitly or implicitly, job benefits promised in exchange for sexual favors. Examples of harassing behavior include unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when it:

- unreasonably interferes with work performance;
- creates an intimidating, hostile or offensive work environment;
- influences or affects the career, salary, conditions, job or other aspects of career development of an employee or prospective employee;
Harassment Policy

- is an explicit or implicit term or condition of an individual's employment or advancement.

320.1.2 PROCEDURE

Every effort will be made to assure the confidentiality of complaints made under this Policy. Complete confidentiality cannot occur, however, due to the need to fully investigate and the duty to take effective remedial action. As a result, confidentiality, will be maintained to the extent possible. An individual who is interviewed during the course of an investigation is prohibited from discussing the substance of the interview, except as otherwise directed by a supervisor or the Department administrator. Any individual who discusses the content of an investigatory interview will be subject to discipline or other appropriate sanction. The Police Department will not disclose a completed investigation report except as it deems necessary to support a disciplinary action, to take remedial action, to defend itself in adversarial proceedings, or to comply with the law or court order.

An employee who has a complaint involving harassment should report the incident as soon as possible, following (a) and/or (b) below: a. Immediately discuss the complaint with either their immediate supervisor or department manager for prompt resolution. The immediate supervisor or department manager shall attempt to resolve the matter, or b. Seek assistance from the City Personnel Department in resolving the complaint on an informal basis. If the issue is not resolved through informal resolution either at the departmental or Personnel level, a formal complaint of harassment may then be filed, through the Personnel Director in the City Personnel Department. The Personnel Director will investigate, attempt to resolve, and make recommendations on complaints of harassment that are reported according to established formal complaint procedure.

320.1.3 INVESTIGATION

(a) Upon receiving notification of a harassment complaint, a Departmental Administrator shall authorize and supervise the investigation of the complaint and/or investigate the complaint. The investigation will include interviews with:

1. the complainant;
2. the accused harasser; and
3. any other persons the Department Administrator has reason to believe have relevant knowledge concerning the complaint.

(b) Review the factual information gathered through the investigation to determine whether the alleged conduct constitutes harassment giving consideration to all factual information, the totality of the circumstances, including the nature of the verbal, physical, visual, or sexual conduct, and the context in which the alleged incidents occurred.

(c) Report the results of the investigation and the determination as to whether harassment occurred to appropriate persons, including the complainant, the alleged harasser, the
supervisor and the bureau commander. If discipline is imposed, the discipline will not be communicated to the complainant.

(d) If the harassment occurred, recommend to the appointing authority prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense. If appropriate, recommend action to remedy the victim's loss, if any, which resulted from the harassment.

320.1.4 HARASSMENT PREVENTION
Prevention is the best method for elimination of sexual or other forms of harassment. The Harassment Policy, its definition of harassment, including sexual harassment, and the complaint procedures will be disseminated to all Departmental Divisions. All Divisions shall inform all employees of this policy, sanctions which will result thereof, and how harassment complaints should be handled. They shall express strong disapproval of sexual and other forms of harassment and take appropriate disciplinary action in accordance with Departmental policy. The Police Department may be held legally liable for acts of sexual harassment if it knew, or should have known, of such conduct, and took no appropriate corrective action.

In addition, all supervisory and management employees shall take appropriate corrective action to stop all conduct they believe, in good faith, constitutes harassment.

All employees are encouraged to report any conduct they believe, in good faith, constitutes harassment to their immediate supervisor, or to the Division Commander. Conduct can constitute harassment even if it is not explicitly or specifically directed at an individual.

All Police Department employees shall fully cooperate with the Department's investigations by responding fully and truthfully to all questions posed in an investigation.

320.1.5 DISSEMINATION OF POLICY AND TRAINING
All Police Department employees shall be made aware of this Policy when they are hired. The Policy may be updated from time to time and redistributed. All supervisors and managers shall receive sexual harassment training as required by Government Code 129501. All law enforcement personnel shall receive updated training every five years as outlined in California Penal Code 13519.7.
Discriminatory Harassment

321.1 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.

321.2 POLICY
The Napa 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.

321.3 DEFINITIONS
Definitions related to this policy include:

321.3.1 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 the 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 other classifications 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, 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

321.3.2 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.

321.3.3 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 a member improve his/her 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.

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

321.4 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 law enforcement 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 his/her immediate supervisor may bypass the chain of command and make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the Chief of Police, the Director of Human Services or the City Manager.
Discriminatory Harassment

Any member who believes, in good faith, that he/she has been discriminated against, harassed or subjected to retaliation, or who has observed harassment or discrimination, 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.

321.4.1 SUPERVISOR RESPONSIBILITIES
The responsibilities of each supervisor and manager 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 his/her 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 Director of Human Services in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

321.4.2 SUPERVISOR’S ROLE
Because of differences in individual values, supervisors and managers may find it difficult to recognize that their behavior or the behavior of others is discriminatory, harassing or retaliatory. Supervisors and managers shall be aware of the following considerations:

(a) Behavior of supervisors and managers should represent the values of the Department and professional law enforcement 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.

321.4.3 QUESTIONS OR CLARIFICATION
Members with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, the Chief of Police, the Director of Human Services, the City Manager, or the California Department of Fair Employment and Housing (DFEH) for further information, direction, or clarification (Government Code § 12950).
321.5 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.

321.5.1 SUPERVISORY RESOLUTION
Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. However, if the member feels uncomfortable or threatened or has difficulty expressing his/her 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.

321.5.2 FORMAL INVESTIGATION
If the complaint cannot be satisfactorily resolved through the process described above, 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 any 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, Director of Human Services or the City Manager.

321.5.3 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 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.

321.6 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:
Discriminatory Harassment

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

321.6.1 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.

321.7 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 he/she has been advised of this policy, is aware of and understands its contents and agrees to abide by its provisions during his/her 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.

321.7.1 STATE-REQUIRED TRAINING
The Training Manager 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 Manager should ensure that employees are provided the link or website address to the training course (Government Code § 12950).

321.7.2 TRAINING RECORDS
The Training Manager 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).
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321.8 WORKING CONDITIONS
The Administration Division Captain 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).

321.9 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).
Child Abuse

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

322.1.1 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).

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

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

(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or

(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

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

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

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

For further information and reference:  See attachment: Mandated reporter acknowledgment.pdf  
See attachment: Mandated reporter PC Sections.pdf

322.3.1 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.

322.4 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).

322.5 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. The report will be completed prior to the end of shift unless there is specific approval by a supervisor.

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).

322.5.1 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).

322.6 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.
Child Abuse

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

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

(a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, or a commercially exploited child under Penal Code § 647 and Penal Code § 653.22, and further has good cause to believe that any of the following conditions exist:
   1. The child has an immediate need for medical care.
   2. The child is in immediate danger of physical or sexual abuse.
   3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child’s health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:
   1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
   2. There is no lawful custodian available to take custody of the child.
   3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
   4. The child is an abducted child.

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 (Detainment or concealment of child from legal custodian) or Penal Code § 278.5 (Deprivation of custody of a child or right to visitation) (Penal Code § 279.6).

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

322.6.1 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.
322.6.2 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.

322.7 INTERVIEWS

322.7.1 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.

322.7.2 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) Existent 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.

322.7.3 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).

322.8 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.

322.9 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.

322.9.1 SUPERVISOR RESPONSIBILITIES
The Investigative Bureau supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law
    enforcement agencies, medical service providers and local prosecutors to develop
    community specific procedures for responding to situations where there are children
    endangered by exposure to methamphetamine labs or the manufacture and trafficking
    of other drugs.

(b) Activate any available interagency response when an officer notifies the Investigative
    Bureau supervisor that the officer has responded to a drug lab or other narcotics crime
    scene where a child is present or where evidence indicates that a child lives there.

(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.

322.9.2 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 Investigative Bureau supervisor so an interagency response can begin.

322.10 STATE MANDATES AND OTHER RELEVANT LAWS
California requires or permits the following:
322.10.1 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).

322.10.2 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.

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

322.10.4 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.

322.10.5 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).

322.11 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

323.1 PURPOSE AND SCOPE
This policy provides guidance for handling missing person investigations.

323.1.1 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).

323.2 POLICY
The Napa 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 Napa 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).

323.3 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

323.4 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).

323.5 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).
Missing Persons

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.

323.6 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.

323.6.1 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.

323.6.2 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).
Missing Persons

(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 Investigative Bureau.

(e) Coordinate with the NCIC Terminal Contractor for California to have the missing person record in the NCIC computer networks updated with additional information obtained from missing person investigations (34 USC § 41308).

323.7 INVESTIGATIVE BUREAU FOLLOW-UP
In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person’s school is notified within 10 days if the missing person is a juvenile.
   1. The notice shall be in writing and should also include a photograph (Education Code § 49068.6).
   2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child’s student file, along with contact information if the school receives a call requesting the transfer of the missing child’s files to another school.

(b) Should recontact the reporting person and/or other witnesses within 30 days of the initial report and within 30 days thereafter to determine if any additional information has become available via the reporting party.

(c) Should consider contacting other agencies involved in the case to determine if any additional information is available.

(d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 30 days of the original entry into the networks and every 30 days thereafter until the missing person is located (34 USC § 41308).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 30 days.

(f) Shall maintain a close liaison with state and local child welfare systems and the National Center for Missing and Exploited Children® (NCMEC) if the missing person is under the age of 21 and shall promptly notify NCMEC when the person is missing from a foster care family home or childcare institution (34 USC § 41308).

(g) Should make appropriate inquiry with the Coroner.

(h) Should obtain and forward medical and dental records, photos, X-rays and biological samples pursuant to Penal Code § 14212 and Penal Code § 14250.

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).
(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 586).

323.8 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.

323.8.1 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.

323.9 CASE CLOSURE
The Investigative Bureau supervisor may authorize the closure of a missing person case after considering the following:

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

(b) If the missing person is a resident of Napa Police Department 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.
323.10 TRAINING
Subject to available resources, the Training Manager should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:
   1. Assessments and interviews
   2. Use of current resources, such as Mobile Audio Video (MAV)
   3. Confirming missing status and custody status of minors
   4. Evaluating the need for a heightened response
   5. Identifying the zone of safety based on chronological age and developmental stage

(b) Briefing of department members at the scene.

(c) Identifying NCIC Missing Person File categories (e.g., disability, endangered, involuntary, juvenile and catastrophe).

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

(m) Internet and technology issues (e.g., Internet use, cell phone use).

(n) Media relations.

(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.
Attempted Child Abduction (Parental or Non-Parental)

324.1 PURPOSE AND SCOPE
To establish guidelines for the response to reports of attempted child abduction, investigations, and follow-up in accordance with sound police practices, State and Federal laws.

324.2 POLICY
The policy of the Napa Police Department shall be:
(a) To attempt to locate and determine the welfare and safety of the children.
(b) To identify, locate and arrest perpetrators whenever possible.
(c) Assist State and Federal agencies with the collection, maintenance and comparison of data and records for the identification of attempted "abducted" children.
(d) Comply with State and Federal laws.

324.3 PROCEDURES
324.3.1 DEFINITIONS
(a) An "attempted abduction of a child" is any juvenile who is witnessed to have been or who reports that he/she was the victim of an attempted abduction by either a stranger or a parent.
(b) The "custodian" may be a public agency for example, where parents attempt to abduct children who have been made dependants of the juvenile court (in violation of the juvenile court order).

1. The act must be malicious. This simply means a wish to vex, annoy, or injure another person, or intent to do a wrongful act. If all other elements of this crime are present, malice can virtually always be inferred from the conduct.

2. The act must be done "with the intent to detain or conceal that child from a lawful custodian." There is no crime if a person simply takes a child and goes to another city or state and makes no attempt to conceal the child or deprive the other party of their rights even if their actions make it more difficult to exercise those rights.

(a) If a child has only been taken for a short time, other factors are needed to show malicious intent to deprive the other party. Statements such as "you will never see the child again."
324.3.2 PLACING THE CHILD IN PROTECTIVE CUSTODY

(a) Penal Code Section 279.6(a): states in part, a law enforcement officer may take a child into protective custody under 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 are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.

3. There is no lawful custodian available to take custody of the child.

(b) Penal Code Section 279.6(b): When a lawful enforcement officer takes a child into protective custody pursuant to this section, the officer shall do one of the following:

1. Release the child to the lawful custodian, unless it reasonably appears that the release would cause the child to be endangered, abducted, or removed from the jurisdiction.

2. Obtain an emergency protective order, ordering the placement of the child with an interim custodian who agrees in writing to accept interim custody.

3. Release the child to a social services agency.

4. Return the child as ordered by the court.

324.3.3 IMMEDIATE RESPONSIBILITIES

(a) Dispatch: Will obtain as much information about the attempted abductor and/or vehicle as possible. Dispatch will assign an officer(s) to the scene of the attempted abduction, will also notify the patrol supervisor, will broadcast pertinent information about the attempted abductor and/or vehicle, and will teletype a description of the attempted abductor and his/her vehicle, if applicable, to surrounding agencies.

(b) Reporting Officer: Will assess the situation and provide additional information to other patrol units and dispatch for notification of surrounding agencies.

1. In every case, it is critical to know as much as possible about the victim before determination can be made as to whether or not an attempt was made to abduct, by either a complete stranger or someone who knew the child. The following information should be obtained as soon as possible and in as much detail as possible.

   (a) Full description of the suspect(s), including clothing and any associated vehicle.

   (b) Obtain location and time of day of the attempted abduction.

   (c) Notify dispatch of description of suspect(s).
(d) Advise dispatch to send out an area-wide broadcast.

2. Further, obtain the following information to determine the validity of the reported attempted abduction: verify the accuracy of complainant information, description of suspect, circumstances at time of incident, health and custody status of child.

3. The officer shall locate any witnesses to the incident, to include the complainant and the last person to have had contact with the victim, separate the witnesses, and interview same and compare details to known information.

4. Identify the exact place the victim was last seen and secure the scene until it can be searched and examined for possible evidence. Note: is this area within the victim's comfort zone an area where the child regularly visits/plays; if not, why was the child there?

5. Identify and secure child's comfort zones as potential crime scenes.

6. Evaluate all information gathered, noting any discrepancies and conflicting information, especially in regard to the window of opportunity. Immediately resolve differences through verification.

7. Based upon information developed, make an initial assessment as to the type of incident: attempted abduction, attempted parental kidnapping, or possibly a false report to conceal some other type of incident. If not enough information is developed to formulate an assessment as to the type of incident, treat the incident as an attempted abduction until information is developed to suggest otherwise.

8. Update local and regional NLETS broadcast; insure information about the suspect(s) is entered into the proper statewide computer system.

324.3.4 INVESTIGATING OFFICERS RESPONSIBILITIES

(a) Reporting Officer: In all attempted stranger and parental child abduction cases, the investigating officer shall:

1. Complete an investigative crime report.

2. Route copies of the crime report to appropriate agencies, such as, District Attorney's Child Abduction Unit; agencies of jurisdiction if occurred outside the City of Napa or if involves parent/child living in another jurisdiction.

3. Attempt to locate the attempted abductor, if leads are present.

   (a) Obtain complete physical, scar, and tattoo information of the attempted abductor, if known.

   (b) Obtain a recent photograph of the suspect.
Attempted Child Abduction (Parental or Non-Parental)

(b) A complete physical description is helpful in identifying similar incidents of abductions and/or attempted abductions that have occurred and to assist in identifying the responsible in those abductions and the reported incident.

(c) Investigate alleged criminal activity that may be associated with the reported incident (i.e., child abuse, domestic violence, etc.)

(d) Review any court orders carefully. Obtain a copy of the court order, if not on file with the department. If necessary, contact the court of jurisdiction or the District Attorney's Child Abduction Unit for assistance.

(e) Notify jurisdictions where the attempted abductor resides or was last known to be en route to, if applicable (a telephone call or teletype notification is acceptable).

(f) Have the attempted abductor (if known) entered into the proper statewide computer system, including any associated vehicles. Include description and risk factors (attempted abductor has mental problems, has threatened to kill child, him/herself or victim parent). Have STATEWIDE BULLETINS and any specific agency teletypes sent by communications (dispatch) division.

324.3.5 PATROL SUPERVISOR
The Patrol Supervisor shall assess the information provided by Dispatch and responding officer to determine the need for crime scene control and search; activation of a CODE 55 plan to apprehend the attempted abductor and if appropriate, establish a command center separate from the crime scene. Additional resources should be requested as needed and investigations shall be notified if appropriate. The Patrol Supervisor will retain overall responsibility unless relieved by the Investigations Supervisor. The Patrol Supervisor and/or Investigations Supervisor, will also, as necessary:

(a) Assign personnel to initiate search, to secure and process crime scene, to establish and maintain liaison with the victim's family and initiate victimology (including the relationship between the victim and the offender, if known), to initiate neighborhood canvas, to coordinate press releases (including photographs of the suspect, if known) and assign a person to document all personnel on-site and their assignments.

(b) Review all developed information and immediately resolve any contradictory or inconclusive information.

(c) Determine what additional resources are needed and assign personnel to contact and obtain resources

324.4 CASE FORWARDING TO DOJ
If there is sufficient information developed, such as a unique method of operation, detailed suspect and/or vehicle description of known offender involved, reports related to the investigation will be forwarded as soon as possible to the Department of Justice for comparison of similar crimes.
324.5 CASE DISPOSITION
All attempted child abduction cases as defined herein shall remain active and assigned to an investigator until the attempted abductor is located.

324.6 CHILD ABDUCTION COMPLETED
The purpose of this policy is to establish guidelines for the response to reports of child abduction, investigations, and follow-up in accordance with sound police practices, State and Federal laws.

324.6.1 POLICY
The policy of the Napa Police Department concerning child abduction reports shall be:

(a) To attempt to locate and determine the welfare and safety of abducted children.

(b) To reunite abducted children with parents or guardians.

(c) Assist State and Federal agencies with the collection, maintenance and comparison of data and records for the identification of "abducted" children.

(d) Comply with State and Federal laws.

State law requires all Police and Sheriff's Departments to accept any child abduction report, regardless of jurisdiction including any reports made by telephone. Out of jurisdiction reports shall be taken and forwarded to the appropriate agency without delay. These reports will be assigned as a priority report over non-emergency property crimes (14205 PC and 14210 PC).

324.6.2 PROCEDURES

(a) Definitions

1. An "abduction of a child" is any juvenile who is missing voluntarily or involuntarily under circumstances not conforming to his/her ordinary habits or behavior and who may be in need of assistance. As defined in:

(a) Penal Code Section 14213: defines children of parental abduction as at risk missing persons.

(b) Penal Code Sections 278, 278.5 or 280: Missing person (child) means an individual whose whereabouts are unknown to the reporting party and includes a child taken, enticed away, kept, withheld or concealed by a person.

(c) Penal Code 207: Children who are abducted or kidnapped by family members, suspects known to them or strangers.

(d) Abducted or kidnapped children who are subjected to additional crimes, including sexual exploitation.
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(b) Persons in some of the above categories are regarded as being "at risk" and in need of special attention. PC 14213(b) defines those "at risk" to include juveniles who are thought to:

(a) Be victims of crime or foul play 14213(b)(1) PC.
(b) Be in need of medical attention 14213(b)(2) PC.
(c) Have no pattern of running away or disappearing 14213(b)(3)PC.

(c) Penal Code Section 278: States in part, every person, not having a right to custody, who maliciously takes, entices away, keeps, withholds, or conceals any child with the intent to detain or conceal that child from a lawful custodian (a felony).

(a) No right to custody. Rights to custody may have been terminated by a court order or the person never had a right to custody of the child (i.e., Grandparent, non-parent family member, etc.)

(b) The custodian may be a public agency for example, where parents abduct children who have been made dependents of the juvenile court (in violation of the juvenile court order).

(a) The act must be malicious. This simply means a wish to vex, annoy, or injure another person, or intent to do a wrongful act. If all other elements of this crime are present, malice can virtually always be inferred from the conduct.

(b) The act must be done "with the intent to detain or conceal that child from a lawful custodian." There is no crime if a person simply takes a child and goes to another city or state and makes no attempt to conceal the child or deprive the other party of their rights "even if their actions make it more difficult to exercise those rights."

(c) If a child has only been taken for a short time, other factors are needed to show malicious intent to deprive the other party. Statements such as "you will never see the child again."

(d) Penal Code Section 278.5(a): States in part, every person who takes, entices away, keeps, withholds, or conceals a child and maliciously deprives a lawful custodian of a right to custody, or a person of a right to visitation (a felony).

(a) Violator may have custody or visitation rights.
(b) Requires the intent to deprive the other person of their rights to custody or visitation.
(c) The victim may be a public agency, such as: where parents abduct children who have been made dependents of the juvenile court (in violation of the juvenile court order).

(d) The act must be malicious. This simply means a wish to vex, annoy, or injure another person, or intent to do a wrongful act. If all other elements of this crime are present, malice can virtually always be inferred from the conduct.

(e) Act must be done "with intent to deprive the custody right of a lawful custodian."

(e) Penal Code Section 279: States in part, a violation of 278 or 278.5 by a person who was not a resident of, or present in, this state at the time of the alleged offense is punishable in this state, whether the intent to commit the offense is formed within or outside of this state if any of the following apply:

(a) The child was a resident of or present in, this state at the time the child was taken, enticed away, kept, withheld, or concealed.

(b) The child thereafter is found in this state.

(c) A lawful custodian or a person with a right to visitation is a resident of this state at the time the child was taken, enticed away, kept, withheld, or concealed.

(f) Penal Code Section 280: States in part, every person who willfully causes or permits the removal of or concealment of any child in violation of Sections 8713, 8803, or 8910 of the Family Code (adoption proceedings).

(a) An adoption proceeding is necessary.

(b) Willfully caused or permitted.

(g) Placing the Child in Protective Custody

(a) Penal Code Section 279.6(a): states in part, a law enforcement officer may take a child into protective custody under the following circumstances: (a) 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. (b) There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child. (c) There is no lawful custodian available to take custody of the child. (d) The child is an abducted child.

(h) Penal Code Section 279.6(b): When a lawful enforcement officer takes a child into protective custody pursuant to this section, the officer shall
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do one of the following: 1. Release the child to the lawful custodian, unless it reasonably appears that the release would cause the child to be endangered, abducted, or removed from the jurisdiction. 2. Obtain an emergency protective order (EPO), ordering the placement of the child with an interim custodian who agrees in writing to accept interim custody. 3. Release the child to a social services agency. 4. Return the child as ordered by the court.

(i) Penal Code Section 279.6(c): States in part, upon the arrest of a person for violation of 278 or 278.5 PC, a law enforcement officer shall take custody of an abducted child who is found in the company of, or, control of, the arrested person and deliver the child as directed in 279.6(b) PC.

(a) If the suspect is arrested on probable cause for any of the above Penal Code violations, or a child is placed in protective custody, a copy of the report should be forwarded to the District Attorney's Child Abduction Unit for evaluation.

(b) The report shall be processed as an "in custody" status.

(c) If the child is recovered, the child should be returned to the lawful custodian as soon as possible.

(d) Note: If the abductor is apprehended, but refuses to divulge the location of the child to officer, the officer shall seek a No Bail Enhancement when the suspect is booked. Once the child is recovered, the court can then set the bail accordingly.

(j) Exclusion to Prosecution

(a) Penal Code Section 278.7(a): States in part, section 278.5 does not apply when a person with a right to custody takes, keeps, etc., a child because of a good faith and reasonable belief that the child will suffer immediate bodily injury or emotional harm if left with the other person.

(b) Penal Code Section 278.7(b): Shields a person from prosecution of 278.5 under the same standards as 278.7(a); however, in this section the abducting parent need only show that he/she has been the victim of domestic violence. "Emotional harm" in this section includes having a parent who has committed domestic violence against the parent who is taking etc., the child.

(c) Penal Code Section 278.7(c): Sets forth the requirements that the abducting parent must satisfy in order to avoid prosecution under 278.5. (a) The abducting person shall, within a reasonable time from the taking, etc., make a report to the District Attorney of the county
where the child resided at the time of the taking. The report shall include the name of the abducting person, the current address and telephone number of the child, the person, and the reasons the child was taken. (b) The abducting person shall, within a reasonable time from the taking, commence a custody proceeding in a court of competent jurisdiction. (c) The abducting person shall notify the District Attorney's office of any change of address or telephone number of the person and the child. (d) Penal Code Section 278.7(d): States the address and telephone number of the person and the child shall remain confidential unless a court order is obtained for release of that information.

(k) Immediate Responsibilities

(a) Dispatch: Shall assign an officer(s) to the scene of the abduction and notify the Patrol Supervisor. Dispatch will enter the missing child into the computer system immediately and teletype a description of the child to surrounding agencies. Dispatch shall notify the Police Chaplain, who will assist, as a liaison for the victim’s immediate and extended family.

(b) Reporting Officer: Shall assess the situation and provide additional information to other patrol units. This officer shall secure the scene of the incident and interview witnesses. The reporting officer shall remain at the scene until relieved by the Patrol Supervisor. If ALL of the following criteria is met, an AMBER Alert shall be activated pursuant to the AMBER Alert Protocol: (a) A confirmed abduction has occurred. (b) The victim is seventeen (17) years of age or younger, or of proven mental or physical disability. (c) The victim is reasonably believed by the Napa Police Department to be in imminent danger of serious bodily injury or death. (d) There is information available, if disseminated to the general public, which could assist in the safe recovery of the victim.

(c) Patrol Supervisor: If the criteria required to initiate an AMBER alert is met, the supervisor shall ensure that the AMBER Alert Protocol is followed. The Patrol Supervisor shall notify the Patrol and Special Operations Bureau Lieutenants. The supervisor shall also utilize other resources available that would allow for recovery of the child, i.e. TRAK (Technology to Recover Abducted Kids), EDIS (Emergency Digital Information Service), LOCATER (Lost Child Alert Technology Resource) and preparation of a local press release requesting the public's assistance.

(l) Reporting Officer's Responsibility Upon Arrival At Scene
(a) In every case, it is critical to know as much as possible about the victim before determination can be made as to whether or not a child has been abducted by either a complete stranger or someone who knew the child. The following information should be obtained as soon as possible and in as much detail as possible: (a) Full description of the victim, including clothing. (b) Location and time of day of the abduction. (c) Obtain a current photograph of the victim.

(b) Notify dispatch of description of victim and advise dispatch to send out an area-wide broadcast.

(c) Further, obtain the following information to determine the validity of the reported abduction. Verify the accuracy of complainant information, description of victim, and circumstances at time of disappearance, health and custody status of the child.

(d) Ascertain what has already been done to locate the abducted child. Note the nature of these efforts and the complainant's emotional state.

(e) Conduct a search of the immediate area to verify disappearance, especially in those areas where a child may hide.

(f) Locate any witnesses to the incident, to include the complainant and the last person to have had contact with the victim. Separate the witnesses, interview same and compare details to known information.

(g) Identify the exact place the victim was last seen and secure the scene until it within the victim's comfort zone an area where the child regularly visits/plays; if not, why was the child there?

(h) Identify and secure child's comfort zones as potential crime scenes.

(i) Determine the time frame between when the victim was last seen and when discovered missing.

(j) Evaluate all information gathered, noting any discrepancies and conflicting information, especially in regard to the window of opportunity. Immediately resolve differences through verification.

(k) Based on the information developed, make an initial assessment as to the type of incident; abduction, parental kidnapping, runaway, or possibly a false report to conceal some other type of incident (homicide, accidental death, or other problem).
(l) If not enough information is developed to formulate an assessment as to the type of incident, treat the disappearance as abduction, until information developed suggests otherwise.

(m) Update local and regional NLETS broadcast; ensure information about the missing child is entered into NCIC's Missing Person File.

(n) If child is not immediately located, request additional personnel to assist with the investigation, including the on-duty supervisor.

(m) Reporting Responsibilities - In all stranger and parental child abduction cases, including reports where the child has been taken, enticed away, kept, withheld or concealed by a person, with the intent to detain or conceal that child from a lawful custodian, or deprive a lawful custodian of a right to custody, or a person a right to visitation, and the whereabouts of the child is unknown, the reporting officer shall:

(a) Complete an investigative crime report.

(b) Route copies of the report to the agencies where the child resides, was last seen, the Department of Justice-Missing Persons Unit, Investigations, and the District Attorney's Child Abduction Unit.

(c) Obtain a recent photograph of the missing child and the abductor if available. Advise the reporting party the photograph may not be returned.

(d) Investigate alleged criminal activity that may be associated with the missing child (i.e., child abuse, domestic violence, etc.).

(e) Review any court orders carefully. Obtain a copy of the court order if not on file with the department. If necessary, contact the court of jurisdiction or the District Attorney's Child Abduction Unit for assistance.

(f) Attempt to locate the abducted child and abductor if leads are present.

(g) Have STATEWIDE BULLETINS and any specific agency teletypes sent by the communications division.

(h) Notify jurisdictions where the abducted child resides and/or was last seen if applicable (a telephone call or teletype notification is acceptable).

(i) Have the child and abductor (if known) entered into the Missing Persons System, including any associated vehicles. Include
description and risk factors (i.e., abductor has mental problems has threatened to keep child, him/herself or victim parent, etc.).

(j) Obtain complete physical, dental, scar, and tattoo information.

(k) A complete physical description is helpful in identifying John or Jane Does in cases of putrefaction or dismemberment.

(l) Obtain complete name, address, and phone number of the dentist.

(c) Patrol Supervisor: Shall determine the number of personnel needed for an immediate perimeter search and will determine if the agency has the personnel available. He/she will immediately deploy personnel and supervise a neighborhood canvas and area search, establish a command post, and request any additional resources that are necessary. The Patrol Supervisor shall ensure that a police department representative remains with the reporting party until it is determined that it is no longer necessary to do so. The Patrol Supervisor will retain overall responsibility until relieved by an Investigations Supervisor. The Patrol Supervisor and/or Investigations Supervisor, will also, as necessary:

(a) Activate the "CODE 55" plan if necessary due to information obtain thus far.

(b) Notify the local FBI office as soon as possible. Assistance and resources will be offered to further develop the nature of the incident.

(c) Establish a command center separate from the crime scene and/or victim's residence.

(d) Brief responding units with complete details as known and update dispatch as to new pertinent information.

(e) Assign personnel to initiate search, to secure and process crime scene, to establish and maintain liaison with the victim's family and initiate victimology, (including the relationship between the victim and the offender, if known) to initiate neighborhood canvas, to coordinate press release, (including photographs of the victim if appropriate) and assign a person to document all personnel on-site and their assignments.

(f) Review all developed information and immediately resolve any contradictory or inconclusive information.

(g) Determine what additional resources are needed and assign personnel to obtain the resources.

(h) Insure that all information on the victim is entered and updated into NCIC Missing Person File.
324.6.3 CASE FORWARDING TO DOJ
All reports related to this General Order will be forwarded as soon as possible to the Department of Justice.

(a) When a person makes a report of an abducted child, the person making the report shall be given, in person, or by mail, a form authorizing the releases of dental records. This form is to be used by the reporting party after thirty (30) days to obtain dental records and return them to the investigating agency.

(b) If after an abducted child has not been located after forty-five (45) days, the investigative agency will confer with the Coroner's Office and ensure dental records and a copy of the abducted child report are mailed to Sacramento.

(c) When a child reported to have been abducted is located, this fact shall be reported to the Department of Justice (DOJ) immediately. This may be done by teletype, which has a standard response for the location of a missing child.

324.6.4 CASE DISPOSITION
All child abduction cases as defined herein shall remain active and assigned to an investigator until the person is located.
Public Alerts

325.1 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.

325.2 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.

325.3 RESPONSIBILITIES

325.3.1 EMPLOYEE RESPONSIBILITIES
Employees of the Napa Police Department should notify their supervisor, Shift Sergeant or Investigative Bureau Supervisor as soon as practicable upon learning of a situation where public notification, a warning or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person or gathering information.

325.3.2 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, through the chain of command, when any public alert is generated. 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 Administrative Lieutenant.

325.4 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.

325.4.1 CRITERIA FOR AMBER ALERT
The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):
Public Alerts

(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.

325.4.2 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)

325.5 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.
325.5.1 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.

325.5.2 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

325.6 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).
325.6.1 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.

325.6.2 PROCEDURE FOR SILVER ALERT
Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10).

325.7 MUTUAL AID
The experiences of other law enforcement jurisdictions that have implemented similar plans indicate an AMBER Alert or Blue Alert will generate a high volume of telephone calls to the handling agency.

The Sheriff’s Department Emergency Communications Bureau facilities and staff can be made available in the event of a high call volume.

If the Shift Sergeant or Investigative Bureau Supervisor elects to use the services of the Sheriff’s Department, the following will apply:

(a) Notify the Sheriff’s Department Shift Sergeant 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 Shift Sergeant.

(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 Napa Police Department shall assign a minimum of two detectives/officers to respond to the Sheriff’s Department Emergency Communications Bureau 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 Bureau.
Child Abduction (Parental or Non-Parental)

326.1 PURPOSE AND SCOPE
To establish guidelines for the response to reports of child abduction, investigations, and follow-up in accordance with sound police practices, State and Federal laws.

326.2 POLICY
The policy of the Napa Police Department concerning child abduction reports shall be:

(a) To attempt to locate and determine the welfare and safety of abducted children.
(b) To reunite abducted children with parents or guardians.
(c) Assist State and Federal agencies with the collection, maintenance and comparison of data and records for the identification of "abducted" children.
(d) Comply with State and Federal laws.

1. State law requires all Police and Sheriff's Departments to:

   (a) Accept any child abduction report, regardless of jurisdiction including any reports made by telephone. Out of jurisdiction reports shall be taken and forwarded to the appropriate agency without delay. These reports will be assigned as a priority report over non-emergency property crimes (14205 PC and 14210 PC).

326.3 PROCEDURES
(a) Definitions.

1. An "abduction of a child" is any juvenile who is missing voluntarily or involuntarily under circumstances not conforming to his/her ordinary habits or behavior and who may be in need of assistance. As defined in:

   (a) Penal Code Section 14213: defines children of parental abduction as at risk missing persons:

   (b) Penal Code Sections 278, 278.5 or 280: Missing person (child) means an individual whose whereabouts are unknown to the reporting party and includes a child taken, enticed away, kept, withheld or concealed by a person.

   (c) Penal Code 207: Children who are abducted or kidnapped by family members, suspects known to them or strangers.

   (d) Abducted or kidnapped children who are subjected to additional crimes, including sexual exploitation.
(b) Persons in some of the above categories are regarded as being "at risk" and in need of special attention. PC 14213(b) defines those "at risk" to include juveniles who are thought to:

(a) Be victims of crime or foul play 14213(b)(1) PC.
(b) Be in need of medical attention 14213(b)(2) PC.
(c) Have no pattern of running away or disappearing 14213(b)(3)PC.
(d) Be the victim of parental abduction 14213(b)(4) PC.
(e) Be mentally impaired 14213(b)(5) PC.

(c) Penal Code Section 278: States in part, every person, not having a right to custody, who maliciously takes, entices away, keeps, withholds, or conceals any child with the intent to detain or conceal that child from a lawful custodian (a felony).

(a) No right to custody. Rights to custody may have been terminated by a court order or the person never had a right to custody of the child (i.e., Grandparent, non-parent family member, etc.)
(b) The custodian may be a public agency for example, where parents abduct children who have been made dependants of the juvenile court (in violation of the juvenile court order).

(a) The act must be malicious. This simply means a wish to vex, annoy, or injure another person, or intent to do a wrongful act. If all other elements of this crime are present, malice can virtually always be inferred from the conduct.
(b) The act must be done "with the intent to detain or conceal that child from a lawful custodian." There is no crime if a person simply takes a child and goes to another city or state and makes no attempt to conceal the child or deprive the other party of their rights even if their actions make it more difficult to exercise those rights.
(c) If a child has only been taken for a short time, other factors are needed to show malicious intent to deprive the other party. Statements such as "you will never see the child again."

(d) Penal Code Section 278.5(a): States in part, every person who takes, entices away, keeps, withholds, or conceals a child and maliciously deprives a lawful custodian of a right to custody, or a person of a right to visitation (a felony).

1. Violator may have custody or visitation rights.
2. Requires the intent to deprive the other person of their rights to custody or visitation.
3. The victim may be a public agency, such as: where parents abduct children who have been made dependants of the juvenile court (in violation of the juvenile court order).

   (a) The act must be malicious. This simply means a wish to vex, annoy, or injure another person, or intent to do a wrongful act. If all other elements of this crime are present, malice can virtually always be inferred from the conduct.

   (b) Act must be done "with intent to deprive the custody right of a lawful custodian."

(e) Penal Code Section 279: States in part, a violation of 278 or 278.5 by a person who was not a resident of, or present in, this state at the time of the alleged offense is punishable in this state, whether the intent to commit the offense is formed within or outside of this state if any of the following apply:

   (a) The child was a resident of or present in, this state at the time the child was taken, enticed away, kept, withheld, or concealed.

   (b) The child thereafter is found in this state.

   (c) A lawful custodian or a person with a right to visitation is a resident of this state at the time the child was taken, enticed away, kept, withheld, or concealed.

(f) Penal Code Section 280: States in part, every person who willfully causes or permits the removal of or concealment of any child in violation of Sections 8713, 8803, or 8910 of the Family Code (adoption proceedings).

   (a) An adoption proceeding is necessary.

   (b) Willfully caused or permitted.

(g) Placing the Child in Protective Custody

   (a) Penal Code Section 279.6(a): states in part, a law enforcement officer may take a child into protective custody under the following circumstances:

      (a) 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.

      (b) There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.

      (c) There is no lawful custodian available to take custody of the child.

      (d) The child is an abducted child.

   (h) Penal Code Section 279.6(b): When a law enforcement officer takes a child into protective custody pursuant to this section, the officer shall do one of the following:
1. Release the child to the lawful custodian, unless it reasonably appears that the release would cause the child to be endangered, abducted, or removed from the jurisdiction.

2. Obtain an emergency protective order (EPO), ordering the placement of the child with an interim custodian who agrees in writing to accept interim custody.

3. Release the child to a social services agency.

4. Return the child as ordered by the court.

(i) Penal Code Section 279.6(c): States in part, upon the arrest of a person for violation of 278 or 278.5 PC, a law enforcement officer shall take custody of an abducted child who is found in the company of, or, control of, the arrested person and deliver the child as directed in 279.6(b) PC.

1. If the suspect is arrested of probable cause for any of the above Penal Code violations, or a child is placed in protective custody, a copy of the report should be forwarded to the District Attorney's Child Abduction Unit for evaluation.

2. The report shall be processed as an "in custody" status.

3. If the child is recovered, the child should be returned to the lawful custodian as soon as possible.

4. Note: If the abductor is apprehended, but refuses to divulge the location of the child to officer, the officer shall seek a No Bail Enhancement when the suspect is booked. Once the child is recovered, the court can then set the bail accordingly.

(j) Exclusion to Prosecution

1. Penal Code Section 278.7(a): States in part, section 278.5 does not apply when a person with a right to custody takes, keeps, etc., a child because of a good faith and reasonable belief that the child will suffer immediate bodily injury or emotional harm if left with the other person.

2. Penal Code Section 278.7(b): Shields a person from prosecution of 278.5 under the same standards as 278.7(a); however, in this section the abducting parent need only show that he/she has been the victim of domestic violence. "Emotional harm" in this section includes having a parent who has committed domestic violence against the parent who is taking etc., the child.

3. Penal Code Section 278.7(c): Sets forth the requirements that the abducting parent must satisfy in order to avoid prosecution under 278.5.

   (a) The abducting person shall, within a reasonable time from the taking, etc., make a report to the District Attorney of the county where the child resided at the time of the taking. The report shall include the name of the abducting
person, the current address and telephone number of the child, the person, and the reasons the child was taken.

(b) The abducting person shall, within a reasonable time from the taking, commence a custody proceeding in a court of competent jurisdiction.

(c) The abducting person shall notify the District Attorney's office of any change of address or telephone number of the person and the child.

(d) Penal Code Section 278.7(d): States the address and telephone number of the person and the child shall remain confidential unless a court order is obtained for release of that information.

(k) Immediate Responsibilities

(a) Dispatch: Shall assign an officer(s) to the scene of the abduction and notify the Patrol Supervisor. Dispatch will enter the missing child into the computer system immediately and teletype a description of the child to surrounding agencies. Dispatch shall notify the Police Chaplain, who will assist, as a liaison for the victim's immediate and extended family.

(b) Reporting Officer: Shall assess the situation and provide additional information to other patrol units. This officer shall secure the scene of the incident and interview witnesses. The reporting officer shall remain at the scene until relieved by the Patrol Supervisor. If ALL of the following criteria is met, an AMBER Alert shall be activated pursuant to the AMBER Alert Protocol.

(a) A confirmed abduction has occurred.

(b) The victim is seventeen (17) years of age or younger, or of proven mental or physical disability.

(c) The victim is reasonably believed by the Napa Police Department to be in imminent danger of serious bodily injury or death.

(d) There is information available, if disseminated to the general public, which could assist in the safe recovery of the victim.

(c) Patrol Supervisor: If the criteria required to initiate an AMBER alert is met, the supervisor shall ensure that the AMBER Alert Protocol is followed. The Patrol Supervisor shall notify the Operations and Special Operations Lieutenants. The supervisor shall also utilize other resources available that would allow for recovery of the child, i.e. TRAK (Technology to Recover Abducted Kids), EDIS (Emergency Digital Information Service), LOCATER (Lost Child Alert Technology Resource) and preparation of a local press release requesting the public's assistance.

(l) Reporting Officer’s Responsibility Upon Arrival At Scene
1. In every case, it is critical to know as much as possible about the victim before determination can be made as to whether or not a child has been abducted by either a complete stranger or someone who knew the child. The following information should be obtained as soon as possible and in as much detail as possible.
   (a) Full description of the victim, including clothing.
   (b) Location and time of day of the abduction.
   (c) Obtain a current photograph of the victim.

2. Notify dispatch of description of victim and advise dispatch to send out an area-wide broadcast.

3. Further, obtain the following information to determine the validity of the reported abduction. Verify the accuracy of complainant information, description of victim, and circumstances at time of disappearance, health and custody status of the child.

4. Ascertain what has already been done to locate the abducted child. Note the nature of these efforts and the complainant's emotional state.

5. Conduct a search of the immediate area to verify disappearance, especially in those areas where a child may hide.

6. Locate any witnesses to the incident, to include the complainant and the last person to have had contact with the victim. Separate the witnesses, interview same and compare details to known information.

7. Identify the exact place the victim was last seen and secure the scene until it can be searched and examined for possible evidence. Note: is this area within the victim's comfort zone an area where the child regularly visits/plays; if not, why was the child there?

8. Identify and secure child's comfort zones as potential crime scenes.

9. Determine the time frame between when the victim was last seen and when discovered missing.

10. Evaluate all information gathered, noting any discrepancies and conflicting information, especially in regard to the window of opportunity. Immediately resolve differences through verification.

11. Based on the information developed, make an initial assessment as to the type of incident; abduction, parental kidnapping, runaway, or possibly a false report to conceal some other type of incident (homicide, accidental death, or other problem).
Child Abduction (Parental or Non-Parental)

12. If not enough information is developed to formulate an assessment as to the type of incident, treat the disappearance as abduction, until information developed suggests otherwise.

13. Update local and regional NLETS broadcast; ensure information about the missing child is entered into NCIC’s Missing Person File.

14. If child is not immediately located, request additional personnel to assist with the investigation, including the on-duty supervisor.

(m) Reporting Responsibilities

(a) Reporting Officer: In all stranger and parental child abduction cases, including reports where the child has been taken, enticed away, kept, withheld or concealed by a person, with the intent to detain or conceal that child from a lawful custodian, or deprive a lawful custodian of a right to custody, or a person a right to visitation, and the whereabouts of the child is unknown, the reporting officer shall:

(a) Complete an investigative crime report.

(b) Route copies of the report to the agencies where the child resides, was last seen, the Department of Justice-Missing Persons Unit, Investigations, and the District Attorney's Child Abduction Unit.

(c) Obtain a recent photograph of the missing child and the abductor if available. Advise the reporting party the photograph may not be returned.

(d) Investigate alleged criminal activity that may be associated with the missing child (i.e., child abuse, domestic violence, etc.).

(e) Review any court orders carefully. Obtain a copy of the court order if not on file with the department. If necessary, contact the court of jurisdiction or the District Attorney’s Child Abduction Unit for assistance.

(f) Attempt to locate the abducted child and abductor if leads are present.

(g) Have STATEWIDE BULLETINS and any specific agency teletypes sent by the communications division.

(h) Notify jurisdictions where the abducted child resides and/or was last seen if applicable (a telephone call or teletype notification is acceptable).

(i) Have the child and abductor (if known) entered into the Missing Persons System, including any associated vehicles. Include description and risk factors (i.e., abductor has mental problems has threatened to keep child, him/herself or victim parent, etc.).

(j) Obtain complete physical, dental, scar, and tattoo information.
Child Abduction (Parental or Non-Parental)

(k) A complete physical description is helpful in identifying John or Jane Does in cases of putrefaction or dismemberment.

(l) Obtain complete name, address, and phone number of the dentist.

(n) Patrol Supervisor: Shall determine the number of personnel needed for an immediate perimeter search and will determine if the agency has the personnel available. He/she will immediately deploy personnel and supervise a neighborhood canvas and area search, establish a command post, and request any additional resources that are necessary. The Patrol Supervisor shall ensure that a police department representative remains with the reporting party until it is determined that it is no longer necessary to do so. The Patrol Supervisor will retain overall responsibility until relieved by an Investigations Supervisor. The Patrol Supervisor and/or Investigations Supervisor, will also, as necessary:

1. Activate the "CODE 55" plan if necessary due to information obtain thus far.
2. Notify the local FBI office as soon as possible. Assistance and resources will be offered to further develop the nature of the incident.
3. Establish a command center separate from the crime scene and/or victim's residence.
4. Brief responding units with complete details as known and update dispatch as to new pertinent information.
5. Assign personnel to initiate search, to secure and process crime scene, to establish and maintain liaison with the victim's family and initiate victimology, (including the relationship between the victim and the offender, if known) to initiate neighborhood canvas, to coordinate press release, (including photographs of the victim if appropriate) and assign a person to document all personnel on-site and their assignments.
6. Review all developed information and immediately resolve any contradictory or inconclusive information.
7. Determine what additional resources are needed and assign personnel to obtain the resources.
8. Insure that all information on the victim is entered and updated into NCIC Missing Person File.

(o) Case Forwarding to DOJ - All reports related to this General Order will be forwarded as soon as possible to the Department of Justice.

1. When a person makes a report of an abducted child, the person making the report shall be given, in person, or by mail, a form authorizing the releases of
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- Dental records. This form is to be used by the reporting party after thirty (30) days to obtain dental records and return them to the investigating agency.
- If after an abducted child has not been located after forty-five (45) days, the investigative agency will confer with the Coroner's Office and ensure dental records and a copy of the abducted child report are mailed to Sacramento.
- When a child reported to have been abducted is located, this fact shall be reported to the Department of Justice (DOJ) immediately. This may be done by teletype, which has a standard response for the location of a missing child.

**(p)** **Case Disposition:**

1. All child abduction cases as defined herein shall remain active and assigned to an investigator until the person is located.
Victim and Witness Assistance

327.1 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.

327.2 POLICY
The Napa Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the Napa 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.

327.3 CRIME VICTIM LIAISON
The Chief of Police shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Napa 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.

327.3.1 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 Napa Police Department jurisdiction (Penal Code § 680.2).
327.4 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.

327.4.1 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).

327.5 VICTIM INFORMATION
The Records Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.
(b) Community resources for victims of sexual assault.
(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).
(d) An explanation that victims of sexual assault who seek a medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).
(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.
(f) A clear explanation of relevant court orders and how they can be obtained.
(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).
(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender’s custody status and to register for automatic notification when a person is released from jail.
(i) Notice regarding U Visa and T Visa application processes.
(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).

327.6 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.
PC 293 Notification

328.1 PURPOSE AND SCOPE
The purpose of this general order is to comply with the mandates set forth in California Penal Code Section 293.

328.2 BLANK SECTION TITLE - NEED CHANGES FROM THE USER
It shall be the policy of this Department to comply fully with the requirements of PC 293, as follows:

(a) Any employee of this Department who receives a report from any person, alleging that the person making the report has been the victim of a sex offense as specified herein, shall inform that person that her/his name will become a matter of public record unless she/he requests that it not, pursuant to California Government Code section 6254.

(b) Any written report of an alleged sex offense specified herein shall indicate that the victim has been properly informed and shall memorialize her/his response.

(c) This Department shall not disclose to anyone except the prosecutor or other persons or public agencies authorized or required by law, the address of a person who alleges to be the victim of a sex offense.

(d) This Department shall not disclose to anyone except the prosecutor or other persons or public agencies authorized or required by law, the name of a person who alleges to be the victim of a sex offense, if that person has elected to exercise her/his right pursuant to PC 293 and Government 6254.

(e) Included sections are: PC 220, 261, 261.5, 262, 264, 264.1, 273a, 273d, 273.5, 286, 288, 288a, 289, 422.6, 422.7, 422.75, 646.9

328.3 PROCEDURE

(a) Officers' Responsibility

1. The officer receiving a report of a sex offense as delineated herein shall advise the victim of her/his right to confidentiality.

2. The officer shall memorialize this advisement and response on the victim information form-supplemental.

3. When the victim has elected confidentiality, the reporting officer must ensure that the victim's name does not appear on the face sheet of the report. The reporting officer will check the "restricted" box within the victim information module of I-Leads. Refer to the victim in the body of the report as "victim". If the investigation has more than one victim refer to the victims as "victim 1", "victim 2" etc.

4. Supplemental reports will require the same 293 PC procedure.

(b) Records' Responsibility
1. Victim information shall be entered into I/Leads.

2. A copy of the Victim Information Form-Supplemental shall be attached to reports routed to the District Attorney's Office and/or Investigations. The face sheet of the report shall be stamped "Confidential, PC293" in red. The original Victim Information Form shall remain in the record's master file.

3. The victim of the crime will be provided with a copy of the Victim Information form when requesting information to 6254(f) of the Government Code. The victim's copy shall be stamped with the "Controlled Document" stamp in red.

4. Request for victim information via Subpoena Duces Tecum will not be honored. Victim information will only be released to the court.
Hate Crimes

329.1 PURPOSE AND SCOPE
The purpose of this policy is to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

329.1.1 DEFINITIONS

Hate crimes - A criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim (Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.57):

(a) Disability
(b) Gender
(c) Nationality
(d) Race or ethnicity
(e) Religion
(f) Sexual orientation
(g) Association with a person or group with one or more of these actual or perceived characteristics
(h) Examples of hate crimes include, but are not limited to:

1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 249).

Victim - Includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public agency, library or other victim or intended victim of the offense (Penal Code § 422.56).

329.2 POLICY
The Napa Police Department recognizes and places a high priority on the rights of all individuals guaranteed under the state and federal constitution and incorporated in state and federal law.
329.3 PREVENTION AND PREPARATION
While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

(a) Make an affirmative effort to establish contact with persons and groups within the community who are likely targets of hate crimes and forming networks that address prevention and response.

(b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.

(c) Providing victim assistance and community follow-up as outlined below.

(d) Educating community and civic groups about hate crime laws.

(e) Establishing a community relations liaison to work with community organizations and leaders to coordinate public meetings, local group meetings and school assemblies on recognizing, preparing for and preventing hate crimes.

329.4 INVESTIGATIONS
Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Assigned officers should promptly contact the victim, witness or reporting party to investigate the matter further as circumstances may dictate.

(b) A supervisor should be notified of the circumstances as soon as practical.

(c) Once in-progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of suspects at the scene), the assigned officers should take all reasonable steps to preserve evidence that establishes a possible hate crime.

(d) Based upon available information, officers should take appropriate action to mitigate further injury or damage to potential victims or the community.

1. Officers should contact the property owner to remove any evidence that cannot be physically removed (i.e., painted words or signs on a wall) by the officer once the offense is documented.

(e) The assigned officers should interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime.

1. No victim of or a witness to a hate crime who is not otherwise charged with or convicted of a crime under state law may be detained for or turned over to federal authorities exclusively for any actual or suspected immigration violation (Penal Code § 422.93(b))

2. Statements of victims and witnesses should be audio or video recorded if practicable (see the Portable Audio/Video Recorders Policy).

(f) Depending on the situation, the assigned officers or supervisor may request additional assistance from detectives or other resources.
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(g) The assigned officers should include all available evidence indicating the likelihood of a hate crime in the relevant reports. All related reports should be clearly marked as “Hate Crimes” and, absent prior approval of a supervisor, should be completed and submitted by the assigned officers before the end of the shift.

(h) The assigned officers will provide the victims of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officers should also make reasonable efforts to assist the victims by providing available information on local assistance programs and organizations.

(i) The assigned officers and supervisor should take reasonable steps to ensure that any such situation does not escalate further and should provide information to the victim regarding legal aid (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney Penal Code § 136.2 or Civil Code § 52.1 as indicated).

329.4.1 INVESTIGATIVE BUREAU RESPONSIBILITY
If a hate crime case is assigned to the Investigative Bureau, the assigned detective will be responsible for:

(a) Coordinating further investigation with the District Attorney and other appropriate law enforcement agencies.

(b) Maintaining contact with the victims and other involved individuals, as needed.

(c) Maintaining statistical data and tracking on suspected hate crimes as indicated for required reporting to the Attorney General (Penal Code § 13023). See the Records Bureau Policy.

(d) Make reasonable efforts to identify additional witnesses.

(e) Utilize available criminal intelligence systems as appropriate (see Criminal Organizations Policy).

(f) Provide the supervisor and the Public Information Officer (PIO) with information that can be responsibly reported to the media.
   1. When appropriate, the PIO should reiterate that the hate crime will not be tolerated and will be taken seriously.

329.4.2 SUPERVISOR RESPONSIBILITY
The supervisor should confer with the initial responding officers to identify reasonable and appropriate preliminary actions. The supervisor should:

(a) Review related reports to verify whether the incident is appropriately classified as a hate crime for federal and state bias crime-reporting purposes.

(b) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
(c) Consider the need for further action to be taken for the protection of the victims or vulnerable sites, such as assigning an officer at specific locations that could become targets or increase neighborhood surveillance.

(d) Ensure that members who are responsible for the conduct and maintenance of information on criminal groups are notified and that they make appropriate inquiries and entries into criminal intelligence systems (see Criminal Organizations Policy).

329.5 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 also include recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group.
Standards of Conduct

330.1 PURPOSE AND SCOPE
This policy establishes standards of conduct that are consistent with the values and mission of the Napa 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.

330.2 DISCIPLINE POLICY
The continued employment or appointment of every member of the Napa 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, as defined in Civil Service Rule 10 Part B.

An employee’s off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee’s ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

330.3 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.

330.3.1 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
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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.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

330.3.2 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.

330.4 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.

330.5 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:

330.5.1 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.
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(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.

330.5.2 ETHICS

(a) Using or disclosing one’s status as a member of the Napa 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.

330.5.3 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.

330.5.4 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.

330.5.5 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 place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

330.5.6 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.

1. 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 Napa Police Department badge, uniform, identification card or 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.

330.5.7 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, contact telephone numbers or marital status.
330.5.8 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.

330.5.9 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
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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.

330.5.10 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.
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(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.

330.5.11 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 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.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.
Reporting For Duty

331.1 PURPOSE AND SCOPE
This order defines the duty requirements of all Department personnel, including hours of work, off-duty office service, and reporting requirements.

331.2 POLICY
It is the policy of this department that employees of the Department shall be punctual in reporting for duty at the time and place designated by their supervisor. Inability to do so shall be reported by the employee to his supervisor to the time set for reporting for duty.

331.3 PROCEDURE
Officers shall have regular hours assigned to them for active duty and when not so employed, shall be considered off duty. They shall, however, be subject to active duty as needed. When off-duty, they shall perform necessary police service on any matter coming to their attention at any time. When so engaged, they shall have the same status as during active duty, except with respect to enforcement of traffic infractions.

When officers are off-duty, they shall contact the department for duty assignments immediately under any of the following conditions:

(a) In compliance with an official notice.
(b) In the event of a major disaster without being notified.
(c) In the event of an emergency when it would be reasonably expected that the department would require the added services of all officers.

331.3.1 DUTY SCHEDULE
Uniformed Duty Schedule
- Personnel assigned to uniform duty or shifts will perform in accordance with posted duty schedules.
- Personnel may be designated to serve on various shifts at discretion of the Chief of Police at any time in accordance to the city’s current MOU.

Reporting for Duty and Briefing
- Unless otherwise directed, members, and employees shall report for briefing at the designated time properly uniformed, equipped, and ready for duty.
- Officers and members of the Department who will not report to duty because of illness shall notify the on-duty supervisor as soon as possible, prior to the beginning of the shift or tour of duty that they will be absent.
Reporting For Duty

• The on-duty supervisor will evaluate available personnel of the affected watch and provide necessary relief and notifications.

Reporting for Court Appearances

• Court appearances by off-duty officers of this department will be reported on overtime slips. The form will be completed by the officer making the court appearance and will be handwritten. The name of the court and the case will be noted in the explanation area. The form will then be approved by the supervising officer and forwarded.

Investigative Duty Schedule

• Personnel assigned to investigative duties will perform duties as scheduled by the Investigations Supervisor.

Complying with Duty Schedule

• All variances in compliance to the duty schedule will be approved by the supervisor concerned. In all instances of absence due to illness, the supervisor concerned will be notified of such absence as soon as practicable, prior to the time of scheduled duty. Notification by another member of the employee's household will suffice, but the on-duty supervisor of the employee taken ill must also be notified.

331.3.2 REPORTING OR REQUESTING VARIANCES FROM SCHEDULED DUTY
Members of the Department will use the prescribed form(s) for reporting or requesting variances from scheduled duty under for following purposes. When completed by the individual member, the form will be submitted to the individual's superior for approval. In cases where the member reports he/she is ill or cannot report for duty, the on-duty supervisor will complete the form(s).

(a) Requests for vacation time off
(b) Requests for compensatory time off
(c) Report of overtime worked or compensatory time off earned and the reasons therefore, i.e., report writing, minimum staffing, etc.
(d) Sick leave, when the member leaves during a scheduled duty shift.
(e) Military leave
(f) Bereavement leave
(g) Certificate from Physician for Illness

1. In case of absence from duty of any officer or member due to sickness for a period in excess of three (3) days, a certificate from the attending physician stating when he was called to attend the case, the cause of sickness, number of visits since last report, if the patient is still off-duty, and if not, when the patient was discharged, must be forwarded promptly to the Chief of Police.
331.3.3 ILLNESS OR DEATH OF FAMILY MEMBER
In case of dangerous illness of the immediate family of any officer or member of the Department, or in case of death of a member of the immediate family of any officer or members of the Department, emergency leave of five (5) days may be granted by the Chief of Police.

For the purpose of this section, a member of the immediate family shall be defined in accordance with the impacted member’s MOU. The only exception to the above shall be at the discretion of and by the consent of the City Manager upon written application by a member.

331.3.4 UNEXPLAINED ABSENCE
Unexplained absence for two (2) days or more of any officer or member of the Department shall be deemed, and held to be, a resignation by such officer or member and accepted as such by the Chief of Police.

331.3.5 INJURY IN LINE OF DUTY
In case of personal injury sustained by an officer or member of the Department while in performance of his/her duty, he/she shall immediately, or as soon as possible, report or cause to be reported, such injury, to the Chief of Police via the chain of command.
Information Technology Use

332.1 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.

332.1.1 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 Napa 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.

332.2 POLICY
It is the policy of the Napa 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.

332.3 PRIVACY EXPECTATION
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 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.
Information Technology Use

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).

332.4 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 Shift Sergeants.

Members shall not use another person’s access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

332.4.1 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.

332.4.2 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.

332.4.3 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.

332.4.4 OFF-DUTY USE
Members shall only use technology resources provided by the Department while on-duty or in conjunction with specific on-call assignments unless specifically authorized by a supervisor. This includes the use of telephones, cell phones, texting, email or any other "off the clock" work-related activities. This also applies to personally owned devices that are used to access department resources.

Refer to the Personal Communication Devices Policy for guidelines regarding off-duty use of personally owned technology.

332.5 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.

332.6 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
involve 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.
Report Preparation

333.1 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.

333.1.1 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.

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

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

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

(e) All misdemeanor crimes where the victim desires a report

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

333.2.2 NON-CRIMINAL ACTIVITY
The following incidents shall be documented using the appropriate approved report:

(a) Anytime an officer points a firearm at any person
(b) Any use of force against any person by a member of this department (see the Use of Force Policy)
(c) Any firearm discharge (see the Firearms Policy)
(d) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)
(e) Any found property or found evidence
(f) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)
(g) Suspicious incidents that may indicate a potential for crimes against children or that a child’s safety is in jeopardy
(h) All protective custody detentions
(i) Suspicious incidents that may place the public or others at risk
(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

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

(a) Sudden or accidental deaths.
(b) Suicides.
Report Preparation

(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.

333.2.4 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.

333.2.5 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.

333.2.6 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, on a form provided by the state. Forms may be obtained from the CDPH website (Penal Code § 23685).

333.3 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.

333.3.1 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 departmental consistency.
333.4 ELECTRONIC SIGNATURES
The Napa Police Department has established an electronic signature procedure for use by all employees of the Napa Police Department. The Records Supervisor shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.

- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.
Media Relations

334.1 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.

334.2 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, Division Captains, Shift Sergeants and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

334.2.1 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.

334.3 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 Shift Sergeant. 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.

334.3.1 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.

334.4 SCOPE OF INFORMATION SUBJECT TO RELEASE
The Department will maintain a daily information log of significant law enforcement activities that shall be made available, upon request, to media representatives through the Shift Sergeant. This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the
safety of any individual or jeopardize the successful completion of any ongoing investigation

(b) The date, time, location, case number, name, birth date and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has been arrested for a serious felony and the release of such information has been approved by the Shift Sergeant (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 Shift Sergeant. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.).

334.4.1 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.
Subpoenas and Court Appearances

335.1 PURPOSE AND SCOPE
This policy establishes the guidelines for department members who must appear in court. It will allow the Napa Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

335.2 POLICY
Napa Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

335.3 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)).

335.3.1 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.
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(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 Napa Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Napa 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.

335.3.2 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.

335.3.3 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.

335.4 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.

335.5 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.

335.6 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.
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(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.

335.6.1 TESTIMONY
Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.
Outside Agency Assistance

336.1 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.

336.2 POLICY
It is the policy of the Napa 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.

336.3 ASSISTING OUTSIDE AGENCIES
Generally, requests for any type of assistance from another agency should be routed to the Shift Sergeant’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 Shift Sergeant 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.

336.3.1 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 Napa Police Department shall notify his/her supervisor or the Shift Sergeant 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.

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

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

336.5 REPORTING REQUIREMENTS
Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Shift Sergeant.

336.6 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 Administration Division Captain 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 the Communications Center and the Shift Sergeant to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

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

337.1 PURPOSE AND SCOPE
This policy establishes guidelines by which the Napa 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.

337.1.1 REGISTERED SEX OFFENDER CATEGORIES
REGISTERED SEX OFFENDER CATEGORIES The California Department of Justice has categorized each registered sex offender as either serious, high-risk or other. Megan's Law only permits public disclosure of certain information regarding serious and high-risk sex offenders. The Department may determine the current classification of any registered sex offender by accessing the Megan's Law Website provided by the Department of Justice, CLETS (Violent Crime Information Network/Supervised Release File) or by contacting DOJ directly.

SERIOUS SEX OFFENDERS Serious sex offenders are those individuals who have been convicted of at least one sex offense set forth in Penal Code § 290.4(a)(1) and who have currently been identified by DOJ as serious sex offenders. This group generally includes those convicted of felony sex offenses or child molestation.

HIGH RISK SEX OFFENDERS High-risk sex offenders are serious sex offenders who have been separately convicted of multiple sex offenses as defined in Penal Code § 290(n)(1)(A) and who have currently been identified by DOJ as high-risk offenders.

OTHER REGISTERED SEX OFFENDERS All other registered sex offenders will fall into the "other" category. This will generally include misdemeanor sex crimes (other than child molestation). Information on these individuals may not be released to the public under Megan's Law except as provided in § 356.38 below.

337.2 POLICY
It is the policy of the Napa 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.

337.3 REGISTRATION
The Investigative Bureau supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.
Upon conclusion of the registration process, the investigator shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (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.

337.3.1 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.).

337.4 MONITORING OF REGISTERED OFFENDERS
The Investigative Bureau supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an internet search or drive-by of the declared residence.
(b) Review of information on the California DOJ website for sex offenders.
(c) Contact with a registrant’s parole or probation officer.

Any discrepancies should be reported to the California DOJ.

The Investigative Bureau supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Napa Police Department personnel, including timely updates regarding new or relocated registrants.

337.5 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 Napa Police Department’s website. Information on sex registrants placed on the Napa 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; Health and Safety Code § 11594), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.
337.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY
California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender’s full name
(b) The offender’s known aliases
(c) The offender’s sex
(d) The offender’s race
(e) The offender’s physical description
(f) The offender’s photograph
(g) The offender’s date of birth
(h) Crimes resulting in the registration of the offender under Penal Code § 290
(i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

337.5.2 RELEASE NOTIFICATIONS
Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
(b) The information is provided as a public service and may not be current or accurate.
(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
(d) The crime for which a person is convicted may not accurately reflect the level of risk.
(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).
Major Incident Notification

338.1 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.

338.2 POLICY
The Napa 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.

338.3 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 Division Captain. 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)
- Any incident involving a City of Napa Department Head or elected City Official
- Significant injury or death to any City of Napa employee - on or off duty
- Death of a prominent Napa Police Department official
- Arrest of a department employee or prominent Napa Police Department official
- Any natural disaster
- Aircraft crash with major damage and/or injury or death
- Kidnapping
- In-custody deaths
- Traffic collisions involving Department Personnel resulting in injury
- Lost or missing children under 12 years of age
- SWAT callouts
- Search warrants
- Any unusual incident involving Department Personnel
Major Incident Notification

338.4 SHIFT SERGEANT RESPONSIBILITY
The Shift Sergeant is responsible for making the appropriate notifications. The Shift Sergeant shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Shift Sergeant shall attempt to make the notifications to their Bureau Lieutenant as soon as practicable. Notification should be made by calling the cell telephone number first and then by any other available contact numbers.

338.4.1 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 Division Captain and Lieutenant following the chain of command.

338.4.2 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.

338.4.3 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. The Traffic Sergeant will notify the affected Lieutenant.

338.4.4 PUBLIC INFORMATION OFFICER (PIO)
The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.
Critical Incident Response, Management and Debriefing

339.1 PURPOSE AND SCOPE
The purpose of this order is to establish a procedure for the response and management of critical incidents by the Napa Police Department Police Department, either as a sole agency involved, or in conjunction with other agencies and/or Departments.

The additional purpose of this policy is to ensure that public safety employees exposed to certain critical incidents in the scope of their employment, do not suffer any adverse psychological effects as a result of exposure to certain incidents. To ensure that public safety employees exposed to critical incidents are capable of resuming their normal duties. "Critical incidents" are defined as any job-related incident which involves death or serious injury to another person as the result of a public officer's action or inaction, any officer-involved shooting, any incident that causes death or serious injury to a public safety employee, or any incident that is of such an unusual or dramatic quality to lead a person to reasonably adverse psychological impact among those exposed to the incident. Traumatic events are common to all public safety employees and the usual or non-dramatic events are typically handled without any signs or symptoms of distress. Nevertheless, these events can at times result in emotional distress and public safety employees and supervisors should be encouraged to request debriefing when signs of distress are experienced or witnessed.

339.2 POLICY
The primary policy of the Napa Police Department Police Department in all critical incidents shall be to protect and preserve the lives of every person involved. It is also the policy of the Napa Police Department Police Department to provide competent psychological consultation and debriefing services to all public safety employees who have been involved in, or exposed to, a critical incident as defined herein.

The Napa Police Department Police Department will work with other departments and agencies, under the Incident Command System, during disasters and natural calamities. The Napa Police Department Police Department will assume command of high risk critical incident situations within the city limits in order to maintain accountability, responsibility, control and coordination. It will be the policy of this Department to utilize the Incident Command System to manage police response to incidents of a critical nature.

For the purpose of this order, a critical incident is defined as an occurrence or situation, usually of an urgent or emergency nature, which requires a specialized police response that is beyond the normal and routine resources of the Department. Examples of critical incidents include, but are not limited to, hostage situations, barricaded suspects, active shooters, floods, crowd problems, major fires, search and rescue efforts, etc.
339.3 PROCEDURES

(a) Critical Incidents: Types

1. Generally, critical incidents fall into two different categories:

   (a) Disasters: These incidents normally are a result of a natural calamity, such as flooding, fire or earthquakes.

   (b) High Risk Incidents: These incidents are usually of a criminal nature and/or that of a mentally deranged person such as a barricaded subject or a hostage situation.

(b) Notification and Chain of Command

   (a) Notification procedure, following the initial response to a critical incident:

      (a) Operations Bureau Captain

      (b) SWAT/HNT Lieutenant

      (c) Chief of Police

   (b) In the event the Operations Captain or SWAT/HNT Lieutenant are not available, notify any available Captain or Lieutenant.

(c) Chain of Command

1. Critical Incidents

   (a) First Officer on scene - The first officer who arrives at a critical incident shall be in charge until he/she is relieved by a superior officer.

   (b) Supervisor - Whenever a Supervisor has knowledge of a possible critical incident, he/she shall immediately respond to the scene and take command of the situation. The Supervisor will determine if specialized teams are needed and make proper notification. He/she shall ensure that all appropriate notifications are made.

   (c) Bureau Lieutenant - Once a Bureau Lieutenant arrives on scene, he/she shall assume responsibility for the situation as the Incident Commander, however the on-scene Supervisor may remain in charge of the tactical operation, as the Tactical Commander, at the discretion of the Incident Commander. The Bureau Lieutenant shall be responsible for the overall operation and is in charge of establishing an Incident Command Post when deemed necessary.

   (d) Bureau Captain - Once the Bureau Captain arrives on scene, he/she shall assume responsibility for the situation as the Incident Commander and the Bureau Lieutenant will remain in charge of the tactical operation as the Tactical Commander.
2. Disasters - When the event is a disaster, the Chief of Police or his/her designee, will act as incident commander in accordance with the City of Napa Disaster Plan.

3. Pre-Planned Incidents - In situations where pre-planning is possible, a Bureau Captain or his designee shall appoint a project officer to assess the Department response, special needs, and contingency planning. The Emergency Planning and Briefing Format in this section of the Policy shall be the format used for planning purposes.

339.3.1 EMERGENCY PLANNING

(a) This format allows for planning of routine, critical and disaster operations. In pre-planned events, a briefing for all involved personnel will be conducted by the Incident and/or Tactical Commander.

(b) This format shall be used in pre-planning of contingency or disaster operations:

1. Situation
   (a) Weather (as it will affect the operation)
   (b) Location (Terrain, description of area in which operation will take place)
   (c) Personnel (available personnel, reserve personnel)
   (d) Threat Assessment (any information on opposing forces such as location, possible resistance, leadership, use of weapons, etc.)
   (e) Persons present, who may interfere, hinder or threaten the successful completion of the incident.

2. Mission (state objectives of operation)

3. Execution
   (a) Concept of operation (state overall plan and missions of elements, teams and individuals)
   (b) Other missions of teams and individuals such as: transportation, traffic control, security, etc.
   (c) Coordinating instructions
      1. Time sequence
      2. Primary and alternate routes
      3. Movement organization
      4. Actions in emergency
      5. Traffic control
6. Action during operation
7. Rehearsals
8. Training
9. Inspections
10. Debriefing

4. Administration and Logistics
   (a) Arms and ammunition
   (b) Uniform and equipment (state who is responsible for what)
   (c) Handling of injured/medical stand-by
   (d) Handling of prisoners
   (e) Meals

5. Command and Communications
   (a) Command
      (a) Chain of command
      (b) Locations of leaders
      (c) Location of Tactical and Incident Command Post
   (b) Communications
      (a) Frequencies of channels to be used.
      (b) Radio equipment to be used
      (c) Call signs
      (d) Times to report
      (e) Any special codes used
      (f) Alternate methods of communication-Cellular phone.

339.4 SERVICE OF SEARCH WARRANTS AND ARRESTS
   (a) Notification
      1. The Patrol Supervisor shall be advised whenever an operation is to be carried out. The SWAT Tactical Commander shall be notified at all times when SWAT is activated.
      2. The Supervisor shall ensure the Operations Captain and Lieutenant are aware of the situation.
3. The Supervisor in charge shall notify the appropriate agency of the time and location of any operation to be conducted outside the city limits. A representative of the agency notified will be requested to participate.

4. The SWAT Tactical Commander and Operations Bureau Captain and Lieutenant shall be notified when the SWAT Team or any of its members are conducting a SWAT related operation outside the city limits.

5. The Patrol Supervisor shall notify dispatch of the pending operation.

(b) Supervisor

1. Approval by a Captain or his/her designee is required prior to execution of a search warrant or dangerous arrest warrant.

2. The Supervisor of the unit responsible for the search warrant or arrest is considered the supervisor in charge.

(c) Preparation of background information

1. In every case, during the development of a mission, the investigating officer prepares a complete background information file, gathering all material available, including rap sheet, photographs, daily reports, vehicle operators license record, and all other types of information available.

   (a) The name(s) of the suspect(s) shall be checked through the computer to determine gun registration or pawn information.

   (b) The complete file shall be reviewed by the supervisor and the investigating officer to determine appropriate procedures.

(d) Communications

   (a) Radio communications shall be established among all team members, and dispatch shall be notified of the operation and shall be kept aware of the status of the operation.

(e) Assigned Personnel

   (a) Except for SWAT operations, a minimum of four officers shall comprise a team with at least one of the officers to be in uniform and that officer will be visible at the point of entry. All other personnel shall be in uniform or issued raid gear.

   (b) This does not prohibit the use of additional personnel, if the investigator or the supervisor deems it necessary.

   (c) A uniformed officer shall be assigned, when deemed practical, to assist in entry of the residence.

   (d) All personnel involved in an operation shall wear soft body armor approved by this department.
Critical Incident Response, Management and Debriefing

(f) Plan

(a) The plan shall be prepared by the investigating officer and reviewed and approved by the Bureau Captain or his/her designee. All members shall meet and be briefed on the operation plan developed. Each member of the team shall be assigned a specific task and understand what their responsibility will be. The following rules shall be adhered to:

(a) A minimum of one officer each in the front and rear.
(b) Front and rear doors shall not be entered simultaneously.
(c) Officers who have gained entry and who have secured the interior of the location shall then notify those still outside that they have secured the location and it is safe to enter.
(d) In the event officers are unable to secure a location a retreat may be appropriate.

(g) Every attempt shall be made through the use of any information source available to obtain all current information possible about the objective. This will include:

1. Number of persons.
2. Layout of premises.
3. Any past threats against officers.
4. Possibility of firearms; types; location, etc.
5. Amount and location of contraband.
6. Suspects plan in the event of a raid.
7. All data that may be pertinent.

(h) Search Warrant

1. Prior to the execution of a search warrant, the investigating officer shall make every effort possible to assure the premises and subject listed in the warrant are, in fact, the premises and suspect to be searched. Should confusion or doubt as to the premises exist, no entry shall be made until verification can be made.

2. The supervisor or previously designated officer shall announce the team's presence to persons inside the residence in a voice loud enough to be heard inside the residence.

(a) The officer shall announce that he/she is a peace officer, has a search warrant for the premises, and shall demand immediate admission to the premises.
(b) Entry may be made by force should it be denied by persons within the dwelling or when those inside fail to respond to the announcement.

(c) The announcement of authority, demand for entry, reason for admittance and refusal pursuant to PC 844 and PC 1531 need not be made under certain circumstances pertaining to current case law. This usually involves officer safety, destruction of evidence or flight based upon specific knowledge of officers demanding entry at that time.

(d) After the area to be searched has been secured, all parties present and deemed not to be involved or a threat shall be released from the detention.

3. Once the site is secured, the supervisor or the assigned lead investigator will oversee the search and collection of evidence. Prior to the search photographs shall be taken. The search will occur in an orderly fashion, and shall remain within the scope of the search warrant. The search shall be as non-destructive as possible, and shall follow established laws and procedures.

(i) Prior to the search an “Evidence Collector” will be designated from the search team. This person shall take possession of, package, seal, and mark all items seized at the search site.

(j) Photographs shall be taken at the completion of the search.

(k) Arrest Warrants

(a) When planning for the service of a High-Risk arrest warrant the supervisor shall consider the following:

(a) Any intelligence information regarding weapons.

(b) Prior criminal history of the person named in the warrant.

(c) Intelligence information and criminal history of others who may be with the person named in the warrant.

(b) Before attempting service of a High-Risk arrest warrant at a residence the supervisor shall consider all of the following:

(a) Does the suspect pose an immediate threat to the public?

(b) Is a search warrant required?

(c) Is the suspect's presence confirmed inside?

(d) Who else might be in the residence?

(e) Are weapons known to be in the house?

(f) Are other options reasonably available, such as:

(a) Surveillance and arrest subject outside the home.
(b) Call the suspect out (telephone or other).
(c) Get the suspect out by ruse.
(d) Different time of day for service.

(l) Seizure of Monies.
(a) Any monies found and/or seized as a result of a search, shall be immediately called to the attention of the supervisor.
(b) The supervisor shall be responsible for the accounting and disposition of the monies as outlined in the Property manual.

(m) High Risk Planned Operations
(a) The Supervisor prior to the execution of the search warrant or arrest shall determine an assessment of the risk.
(b) A high-risk analysis requires the supervisor consult and brief the SWAT Lieutenant, or his/her designee, prior to making a decision to use the SWAT Team.

(n) Outside Police Agency Assist
(a) Anytime an outside police agency comes into Napa with the intent to execute an arrest warrant, search warrant or any other incident and the agency contacts the Napa Police Department for assistance, it shall be the responsibility of the on-duty supervisor or the supervisor contacted by the outside agency to immediately notify the Operations Captain or SWAT/HNT Tactical Commander. In the event the operations Captain or SWAT/HNT Tactical Commander are not available, any available Captain or Lieutenant shall be notified. The Captain or Lieutenant will assess the incident and determine the level of participation and resources necessary to maintain accountability, responsibility, control and coordination.
(b) The on-duty supervisor or his designee will be present at the operation, and will determine if our Department will secure the premises for the investigative agency.

339.5 CRITICAL INCIDENT PROCEDURES

(a) Barricaded Suspects, Hostages and Sniper Incidents
1. Once a report of a barricaded suspect, hostage or sniper incident has been received by the Police Department, all personnel involved in the incident must know what their duties and responsibilities are so a tactical plan can effectively be put into action.
2. The Napa Police Department, in situations of this type, shall be responsible for:
   (a) Facilitating, containing and controlling the suspect, the location and non-involved citizens.
   (b) Negotiating the release of hostages.
   (c) Negotiating the surrender of suspects with a minimum of risk to citizens, officers and hostages.

(b) The Napa Police Department will not:
   (a) Exchange additional citizens and/or officers for hostages.
   (b) Exchange, surrender or supply functional weapons to the suspect(s).
   (c) Permit the offender to leave the immediate location of site, except when this movement would be to the advantage of the overall operation.

(c) Use of Weapons Shall be as follows:
   (a) In hostage situations, force will be used only by individuals designated by the Tactical Commander, except in case of imminent threat in order to protect themselves or others from death or serious injury.
   (b) Strict gunfire control shall be maintained during building assaults. Only the assault team should fire during this action, except in the need of cover fire, which will be administered by the cover team.

(d) The following are guidelines to be used by personnel involved in a barricaded suspect, hostage or sniper situation.
   (a) Police Dispatcher - If a report of a barricaded suspect, hostage, active shooter or sniper is received by the police dispatcher, his/her primary responsibilities are to gather all the pertinent information on the situation from the caller and to effectively relay the information to the beat officer. Upon request, the dispatcher should clear a second frequency for use by the officers at the scene.
      (a) In the event a Mass Casualty Incident (MCI) is declared dispatch will immediately notify the Queen of the Valley Medical Center as per the MCI protocol
   (b) First Officer on Scene - The first officer on the scene has the important responsibility of reporting to dispatch the exact situation of the incident. The officer must analyze the circumstances and try to determine if there are any hostages, number of suspects, type of weapons and physical layout of the area. The officer must attempt to safely remove as many bystanders from the area as possible and should establish a temporary command post where the activity of the suspect(s) can be safely observed. The officer should not confront the
suspect(s) and should not return fire if the officer is fired upon unless he/she has no other means of reaching safety or for self defense purposes only.

(c) Supervisor - In situations where two officers of the same rank are concerned, the supervising officer shall be the one with the greatest seniority in rank unless the other has been assigned in charge. The supervisor should contact the officer in charge at the scene to obtain as much information about the incident as possible. The primary duties of the supervisor shall be to deploy in order to seal off the immediate area to prevent ingress of unauthorized personnel, evacuate all civilians from the immediate area, if practical, and set up a command post that is a safe distance from the suspect. To minimize the possibility of injury to officer and others, the supervisor shall determine if appropriate special equipment and trained personnel such as the SWAT or Crisis Negotiation teams, should be requested. When the Crisis Negotiation team responds the Napa Police Department Policy 408 (Crisis Response Unit) will be followed. The supervisor shall also order a medical standby. The supervisor shall ensure the appropriate command level officer has been advised of the situation. The dispatcher should be advised of all available information on the situation by the supervisor.

(e) Command Officer - If a command level officer arrives on the scene, that officer shall assign the roles of Incident Commander and/or Tactical Commander.

(f) Locate - Upon receipt of a call regarding a hostage, barricaded suspect, or sniper situation, it will be necessary for radio communications to dispatch a minimum of two units to the scene of the alleged incident.

1. The responding officers shall proceed as follows:
   (a) The officers should plan and coordinate their approach to the scene. Police vehicles should be concealed in an effort to maintain an element of safety and surprise.
   (b) Officers maneuvering on foot shall use techniques of approach, which will afford themselves cover and concealment.

2. The first officer(s) on the scene should proceed as follows:
   (a) As soon as officer(s) verify a hostage, sniper, active shooter or barricaded situation actually exists, they shall immediately notify communications.
   (b) Initial responding officer(s) avoid offensive action except in locating and isolating the scene.
   (c) Request a supervisor respond to the scene.
   (d) Establish at least a temporary command post.

(g) Isolate - The first action by officers on the scene shall be the establishment of an inner-perimeter around the immediate location of the occurrence. The first officers
shall be responsible for inner-perimeter security. The positions that are taken by the uniformed officers must be effective and afford cover from possible suspect gunfire. Officers establishing an inner perimeter must brief communications of the following:

(a) Location of the incident.
(b) Number of units required to complete the inner perimeter, and number of officers needed to begin establishing an outer perimeter.
(c) All information regarding scope of incident. The supervisor on the scene shall establish an outer perimeter to secure the area and establish an Incident Command Post. All avenues of egress or ingress to the location must be blocked. The supervisor will begin the operation order. SWAT team members will not be used in the outer perimeter, but will replace officers in the inner perimeter. All plain clothes officers and mutual aid agencies shall respond to the Incident Command Post or a designated area prior to assignment.

(h) Evacuate - Citizens should be evacuated from the area when it is safe to do so. Otherwise, citizens should be advised to take safe position within their present location. Additionally, persons exiting the perimeter must be identified and interviewed as to their knowledge of the incident. Keep in mind the fact that persons being evacuated may be either suspect or an accomplice.

(i) Eliminate Situation - The final operational phase of a hostage, sniper or barricaded subject situation may be accomplished by one or more of the following techniques:

(a) Waiting the suspect out
(b) Talking the suspect out
(c) Negotiations
(d) Use of chemical agents
(e) Assault team
(f) Police sniper

339.6 RESPONSE TO AN ACTIVE SHOOTER

(a) The responsibility of the first officer on the scene of an active shooter is to assume the role of Incident Commander until relieved. The next officers on the scene are to move as a team to locate and isolate the shooter(s). It is recommended this team consist of four (4) officers; however, circumstances may dictate using fewer officers. Once this has been accomplished additional officers will be used to evacuate civilians. Priority will be given to those people most severely injured. In any event where five (5) or more seriously injured persons are on scene the Incident Commander will notify dispatch that this is a Mass Casualty Incident.
(b) The team of officers will use that force reasonable to isolate the suspect(s) and prevent harm or injury to potential victims. They will then maintain isolation and control of the suspect(s) until relieved by SWAT team members.

(c) The Incident Commander will be responsible for requesting any necessary medical aid, establishment of a command post, requesting additional assistance, notifying command level personnel and updating dispatch.

(d) Additional officers will be used to establish an outer perimeter and to control egress and ingress to the location.

339.7 CRITICAL INCIDENT DEBRIEFING

339.7.1 CRITICAL INCIDENT DEBREIFING PROCEDURE

(a) The following critical incidents illustrate the types of situations for which debriefing would be appropriate:

1. Any discharge of a firearm by or at a public safety employee.
2. Any on-duty motor vehicle accident resulting in serious injury or death to a public safety employee or citizen.
3. Any life-threatening or major physical assault to a public safety employee.
4. Any time an employee's actions or inaction results in critical injury or death to another person.
5. Any time a public safety employee comes out of an extended or hazardous undercover assignments.
6. Any incident resulting in critical injuries or death under particularly unusual or difficult circumstances (such as witnessed injuries/death; death to infants or children; major assaults on a child; and so on).
7. Any SWAT or negotiator call-out deemed critical by the supervisor. The psychologist is to be notified immediately at the time of a call-out; the need for debriefing will be determined as the activity progresses.
8. Any emergency response to an incident involving major injury or death to a fellow employee or family member.
9. Any incident involving major injury or death to an on-duty employee.

(b) Public safety employees involved in, or exposed to, incidents listed in paragraph (a) above are required to be debriefed by one of the Department's consulting psychologists. A member of Command Staff is responsible for contacting the Department's consulting psychologist as soon as reasonable following an incident listed in paragraph (a) above. Contact is to be made by calling the service provider and asking to speak with the psychologist on call.
(c) The exposed employee’s immediate supervisor is responsible for ascertaining any employee’s need for debriefing following circumstances not covered in paragraph (a) above. It is important to keep in mind that people react differently to critical incidents. The extent to the employee’s involvement in the incident, his/her immediate reaction to the incident, and the nature of the incident itself are factors to consider in determining the need for debriefing.

(d) The psychologist will decide in concert with a Bureau Captain if an immediate response on the part of the psychologist is necessary or if a near future appointment will suffice.

(e) The supervisor recommending the debriefing shall prepare a memorandum outlining the general circumstances of the incident and subsequent action taken. The memorandum is to be directed to the Operations Captain with a copy to the Chief of Police.

(f) Attendance at debriefing meetings and any subsequent meetings scheduled by the psychologist are mandatory for the employee(s) directed to attend and they are to be considered on-duty at these meetings.

(g) The psychologist will notify the employee and appropriate administrative staff of one of four (4) conclusions following employee debriefings:

1. The employee is able to resume his/her normal duties without restriction in activities or schedule.
2. The employee is temporarily to perform modified duty while completing a specified program of treatment
3. The employee is to be placed on administrative leave pending completion of a specified program of treatment
4. The employee requires further assessment before a conclusion can be reached.

(h) Employees assigned to a treatment program are expected to follow the directives of the program. These employees will be reevaluated by the psychologist at a specified time and must be found by the psychologist to be able to resume his/her normal duties before a return to normal duties is permitted.

(i) Confidentiality is defined as follows:

1. Where the conclusion reached by a psychologist is that defined in Section 361.3(g)(1) no further information will be reported to the department psychologist concerning the employee.
2. Where the conclusion reached by the psychologist is that defined in Section 361(g)(2) or (g)(3), the psychologist will report to the department only a summary in general terms of the signs and symptoms supporting that recommendation and that specifies of the recommended duty limitations (or length of leave) and treatment program.
3. Where the recommendation is that defined in Section 361(g)(4), the psychologist will report only the date and time of the follow-up assessment.

4. The specific content of the employee’s conversation with the psychologist is considered confidential and privileged information except as otherwise provided by law pursuant to California Evidence Code, Section 1016 through 1027.
Death Investigation

340.1 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.

340.2 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.

340.2.1 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).
(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.

340.2.2 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.

340.2.3 DEATH NOTIFICATION
When practical, and if not handled by the Coroner’s Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.
340.2.4 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.

340.2.5 DEATH INVESTIGATION REPORTING
All incidents involving a death shall be documented on the appropriate form.

340.2.6 SUSPECTED HOMICIDE
If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the investigations supervisor shall be notified to determine the resources necessary to further the investigation.
Critical Incident Debriefing

341.1 PURPOSE AND SCOPE
The purpose of this order is to ensure that public safety employees exposed to certain critical incidents in the scope of their employment do not suffer any adverse psychological effects as a result of exposure to certain incidents. To ensure that public safety employees exposed to critical incidents are capable of resuming their normal duties. "Critical incidents" are defined as any job-related incident which involves death or serious injury to another person as the result of a public officer's action or inaction, any officer-involved shooting, any incident that causes death or serious injury to a public safety employee, or any incident that is of such an unusual or dramatic quality to lead a person to reasonably adverse psychological impact among those exposed to the incident. Traumatic events are common to all public safety employees and the usual or non-dramatic events are typically handled without any signs or symptoms of distress. Nevertheless, these events can at times result in emotional distress and public safety employees and supervisors should be encouraged to request debriefing when signs of distress are experienced.

341.2 POLICY
It is the policy of the Napa Police Department to provide competent psychological consultation and debriefing services to all public safety employees who have been involved in, or exposed to, a critical incident as defined herein.

341.3 PROCEDURE
(a) The following critical incidents illustrate the types of situations for which debriefing would be appropriate:

1. Any discharge of a firearm by or at a public safety employee.
2. Any on-duty motor vehicle accident resulting in serious injury or death to a public safety employee or citizen
3. Any life-threatening or major physical assault to a public safety employee.
4. Any time an employee's actions or inaction results in critical injury or death to another person.
5. Any time a public safety employee comes out of an extended or hazardous undercover assignments.
6. Any incident resulting in critical injuries or death under particularly unusual or difficult circumstances (such as witnessed injuries/death; death to infants or children; major assaults on a child; and so on).
7. Any SWAT or negotiator call-out deemed critical by the supervisor. The psychologist is to be notified immediately at the time of a call-out; the need for debriefing will be determined as the activity progresses.
8. Any emergency response to an incident involving major injury or death to a fellow employee or family member.

9. Any incident involving major injury or death to an on-duty employee.

(b) Public safety employees involved in, or exposed to, incidents listed in paragraph (a) above are required to be debriefed by one of the Department's consulting psychologists. A member of Command Staff is responsible for contacting the Department's consulting psychologist as soon as reasonable following an incident listed in paragraph (a) above. Contact is to be made by calling the service provider and asking to speak with the psychologist on call.

(c) The exposed employee's immediate supervisor is responsible for ascertaining any employee's need for debriefing following circumstances not covered in paragraph (a) above. It is important to keep in mind that people react differently to critical incidents. The extent to which the employee's involvement in the incident, his/her immediate reaction to the incident, and the nature of the incident itself is factors to consider in determining the need for debriefing.

(d) The psychologist will decide in concert with a member of Command Staff if an immediate response on the part of the psychologist is necessary or if a near future appointment will suffice.

(e) The supervisor recommending the debriefing shall prepare a memorandum outlining the general circumstances of the incident and subsequent action taken. The memorandum is to be directed to the division Bureau Captain with a copy to the Chief of Police.

(f) Attendance at debriefing meetings and any subsequent meetings scheduled by the psychologist are mandatory for the employee(s) directed to attend and they are to be considered on-duty at these meetings.

(g) The psychologist will notify the employee and appropriate administrative staff of one of four (4) conclusions following employee debriefings:

1. The employee is able to resume his/her normal duties without restriction in activities or schedule.

2. The employee is temporarily to perform modified duty while completing a specified program of treatment.

3. The employee is to be placed on administrative leave pending completion of a specified program of treatment.

4. The employee requires further assessment before a conclusion can be reached.

(h) Employees assigned to a treatment program are expected to follow the directives of the program. These employees will be reevaluated by the psychologist at a specified
time and must be found by the psychologist to be able to resume his/her normal duties before a return to normal duties is permitted.

(i) Confidentiality is defined as follows:

1. Where the conclusion reached by a psychologist is that defined in Section 361.3(g)(1) no further information will be reported to the department psychologist concerning the employee.

2. Where the conclusion reached by the psychologist is that defined in Section 361(g)(2) or (g)(3), the psychologist will report to the department only a summary in general terms of the signs and symptoms supporting that recommendation and that specifies of the recommended duty limitations (or length of leave) and treatment program.

3. Where the recommendation is that defined in Section 361(g)(4), the psychologist will report only the date and time of the follow-up assessment.

4. The specific content of the employee's conversation with the psychologist is considered confidential and privileged information except as otherwise provided by law pursuant to California Evidence Code, Section 1016 through 1027.
Identity Theft

342.1 PURPOSE AND SCOPE
Identity theft frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

342.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and 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

343.1 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.

343.2 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.

343.3 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.

343.4 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

343.5 REPORTING REQUIREMENTS
In all circumstances in which a private person is claiming to have made an arrest, the individual should complete and sign a department Private Person's Arrest form (located on the Arrest, Detention and Complaint form) under penalty of perjury.

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

344.1 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.).

344.2 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

344.3 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 Operations Captain.

(c) By the tenth day of each month, it shall be the responsibility of the Operations Captain 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.
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

345.1 PURPOSE AND SCOPE
This policy provides guidance to members when communicating with individuals with limited

345.1.1 DEFINITIONS
Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to
act as an interpreter and/or translator for others.

**Interpret or interpretation** - The act of listening to a communication in one language (source
language) and orally converting it to another language (target language), while retaining the same
meaning.

**Limited English proficient (LEP)** - Any individual whose primary language is not English and
who has a limited ability to read, write, speak or understand English. These individuals may be
competent in certain types of communication (e.g., speaking or understanding) but still be LEP
for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific; an
individual may possess sufficient English language skills to function in one setting but these skills
may be insufficient in other situations.

**Qualified bilingual member** - A member of the Napa Police Department, designated by the
Department, who has the ability to communicate fluently, directly and accurately in both English
and another language. Bilingual members may be fluent enough to communicate in a non-English
language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language)
into an equivalent written text (target language).

345.2 POLICY
It is the policy of the Napa Police Department to reasonably ensure that LEP individuals have
meaningful access to law enforcement services, programs and activities, while not imposing undue
burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or
programs based upon national origin or any other protected interest or right.

345.3 LEP COORDINATOR
The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP
Coordinator shall be appointed by, and directly responsible to, the Operations Division Captain
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 Napa 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 Shift Sergeant and Communications Manager. 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) Ensuring standards and assessments, established by the Human Resources Department, are being 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.

345.4 FOUR-FACTOR ANALYSIS
Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:
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.

345.5 TYPES OF LEP ASSISTANCE AVAILABLE
Napa Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

345.6 WRITTEN FORMS AND GUIDELINES
Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

345.7 AUDIO RECORDINGS
The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

345.8 QUALIFIED BILINGUAL MEMBERS
Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.
**Limited English Proficiency Services**

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.

**345.9 AUTHORIZED INTERPRETERS**

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

**345.9.1 SOURCES OF AUTHORIZED INTERPRETERS**

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.
345.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE
Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

345.10 CONTACT AND REPORTING
While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

345.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE
The Napa Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

345.11.1 EMERGENCY CALLS TO 9-1-1
Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in the Communications Center, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.
Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

345.12 FIELD ENFORCEMENT
Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

345.13 INVESTIGATIVE FIELD INTERVIEWS
In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any Miranda warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated Miranda warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.
Limited English Proficiency Services

345.14 CUSTODIAL INTERROGATIONS
Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

345.15 BOOKINGS
When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee’s health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

345.16 COMPLAINTS
The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

345.17 COMMUNITY OUTREACH
Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

345.18 TRAINING
To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.
Limited English Proficiency Services

The Training Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

345.18.1 TRAINING FOR AUTHORIZED INTERPRETERS
All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.
Communications with Persons with Disabilities

346.1 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.

346.1.1 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.

346.2 POLICY
It is the policy of the Napa 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.

346.3 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 Division Captain 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 Napa 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 Shift Sergeant and Communications Manager. 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.

346.4 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

346.5 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 Napa 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.

346.6 TYPES OF ASSISTANCE AVAILABLE
Napa Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.
Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

**346.7 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.

**346.8 QUALIFIED INTERPRETERS**
A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

**346.9 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.

346.10 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.

346.11 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.

346.12 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.
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346.13 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.

346.13.1 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.

346.14 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
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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.

346.15 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.

346.16 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.

346.17 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.
346.18 TRAINING
To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all training provided, and will retain a copy in each member’s training file in accordance with established records retention schedules.

346.18.1 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

347.1 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.

347.2 POLICY
The Napa Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

347.3 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING
In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

347.3.1 ARREST OF PUBLIC SCHOOL TEACHER
In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 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).

347.3.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE
In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 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).

347.3.3 ARREST OF PRIVATE SCHOOL TEACHER
In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 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).

347.3.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR
In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 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).

347.4 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

348.1 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.

348.2 POLICY
The Napa 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.

348.3 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.

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

348.4.1 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.
348.5 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.

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

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

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

348.6.1 DOCUMENTATION RELATED TO FORCE
The Shift Sergeant 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.
348.6.2 BLOOD SAMPLES
A blood sample should only be obtained under this policy when:

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

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

348.6.3 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

349.1 PURPOSE AND SCOPE
This policy establishes the guidelines for Napa Police Department chaplains to provide counseling or emotional support to members of the Department, their families and members of the public.

349.2 POLICY
The Napa Police Department shall ensure that department chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

349.3 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.

The Chief of Police may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

349.4 RECRUITMENT, SELECTION AND APPOINTMENT
The Napa 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.

349.4.1 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.
(e) Complete an appropriate probationary period as designated by the Chief of Police.
Chaplains

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.

349.5 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. Identification symbols worn by chaplains shall be different and distinct from those worn by officers through the inclusion of “Chaplain” on the uniform and not reflect any religious affiliation.

Chaplains will be issued Napa Police Department identification cards, which must be carried at all times while on-duty. The identification cards will be the standard Napa 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.

349.6 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 Division Captain 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 Shift Sergeant.

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.
(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.

**349.7 DUTIES AND RESPONSIBILITIES**

Chaplains assist the Department, its members and the community, as needed. Assignments of chaplains will usually be to augment the Operations Division. 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 Napa Police Department.

**349.7.1 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.

**349.7.2 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 Shift Sergeant 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.
349.7.3 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.

349.7.4 ASSISTING DEPARTMENT MEMBERS
The responsibilities of a chaplain related to department members include, but are not limited to:

(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.

349.8 PRIVILEGED COMMUNICATIONS
No person who provides chaplain services to members of the Department may work or volunteer for the Napa 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 Napa Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.
349.9 TRAINING
The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Manager, 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
- Suicide
- Officer injury or death
- Sensitivity and diversity
Napa Community Awareness Management System (CAMS)

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

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

Private and other government entities may choose to share live feeds with Napa CAMS via an MOU. Those entities are governed by their own policies. Department owned camera feeds will not be shared with private or other government entities without approval from the Chief of Police.

350.1.1 DEFINITIONS
"Department owned" or “City owned” - Refers to equipment or systems purchased, deployed and maintained by the City of Napa or City of Napa Police Department.

“Private owned” or “Other Government Owned” - Refers to equipment or systems purchased, deployed and maintained by entities other than the City of Napa or the City of Napa Police Department.

350.2 POLICY
The Napa Police Department operates and manages Napa CAMS to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas.

Napa CAMS is a public-private-community partnership, blending a mix of real-time crime-fighting and community policing aimed at improving neighborhood safety, promoting the success and growth of local businesses, and strengthening the Napa Police Department’s efforts to deter, identify, and solve crime. Napa CAMS combines city owned cameras and private owned cameras into a consolidated awareness network.

City owned cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Private owned or other Government owned cameras may be linked to Napa CAMS to provide additional coverage with live feeds. These locations or deployments are not managed or determined by the Department. Any costs to maintain or operate these locations will be borne by the entity. The department provides the connection for a one-way ability to view live footage as agreed upon the Napa CAMS MOU with the entity.
Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

350.3 OPERATIONAL GUIDELINES

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

350.3.1 PLACEMENT AND MONITORING

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

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

(a) To prevent, deter and identify criminal activity.
(b) To target identified areas of gang and narcotics complaints or activity.
(c) To respond to critical incidents.
(d) To assist in identifying, apprehending and prosecuting offenders.
(e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers
(f) To augment resources in a cost-effective manner.
(g) To monitor pedestrian and vehicle traffic activity.

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

The Chief of Police may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.
350.3.2 CAMERA MARKINGS
All Department owned cameras mounted in public areas shall be marked in a distinct manner when feasible. For most locations, the markings will be placed on the equipment box located on the same pole as the cameras. For locations where the cameras are mounted away from the equipment box, a sign will be placed next to the camera to indicate it is Department owned.

For Non-Department owned cameras that are linked to Napa CAMS, the owning entity may be required to post signage indicating they are part of Napa CAMS somewhere on the property.

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

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

350.4 VIDEO SUPERVISION
The Chief of Police, shall designate a System Administrator for Napa CAMS. The system administrator should monitor video surveillance access and usage to ensure members are within department policy and applicable laws. Camera operators should ensure such use and access is appropriately documented within the system.

350.4.1 PROHIBITED ACTIVITY
Napa CAMS will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

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

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

350.5 STORAGE AND RETENTION OF MEDIA
Cameras operated and installed by the Napa Police Department as part of Napa CAMS operate on a video buffer. This video buffer is similar to those used in body worn cameras or dash cameras. The size video buffer can vary depending on the type of camera, image quality, software and storage available. The video buffer will be a minimum of seven days.
Private or other Government entity cameras linked to Napa CAMS are required to have a video buffer for a minimum of seven days. The Department does not have direct access to download camera media unless specified in the Napa CAMS MOU. This media remains the property of the entity and may only be downloaded with consent or under the direction of a search warrant. Department Camera Operators may activate local recording of a private or other Government entity camera during an active investigation or violation of the law. Any such recording is evidence and shall be handled as an Investigation.

A Department camera recording does not necessarily constitute a Public record. For the purpose of this policy, a record is a recording created by a camera by an operator while investigating a potential or actual violation of the law and when downloaded from the system. A downloaded camera recording that is part of any investigation into any potential or actual violation of law or Department policy, is evidence and shall be handled as an Investigative Record (or Evidentiary data).

All downloaded media shall be stored in the Digital Evidence Management System (DEM) with access restricted to authorized persons. The recording will be uploaded to the DEM, categorized by that operator and documented accordance with this policy and NPD Evidence Procedures - Film, Audio, Video and Digital Images policy.

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

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

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

350.6 RELEASE OF VIDEO IMAGES
All recorded video images gathered by the public safety video surveillance equipment are for the official use of the Napa Police Department. Recorded video images linked to Napa CAMS by private entities and other government entities are not owned or controlled by the Napa Police Department or the City of Napa.
Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records. Request for recorded video from private entities or other government entities linked to Napa CAMS will be referred to those entities.

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

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

**350.7 TRAINING**

All department members authorized to operate or access public video surveillance systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video surveillance equipment and privacy.
Child and Dependent Adult Safety

351.1 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.

351.2 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 Napa 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.

351.3 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.
351.3.1 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 Shift Sergeant 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.

351.3.2 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.

351.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

351.3.4 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.

351.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or department 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.

351.5 TRAINING
The Training Manager is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).
Service Animals

352.1 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).

352.1.1 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)).

352.2 POLICY
It is the policy of the Napa 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.

352.3 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.

352.4 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 Napa Police Department affords to all members of the public (28 CFR 35.136).

352.4.1 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.

352.4.2 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.

352.4.3 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.

352.4.4 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).
PEER SUPPORT PROGRAM

353.1 PURPOSE AND SCOPE
This policy establishes guidelines for the use of the Peer Support Program (PSP). The purpose of the program is to provide a support and assistance network to all employees when personal or professional problems could negatively affect their work performance, family, or self and to identify sources of stress for departmental employees.

353.2 GENERAL
   (a) The goal of PSP is to provide all police department employees the opportunity to receive emotional and tangible peer support as needed. A Peer Support Volunteer (PSV) sworn or civilian is a specifically trained colleague, not a counselor or therapist.
   (b) PSP augments outreach programs, such as the Employee Assistance Program, and does not replace them.
   (c) PSVs serve three major functions:
       1. To provide a source of help for employees who do not wish to bring their problems to mental health professionals.
       2. PSVs can refer receptive employees in need of professional help to the Employee Assistance Program (EAP) providers or other professionals and resources.
       3. They can provide a resource for other department employees at critical incidents, critical incidents stress briefings, and events of a similar nature.

353.3 TEAM COMPONENTS (DESCRIPTION AND RESPONSIBILITIES)
A. Mental Health Professional
   1. The mental health professional will be under city contract with experience in police counseling and debriefing.
   2. The role of the mental health professional is to conduct defusing critical incident stress debriefing/management, and demobilization processes, assess need, follow up referrals, and assist in teaching stress management to team members, as well as police personnel, during continued professional training meetings and / or patrol briefings.
B. Team Coordinator (Lieutenant / Captain)
   1. The role of the team coordinator is to manage, maintain, and coordinate the program. They will act as liaison between peer support personnel, outside resource persons, and the department.
   2. Supervise and coordinate peer support personnel applicants.
   3. Create a list of qualified referral sources for the use of the peer support personnel. Referral sources will be researched fully by the team coordinator prior to being included on the list.
C. Team Leaders
1. The role of the team leader is to assist the team.
2. Coordinate and act as liaison between peer support personnel and the department.
3. Assist in teaching stress management to police department personnel during continued professional training meetings and patrol briefings.
4. Coordinate training of peer support personnel.

D. Team Members
1. The peer support team members will be selected by the team coordinator and will be trained in critical incident stress management and peer stress counseling.
2. Will assess need for follow-up referrals and assist in teaching stress management.
3. Will provide one-on-one peer assistance to affected employees at the request of either the individual employee, or referred by a supervisor or the team coordinator.

E. Department Chaplain
1. The department chaplain will be trained in critical incident stress management and pastoral crisis intervention.
2. Will assist in conducting defusing, debriefing and demobilization interventions, assess need for follow-up referrals, and assist in teaching stress management.

F. Steering Committee
The steering committee consists of a police captain and / or a police lieutenant, a police officer, a public safety dispatcher, a member of the EAP, a service professional, and the police chaplain. The steering committee will be responsible for the development and implementation of procedural guidelines for the program. The steering committee reports to the Chief of Police through the Lieutenant / Captain. Appointment to the steering committee shall be approved by the Chief of Police or his / her designee.

353.4 SELECTION OF PSV’S
A. PSVs shall represent a broad and cross section of departmental employees as possible.
1. PSVs will be chosen from employees who are currently in good standing within the department.
2. PSVs will be solicited from those individuals expressing an interest in becoming a PSV and from those individuals recommended by their peers.
3. Initial screening of applicants will be completed by the Peer Support Steering Committee. Final approval of volunteers will be made by the Chief of Police or his / her designee.

B. Selection criteria.
1. Express a desire to be a PSV.
2. No work restrictions involving psychological stress or other personal issues which could preclude this type of assignment.
3. Completion of a probationary period.
4. Priority for applicants will be determined by individual qualifications and departmental needs.
5. Chief of Police approval.

C. Removal criteria.
1. Failure to attend or maintain mandatory training.
2. Psychological or other personal issues which could present ethical conflicts in the role of PSV.
3. Failure to make oneself available as a PSV.
4. Any other action, including the sharing of confidential information learned as a PSV, which either discredits the PSP or makes their continuation in the program ineffectual.

353.5 VOLUNTARY PARTICIPATION
A. All participation in the PSP shall be voluntary and no one will be required to participate in the PSP. PSV can initiate contact with any employee that may have experienced or be experiencing a stressful personal or professional event to see if they would like assistance. There will be no mandatory referrals of individuals to PSVs. PSVs may be assigned to attend critical incident debriefings or other events of a similar nature.

B. Lists of the names of peer support team members should be posted on departmental bulletin boards and shall be provided to all supervisors and managers. Any police employee in need of peer assistance may select a peer support team member of their choice.

353.6 CONFIDENTIALITY
A. The PSV shall maintain the confidentiality entrusted to him/her and shall not discuss any information developed in a peer support contact except in the following instances.
1. When the information received by the PSV must be revealed by law, such as a case of child abuse or felony criminal conduct.
2. Where there is reason to believe the employee intends to seriously injure themselves or another person.
3. Where, due to substance abuse, the employee is a clear and immediate danger to themselves, citizens, or fellow employees.
4. When subpoenaed to a disposition, criminal trial, or other legally sanctioned hearing regarding testimony.

B. Unless a PSV is directly involved in or is a witness to an incident that is subject of an internal investigation, no information other than criminal conduct or something that would impact
public trust that is developed in the support contact can or will be used in any future disciplinary proceedings.

C. PSV shall not hamper or impede an internal or criminal investigation.

D. When a PSV has determined that a situation exceeds their expertise or requires specialized assistance, the employee shall be provided with information on how to contact an EAP provider.

E. PSVs must advise employees that information told to them is not protected by legal privilege and that confidentiality is administratively provided and will not be recognized in court proceedings.

F. PSVs shall not keep written, formal, or private records of support contacts under any circumstances.

353.7 SUPPORT SERVICES FOR EMPLOYEE ASSISTANT PROVIDERS/REFERRALS
A. At least one member of the EAP program shall function as a member of the PSP steering committee at all times.

B. EAP providers may be used to provide support and training as necessary. The EAP providers are a resource to assist individuals PSVs when problem areas are identified.

C. Peer support team members shall not make referrals to a mental health professional without the peer support coordinator's authorization. This is to avoid the professional having to donate his or her time when there is a means to pay for their services.

353.8 STATISTICAL INFORMATION
A. In order to evaluate the effectiveness of the PSP, it is necessary to track the usage of the program. All information gathered and reported shall be of a statistical nature only. Reference to any individual or any specific incident will not be made in any report.

1. Quarterly, all PSVs shall submit a statistical form which provides the number of sessions, time spent, general topics discussed, and referrals made by the PSV. This form is available for review by any interested party and will be the only data collection device used in the program. The statistical data shall be submitted to the Lieutenant/Captain. Names or other information which could identify any individual shall not be included.

353.9 DUTY STATUS AND COMPENSATION
A. PSVs and employees seeking consultation do so voluntarily, off duty, and without compensation except as set forth below. Employees seeking consultation do so primarily for their own benefit. The Peer Support Program is not a specialty or ancillary position.

1. PSVs shall only receive compensation for PSP activities off duty when one of the following conditions are met.

a. Departmental sponsor training during normal days/times off.

b. Critical incident debriefings where the PSV has been requested to attend by a supervisor.
c. Request by Lieutenant/Captain to provide support services.

d. Specific exceptions arising out of critical incidents, debriefings, and other related incidents where prior approval has been obtained. The PSV will then accrue compensation according to that PSV's MOU.

2. Because it is not always possible to predict when a situation may occur that lends itself to peer support, the on-duty supervisor may approve up to one hour of on-duty compensated consultations between employees and PSVs. The PSV and the employee seeking consultation shall arrange any further meetings off duty and uncompensated. If the situation required continued urgent counseling, the employee shall be directed to one of the EAP providers.
Volunteer Program

354.1 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.

354.1.1 DEFINITION OF VOLUNTEER
An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

354.2 VOLUNTEER MANAGEMENT

354.2.1 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 should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.
(b) Facilitating the implementation of new volunteer activities and assignments.
(c) Maintaining records for each volunteer.
(d) Tracking and evaluating the contribution of volunteers.
(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.
(f) Maintaining a record of volunteer schedules and work hours.
(g) Completion and dissemination as appropriate of all necessary paperwork and information.
(h) Planning periodic recognition events.
(i) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.
Volunteer Program

354.2.2 RECRUITMENT
Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

354.2.3 SCREENING
All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include, but not necessarily be limited to, the following:

(a) Traffic and criminal background check. Fingerprints shall be obtained from all applicants and processed through the California Criminal Information Index.

(b) Employment

(c) References

(d) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

354.2.4 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 and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.
Volunteer Program

354.2.5 TRAINING
Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

354.2.6 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.

354.2.7 DRESS CODE
As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

Volunteers shall be required to return any issued uniform or department property at the termination of service.
Volunteer Program

354.3 SUPERVISION OF VOLUNTEERS
Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.
(b) Ensure volunteers have work space and necessary office supplies.
(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

354.4 CONFIDENTIALITY
With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

354.5 PROPERTY AND EQUIPMENT
Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.
Volunteer Program

354.5.1 VEHICLE USE
Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing.
(b) Verification that the volunteer possesses a valid California Driver License.
(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

354.5.2 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.

354.6 DISCIPLINARY PROCEDURES/TERMINATION
A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

354.6.1 EXIT INTERVIEWS
Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer’s suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

354.7 EVALUATION
An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.
Off-Duty Law Enforcement Actions

355.1 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 Napa Police Department with respect to taking law enforcement action while off-duty.

355.2 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.

355.3 FIREARMS
Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs or medications or any combination thereof that would tend to adversely affect the officer’s senses or judgment.

355.4 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.

355.4.1 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 Napa Police Department officer until acknowledged. Official identification should also be displayed.

355.4.2 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.

355.4.3 CIVILIAN RESPONSIBILITIES
Civilian personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

355.4.4 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.

355.5 REPORTING
Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Shift Sergeant as soon as practicable. The Shift Sergeant 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

356.1 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).

356.1.1 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

356.2 POLICY
The Napa 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.

356.3 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.

356.4 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.

356.4.1 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.

356.5 PROHIBITED CONTENT
Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Napa 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.

356.5.1 PUBLIC POSTING PROHIBITED
Department social media sites shall be designed and maintained to prevent posting of content by the public.
Departments Use of Social Media

The Department may provide a method for members of the public to contact department members directly.

356.6 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.

356.7 RETENTION OF RECORDS
The Administration Division Captain should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

356.8 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

357.1 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.).

357.1.1 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.

357.2 POLICY
It is the policy of the Napa 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.

357.3 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

**357.4 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

358.1 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.

358.1.1 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).

358.2 POLICY
It is the policy of the Napa 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.

358.3 GUN VIOLENCE RESTRAINING ORDERS
An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may orally request an order, and then prepare and sign a declaration under penalty of perjury that recites the oral statements provided to the judicial officer and memorialize the order of the court on the appropriate Judicial Council form (Penal Code § 18140).

358.4 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).
Gun Violence Restraining Orders

(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.

358.4.1 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.

358.5 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.
Gun Violence Restraining Orders

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.

358.6 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).

   (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).

358.7 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.

358.8 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.
Body Camera and Portable Video/Audio Recording Device

360.1 PURPOSE AND SCOPE
This policy governs and directs the use of Body Worn Cameras ("BWC") including portable, non-vehicular video/audio recording devices, as well as downloading, retention and disposition of BWC recordings. This policy, and BWC, have been implemented by the Napa Police Department ("NPD") to obtain and retain video and audio evidence to assist in better fulfilling its mission: to promote and maintain a peaceful, safe, and secure environment. This policy is written in compliance with California Penal Code section 832.18, and California Government Code § 6250 – 6255.

While recordings obtained from BWCs 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 employee(s) in a given incident. Moreover, the recordings, especially video, have limitations and may depict events differently than the events recalled by the involved employee. BWCs also have low-light recording capabilities that can exceed the observations of the employee wearing the BWC. Current BWCs have a field of view that exceeds the binocular vision of a human being. Video captures two-dimensional images, which may be different from an employee’s three-dimensional observations. Lighting and viewing angles may also contribute to different perceptions. Specifically, it is understood that the recording device will capture information that may not have been heard and/or observed by the involved employee and that the involved employee may see and hear information that may not be captured on video.

360.1.1 DEFINITIONS

- **BWC** – A Body Worn Camera is a wearable audio and video recording device worn in a forward facing position on the outer garment worn by the employee;
- **BWC recording** - Is the digital media file or data, created when the BWC is activated;
- **Evidentiary data** - Refers to the data of an incident or encounter that could prove useful for investigative purposes, including, but not limited to, a crime, an arrest or citation, a search, a use of force incident, or a confrontational encounter with a member of the public;
- **Non-evidentiary data** - Refers to data that does not necessarily have value to aid in an investigation or prosecution, such as data of an incident or encounter that does not lead to an arrest or citation, or data of general activities the employee might perform while on duty;
- **Digital Evidence Management System (DEM)** - Is a cloud-based storage system for data;
- **Metadata** - Is a set of data that describes and gives information about other data.
360.2 GENERAL POLICY GUIDELINES

(a) NPD will issue BWC to designated employees for use during performance of their duties. The purpose of BWC, and of this policy, is to capture video and audio recordings regarding contacts between employees and members of the public for investigatory, evidentiary and administrative purposes;

(b) BWC, and all BWC recordings generated by them, are the sole property of the City of Napa, and no NPD employee will have any ownership right, or expectation of privacy in BWC recordings;

(c) Except as expressly stated herein, NPD personnel will not alter, erase, destroy, or otherwise tamper with any BWC, or any BWC recording;

(d) Except as expressly stated herein, NPD personnel will not access, review, copy or disseminate any BWC recording;

(e) BWC recordings will not be made, viewed or otherwise used for any non-evidentiary, non-investigatory or non-training purpose. BWC will not be used for the purpose of ridiculing or embarrassing any member of the public, or any employee of NPD or the City of Napa;

(f) No non-NPD or personal recording devices will be worn at any time while on duty without the express approval of the Program Administrator.

(g) NPD personnel will not review BWC recordings for the purpose of searching for employees’ violations of department policy or law which are not related to a specific internal or external complaint, or use of force incident, without express approval from the Chief of Police.

(h) This policy does not apply to lawful surreptitious audio/video recording or interception of communications.

(i) Custodian of Records for BWC data is identified as the Police Records Bureau Administrator (see NPD Records Maintenance and Release Policy).

(j) A BWC recording does not necessarily constitute a Public record. For the purpose of this policy, a record is a recording created by a BWC by an employee acting within the course and scope of his/her duties while taking official actions. A BWC recording that is part of any investigation into any potential or actual violation of law or Department policy, is evidence and shall be handled as an Investigative Record (or Evidentiary data).

(k) Accidental camera activations that do not capture police activity or official actions, including recordings generated during training on the use of BWCs, daily equipment checks or inadvertent proximity activations will be categorized, reviewed and deleted in accordance with this policy and current State law.

360.3 PROGRAM ADMINISTRATOR

The Chief of Police will appoint a Program Administrator (sworn member of the department) who will, in cooperation with the Napa District Attorney’s and City Attorney’s Offices, develop, disseminate and supervise practices and protocols which ensure that:
Body Camera and Portable Video/Audio Recording Device

(a) Employees are properly trained in use of BWC;
(b) BWC have adequate capacity, and function properly;
(c) BWC recordings are created, downloaded, tagged, categorized, reviewed, copied, retained and deleted efficiently and securely, and comport with the requirements of the City’s retention schedule, this policy and California law.
(d) BWC recordings created and retained by NPD comply with chain of custody as required for criminal process.

360.4 PREPARATION FOR ON-DUTY USE OF BWC

(a) Prior to using BWC, employees will complete BWC training approved by the Program Administrator, and will be familiar with this policy;
(b) Prior to going into service, every employee assigned a BWC will test and inspect the BWC to ensure that they are equipped with a fully operational BWC, which has adequate battery and memory capacity for the shift.
(c) If at any time an employee determines that their BWC does not comply with operational and capacity requirements, they will report the failure immediately, (or under extenuating circumstances as soon as practical) to a supervisor, and will seek to obtain a fully operational BWC. The supervisor will provide a replacement BWC as soon as practical.
(d) Employees will wear the BWC in a conspicuous, unobstructed location on the front of the employee’s shirt or jacket unless the employee’s duty assignment dictates wearing the BWC in a less conspicuous location.

360.5 NON-UNIFORMED EMPLOYEE RESPONSIBILITIES
Employees issued a BWC, and who are assigned to non-uniformed positions (including SWAT, NSIB, Investigations, and the Special Enforcement Unit), should have their BWC available to be used if needed. Such non-uniformed employees are responsible for ensuring the recording devices are in good working order prior to going on duty and should use the BWC in accordance to this policy whenever they are involved in pre-planned events or pre-planned enforcement as listed in this policy.

Supervisors or managers may waive an employee’s requirement to carry or use a BWC when the circumstances dictate that carrying a BWC would jeopardize officer safety or the investigation; including but not limited to confidential informants, undercover operations or special investigations. Any supervisor who waives an employee’s designation to carry the BWC should be able to explain the circumstances of the police operation or conditions that would jeopardize or be inhibited by the employee carrying the recorder.

360.6 TACTICAL OPERATIONS RECORDING
By their nature, pre-planned and impromptu tactical operations often involve increased levels of risk of confrontation with persons whose domicile, place of hiding, or fortification will be legally
and tactically entered for police action. Intelligence briefings, tactical planning, or other discussion of police tactics occurring as part of the planning process for a tactical operation need not be recorded, but the points of confrontation during actual implementation of a tactical operation shall be recorded by personnel involved at the points of confrontation.

For the purpose of this policy, points of confrontation during a tactical operation are defined as the points at which a domicile, structure, or area is tactically entered, searched for a suspect in hiding, or cleared with a search to determine whether suspects or threats are present.

Whenever reasonably possible, each officer directly deployed at a point of confrontation during a tactical event should activate his or her BWC prior to the beginning of any of the following situations:

(a) Dynamic, tactical, and/or forcible entries to structures
(b) Contiguous with a tactical entry, the clearing of a structure to determine presence of threats or persons
(c) Coordinated tactical takedowns or interventions of suspects in vehicles
(d) Area searches for hidden or barricaded suspects

Officers involved in a tactical operation but not at a point of confrontation (e.g., perimeter positions, command post assignments, traffic control or other periphery assignments) need not activate their recorder unless circumstances arise as outlined in this policy.

360.7 ACTIVATION OF RECORDING
There are many situations where the use of BWC is appropriate. This policy is not intended to describe every possible circumstance. In addition to the required conditions, employees may activate their BWC anytime they feel its use would be appropriate and/or valuable to document an incident and it is allowed by current law.

Employees will activate BWC prior to the following events when feasible, or as soon as safely possible following the beginning of any such event:

(a) Vehicle stops or other detention, arrest, transport, booking of any person;
(b) Assessment for psychiatric detention;
(c) Investigatory or enforcement contacts with the public;
(d) Interviews of suspects, victims, witnesses;
(e) Searches of person or property;
(f) Foot or vehicle pursuit of a suspect;
(g) When any contact with a member of the public becomes adversarial, or when any physical contact with a member of the public is anticipated;
(h) When ordered to do so by a superior;
(i) Any other circumstance when employee believes recording would be appropriate and useful for a legitimate law enforcement purpose.
Employees should not activate BWC when the employee determines that doing so would endanger themselves or others.

360.8 NO ACTIVATION OF RECORDING
Employees should not activate, or will cease recording with BWC, in the following circumstances:

(a) When an explosive device may be present;
(b) When an arrested or detained person and their attorney or physician are conferring;
(c) When the subject(s)’ interest in privacy clearly outweighs the law enforcement interest in recording, including, without limitation, when recording would show persons in a restroom, nude persons, or images of genitalia or other private anatomy;
(d) When not in service, including during breaks from duty;
(e) For the purpose of recording conduct of NPD personnel who are not in the presence of members of the public.
(f) BWC recording may be ceased during significant periods of inactivity such as report writing or other breaks from direct participation in the incident;
(g) BWC recording will be stopped during operational or tactical planning with other officers.
(h) When confidentiality under 293 PC is requested only audio recordings will be obtained.
(i) If an employee requires consent to enter a location, the employee should obtain permission to record their activities within that location.

360.9 TERMINATION OF RECORDING
Once activated pursuant to this policy, BWC will remain activated continuously until the employee’s direct participation in the incident, interview, search, detention, booking, etc. is concluded, except during any period in which they encounter “No Activation” situations, set forth in Section 361.8, above. A verbal explanation for the cessation of the video recording should precede the deactivation of the camera, when practicable.

360.10 FAILURE TO PROPERLY ACTIVATE, INTERRUPT OR TERMINATE RECORDING
If an employee fails to activate BWC pursuant to policy, or interrupts or terminates recording contrary to policy, the employee will document in their written report why BWC was not activated, or was interrupted or terminated contrary to policy.

360.11 INFORMATION REQUIRED FOR ALL RECORDINGS (CAD INTEGRATION)
Every video created by a BWC shall have a minimum amount of identifying information (metadata) attached to it. In most cases, the required information will be automatically populated by the DEM through CAD integration; however, there will be some instances when that information will not be automatically populated.
For all recordings that are evidentiary data, employees shall be responsible for adding information to the following fields in the DEM:

(a) **ID**: A Napa PD case number in the following format:
   1. NPD followed by the two-digit year followed by a hyphen followed by six digits. (Example: NPD18-000001)
   2. Do not enter anything other than the GO or incident number in the ID field.
(b) **TITLE**: Evidence item number and description (Example: MRM-1 Video of suspect interview)
(c) **CATEGORY**: Choose the appropriate category from the drop-down list in the DEM.

For all recordings that are non-evidentiary data, employees shall be responsible for adding information to the following fields in the DEM:

(a) **CATEGORY**: Choose the appropriate category from the drop-down list in the DEM.

### 360.12 TRANSFER PROCEDURES

(a) Employees will use the docking station to Evidentiary data. All digital evidence will be stored within the Digital Evidence Management (DEM) system designated by NPD, except as directed by the Program Administrator.

(b) Any BWC that contains recordings shall be docked and uploaded prior to the end of the employees shift. Case by case exceptions may be made with the prior approval of the supervisor.

(c) All data will be removed from the BWC at the time of downloading.

(d) Once the data has been downloaded, employees shall ensure metadata was added to each video in accordance with 361.11.

(e) Following any use of force by an officer, or other extraordinary or appropriate event, as determined by the employee’s supervisor, all involved BWC recordings shall be uploaded to the server as soon as reasonably possible thereafter or placed in the possession of the supervisor, who shall upload the Evidentiary data.

(f) In the event of extraordinary circumstances, a supervisor or Investigator may conduct a direct download of a BWC for investigative purposes involving public safety. The BWC recording will be uploaded to the DEM and categorized by that supervisor or Investigator and documented accordance with this policy and NPD Evidence Procedures - Film, Audio, Video and Digital Images policy.

### 360.13 REVIEW OF RECORDINGS BY NPD PERSONNEL

(a) Access to and review of BWC recordings will occur only pursuant to this policy, and only with the express approval of the Program Administrator or Chief of Police.

(b) The Program Administrator will control access to review of BWC recordings by those persons identified by the Program Administrator. The Program Administrator will
develop a matrix to identify which individuals or job classifications have access to various categories of data.

(c) Every review of, or instance of access to any BWC recording, other than an employee’s own BWC footage, will be documented, including date, time, personnel involved, duration and purpose of review within the “Notes” section or that video within the DEM. Those notes are part of the permanent audit trail for that video.

(d) In instances not involving use of deadly force by any officer, officers may review BWC recordings if helpful in preparing written reports, preparing for court, or investigative purposes.

(e) In an instance involving the use of deadly force by an officer, the involved officer may be allowed to view the recordings prior to the initial interview. If the investigator shows any audio/video recording to the involved officer, the investigator should admonish the involved officer about the limitations of audio/video recordings. The following is an example of an appropriate admonishment in a case involving video evidence:

1. “In this case, there is video evidence that you will have the opportunity to view. Video evidence has limitations and may depict the event 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 the video may limit the cameras ability to capture movements normally 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. Remember, the video evidence is intended to assist your memory and ensure that your initial statement explains your state of mind at the time of the incident.”

(f) With the express approval of the Program Administrator, NPD personnel may review BWC recordings of other employees for training purposes to prepare for testimony; as part of an administrative review, or for other expressly approved official NPD business.

360.14 REQUESTS FOR DELETION OR REDACTION OF A RECORDING

Video redaction is used to obfuscate sensitive images, locations or other personal identifying information. Video redaction will be used to conceal Protected/Restricted Information defined in the NPD Records Maintenance and Release (Release Restrictions) policy and the NPD Protected Information policy. Redaction techniques may include but are not limited to the blurring of the video image using a digital filter and/or the muting of audio containing Protected/Restricted Information.

(a) In the event an employee becomes aware of an accidental or inadvertent activation of the BWC, or training recordings that do not contain evidentiary value, the recording employee may request that the BWC file be deleted by categorizing the video accordingly. The video will be reviewed by the Program Administrator’s designee and deleted after 60 days in accordance with Penal Code § 832.18 if the video meets the category criteria. The employee will be notified of the approval or denial via email.

(b) In the event an employee becomes aware of a failure to deactivate the BWC after the conclusion of the recordable event, the employee shall mark the video at the 30 second mark after the conclusion of the recordable event that contains any evidentiary value.
The recording employee may request that the portion of the BWC file be redacted by submitting an e-mail request with sufficient information to locate the BWC file to the Program Administrator, who shall review the file and approve or deny the request. Sufficient information should include the addition of a marker within the DEM that clearly identifies the material in question. The employee will be notified of the approval or denial via email.

360.15 RETENTION OF RECORDINGS
The storage of digital evidence, including BWC recordings, is specified in the NPD Evidence Procedures - Film, Audio, Video and Digital Images policy. The DEM system is a cloud-based database managed by a third-party vendor. Every BWC recording will be retained in its complete, unedited, unaltered form, pursuant to the terms of, and for the periods identified by this policy, and the City of Napa’s Records Retention Policy. Except for those mentioned, or portions thereof, in section 361.14.

(a) BWC recordings uploaded to the DEM will be retained as specified in the City Record Retention Schedule. In general, the retention schedule requires recordings to be retained for 2 years unless they are identified as evidence. If a recording is identified as evidence, the retention will follow the applicable evidence/property retention schedule as set forth in the City of Napa’s Records Retention Policy as amended from time to time.

(b) BWC recordings which relate to a citizen complaint or administrative/internal investigation will be retained in accordance with the City Record Retention Schedule

(c) All remaining BWC recordings will be retained for a minimum of 60 days.

(d) BWC recordings will be deleted following the periods set forth above, and pursuant to the requirements of the City of Napa’s records retention schedule.

(e) Records related to access to and deletion of BWC recordings should be retained permanently.

360.16 NON-NPD REVIEW, COPY AND RELEASE OF ORIGINAL RECORDINGS

(a) BWC may be reviewed, and copies of BWC recordings may be released to non-NPD personnel only with the written consent of the Chief of Police.

(b) Departments, to include the District Attorney’s Office, City Attorney’s Office or other Allied Law Enforcement Agencies shall forward a written request for BWC recordings to the Records Section in a manner consistent with the request for other evidence items.

(c) Requests must include sufficient information to identify, including but not limited to, the case number, event number, date/time range of occurrence or the identification number of the involved employee.

(d) Requests for BWC recordings will be fulfilled using digital file sharing methods within the DEM system.
(e) Subpoena Duces Tecum or Discovery Requests will be handled in accordance with the NPD Records Maintenance and Release (Subpoena and Discovery Request) policy.

(f) BWC recordings that are Evidentiary data, and are not subject to routine review or release pursuant to California Public Records Act or similar public requests. Except when required by law, requests for review or copies will be granted in whole or in part when, in the discretion of the Chief of Police or his or her designee, the public interest in disclosure outweighs the public interest in non-disclosure, and when disclosure would not violate privacy interests or rights of those depicted in the recording.

(g) Copies of other BWC recordings that are subject to the Public Records Act, will be redacted in accordance with current State law and the NPD Records Maintenance and Release (Release Restrictions) and the NPD Protected Information policies.

(h) When released pursuant to the Public Records Act, BWC recordings will be produced in their entirety unless there was a documented failure to deactivate the BWC after the conclusion of the recordable event. In the event the employee failed to deactivate the BWC at the conclusion of the recordable event, the recording will be redacted so that the video depicts the 30 second time periods preceding and following an event captured by the BWC.

(i) The Napa Police Department will provide the complete, un-redacted copy of BWC recordings when compelled by a court order.

360.17 VIOLATION OF POLICY - DISCIPLINE

Intentional violation of this policy may result in discipline up to and including termination.
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.

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

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

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

400.4 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.
Patrol Function

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

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

Patrol services include, but are not limited to:

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

401.1 PURPOSE AND SCOPE
This policy provides guidance to department members that affirms the Napa Police Department's commitment to policing that is fair and objective.

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

401.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

401.3 BIAS-BASED POLICING PROHIBITED
Bias-based policing is strictly prohibited.

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

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

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

(a) In compiling personal information about a person’s religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.
Bias-Based Policing

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

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

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

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

401.4.2 REPORTING OF STOPS
Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Napa Police Department is the primary agency, the Napa Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer’s shift or as soon as practicable (11 CCR 999.227).

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

(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.

401.6 ADMINISTRATION
Each year, the Operations Division Captain should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

401.7 TRAINING
Training on fair and objective policing and review of this policy should be conducted as directed by the Training Section.

   (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)).

401.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE
The Internal Affairs Investigator Manager shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Bureau Policy.

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

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

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

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

402.2 PREPARATION OF MATERIALS
The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.
Crime and Disaster Scene Integrity

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

403.2 POLICY
It is the policy of the Napa 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.

403.3 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.

403.4 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.
403.5 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.

403.5.1 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.

403.6 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).
Crisis Response Unit

404.1 PURPOSE AND SCOPE
The Crisis Response Unit is comprised of three specialized teams: The Crisis Negotiation Team, the Special Weapons and Tactics Team (SWAT), and the Tactical Dispatch Team. The unit has been established to provide specialized support in handling critical field operations wherein intense negotiations and/or special tactical deployment methods, beyond the capacity of field officers, appear to be necessary to reduce the risk of injury or loss of life. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

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

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

404.2 LEVELS OF CAPABILITY/TRAINING
The Commander of the CRU shall be selected by the Chief of Police upon the recommendation of staff.

404.2.1 CRISIS RESPONSE MANAGER
Under the direction of the Chief of Police, through the designated bureau Captain, the Crisis Response Unit shall be managed by a Department Lieutenant.

404.2.2 TEAM SUPERVISORS
The Crisis Negotiation Team and the Special Weapons and Tactics Team will be supervised by the person designated by the Crisis Unit Response Lieutenant.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the CRU Lieutenant.
The following represent the supervisor responsibilities for the Crisis Response Unit.

(a) The Crisis Negotiation Team supervisor’s primary responsibility is to supervise the operations of the Crisis Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CRU Lieutenant.

(b) The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the CRU Lieutenant.

404.3 POLICY
The Crisis Negotiation Team has been established to provide skilled verbal communicators to de-escalate those in crisis and to effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

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

404.3.1 POLICY CONSIDERATIONS
Interested sworn personnel, who are off probation, shall submit a memo of interest to the Crisis Response Unit Lieutenant. Qualified applicants will then be invited to participate in a testing process. The testing process will be established by the Crisis Response Unit Lieutenant. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance;

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process;

(c) Effective communication skills to ensure success as a negotiator;

(d) Special skills, training, or appropriate education as it pertains to the assignment;

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

The oral board shall submit a list of successful applicants to staff for final selection.

404.3.2 ORGANIZATIONAL PROCEDURES
Those officers selected as members of the Crisis Negotiation Team 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 should be used in a support or training capacity. Additional training will be coordinated by the team supervisor or the team training officer.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor or the team training officer.
Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Crisis Negotiation Team who performs or functions at a level less than satisfactory shall be dismissed from the unit.

404.4 TRAINING NEEDS ASSESSMENT
The CRU Lieutenant 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. § 1081).

404.4.1 INITIAL TRAINING
SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

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

404.4.2 UPDATED TRAINING
Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

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

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

404.4.4 SWAT ONGOING TRAINING
Training shall be coordinated by the CRU Commander. The CRU Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test quarterly per 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 CRU Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(e) Each SWAT team member shall complete the 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 CRU commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

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

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

404.4.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Training Section. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

404.5 UNIFORMS, EQUIPMENT, AND FIREARMS

404.5.1 UNIFORMS
SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.
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404.5.2 EQUIPMENT
SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

404.5.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

404.5.4 OPERATIONAL READINESS INSPECTIONS
The CRU Commander shall appoint a CRU supervisor to perform operational readiness inspections of all unit equipment at least quarterly. The result of the inspection will be forwarded to the CRU Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the CRU facility and equipment maintained or used in CRU vehicles.

404.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT
The Lieutenant of the CRU shall be selected by the Chief of Police upon recommendation of staff.

404.6.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police, the Crisis Response Unit shall be managed by a Captain or his/her designee.

404.6.2 TEAM SUPERVISORS
The Crisis Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant(s).

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

The following represent the supervisor responsibilities for the Crisis Response Unit.

(a) The Crisis Negotiation Team supervisor's primary responsibility is to supervise the operations of the Crisis Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CRU Lieutenant.

(b) The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the CRU Lieutenant.

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

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

404.7.1 SELECTION OF PERSONNEL
Interested sworn personnel, who are off probation, shall submit a memo of interest to the Crisis Response Unit Lieutenant. Qualified applicants will then be invited to participate in a testing process. The testing process will be established by the Crisis Response Unit Lieutenant. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

(c) Effective communication skills to ensure success as a negotiator.

(d) Special skills, training, or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

404.7.2 TRAINING OF CRISIS NEGOTIATORS
Those officers selected as members of the Crisis Negotiation Team 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 or the team training officer.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor or the team training officer.

Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Crisis Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

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

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.
Crisis Response Unit

404.8.1 SELECTION OF PERSONNEL
Interested sworn personnel, who are off probation, shall submit a memo of interest to the Crisis Response Unit Lieutenant. Qualified applicants will then be invited to participate in a testing process. The testing process will be established by the Crisis Response Lieutenant. Interested personnel shall be evaluated by the following:

(a) Oral board: The oral board will consist of personnel selected by the CRU Lieutenant. Applicants will be evaluated by the following criteria:
   1. Recognized competence and ability as evidenced by performance;
   2. Demonstrated good judgment and understanding of critical role of SWAT member;
   3. Special skills, training, or appropriate education as it pertains to this assignment; and,
   4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the CRU Lieutenant. A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun. A minimum qualifying score of 400 out of a possible score of 500 must be attained to qualify.

(d) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

(e) A list of successful applicants shall be submitted to staff, by the CRU Lieutenant, for final selection.

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

404.8.3 TACTICAL DISPATCH TEAM ADMINISTRATIVE PROCEDURE
The Tactical Dispatch Team has been established to provide skilled tactical dispatching and documentation in critical situations where suspects have taken hostages, barricaded themselves or have suicidal tendencies. The following procedures serve as directives for the administrative operation of the Tactical Dispatch Team.
Crisis Response Unit

404.8.4 TACTICAL DISPATCH SELECTION OF PERSONNEL
Interested Dispatch personnel, who are off probation, shall submit a memo of interest to the Communications Manager. Qualified applicants will then be invited to take part in a testing process which will be established by the Communications Manager. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance;

(b) Demonstrated good judgment and understanding of critical role of Tactical Dispatch process;

(c) Effective communication skills to ensure success as a Tactical Dispatcher;

(d) Special skills, training, or appropriate education as it pertains to the assignment;

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations

404.8.5 TRAINING OF TACTICAL DISPATCHERS
Those Dispatchers selected as members of the Tactical Dispatch Team should attend the Basic Tactical Dispatch Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained dispatchers should be used in a support or training capacity. Additional training will be coordinated by the team supervisor or training officer.

A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor or training officer.

Continual evaluation of a team member’s performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Tactical Dispatch Team who performs or functions at a level less than satisfactory shall be dismissed from the unit.

404.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT
The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the CRU Lieutenant.

404.9.1 ON-SCENE DETERMINATION
The supervisor in charge on the scene of a particular event will assess whether the Crisis Response Unit is to respond to the scene. Upon final determination by the Shift Sergeant, he/she will notify the proper chain of command.
404.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

(a) Barricaded suspects who refuse an order to surrender.
(b) Incidents where hostages are taken.
(c) Cases of suicide threats.
(d) Arrests of dangerous persons.
(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

404.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Shift Sergeant. Deployment of the Napa Police Department Crisis Response Unit in response to requests by other agencies must be authorized by a Captain or his/her designee.

404.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

(b) Members of the Napa Police Department SWAT team shall operate under the policies, procedures and command of the Napa Police Department when working in a multi-agency situation.

404.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The Shift Sergeant will make a request for the Crisis Response Unit through the Crisis Response Unit Captain or Lieutenant. If that Captain or Lieutenant is unavailable the request shall go through the SWAT Team Supervisor. The Shift Sergeant shall then notify the CRU Captain and Lieutenant. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Shift Sergeant's office by the CRU Lieutenant. The Shift Sergeant will then notify the Operations Bureau Captain as soon as practical.

The Shift Sergeant should advise the CRU Captain or Lieutenant with as much of the following information which is available at the time:

(a) The number of suspects, known weapons and resources.
(b) If the suspect is in control of hostages.
(c) If the suspect is barricaded.
(d) The type of crime involved.
(e) If the suspect has threatened or attempted suicide.

(f) The location of the command post and a safe approach to it.

(g) The extent of any perimeter and the number of officers involved.

(h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The CRU Lieutenant or supervisor shall then call selected officers to respond.

404.9.6 FIELD UNIT RESPONSIBILITIES
While waiting for the Crisis Response Unit, field personnel should, if safe, practical and sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish a Designated Apprehension Team. The team actions may include:

1. Securing any subject or suspect who may surrender.

2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the CRU Commander on the situation.

(g) Plan for, and stage, anticipated resources.

404.9.7 ON-SCENE COMMAND RESPONSIBILITIES
Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Lieutenant and team supervisors about the situation. Upon review, it will be the Incident Commander’s decision, with input from the CRU Lieutenant, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU Lieutenant will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Crisis Response Unit. The Incident Commander and the CRU Lieutenant (or his or her designee) shall maintain communications at all times.

404.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL
All of those persons who are non-Crisis Response Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis NegotiationTeam personnel directly. All non-
emergency communications shall be channeled through the Crisis Negotiation Team Sergeant or his or her designee.
Stolen & Recovered Vehicles

405.1 PURPOSE AND SCOPE
The purpose of this General Order is to establish uniform procedures for the preliminary investigation and reporting of stolen vehicles, recovery of stolen vehicles, Stolen Vehicle System (SVS) data entry and the timely notification of the recovered stolen vehicle owner.

405.2 POLICY
(a) Investigation and SVS Entry. It is the policy of this Department to thoroughly investigate and report any legitimate vehicle theft and recovered stolen vehicle; enter and remove information from the Stolen Vehicle System when confirmation of theft or recovery has been established.

(b) Owner Notification. It is the policy of this Department to notify the owner of any recovered stolen vehicle within twenty-four (24) hours whenever possible.

(c) Vehicle Storage. It is the policy of this Department that when the owner of a recovered stolen vehicle cannot be contacted in a reasonable amount of time by telephone or personal contact, the recovered stolen vehicle shall be stored at a secure facility, pending notification of the owner.

405.3 PROCEDURES
Initial Complaint Handling - When an employee of the Napa Police Department is initially contacted by the victim reporting a vehicle theft, that person should obtain, at a minimum, the following information for entry into the complaint mask of the CAD system:

- Name of the victim/reporting party.
- Home telephone number of the victim/reporting party.
- Residence address of the victim/reporting party.
- Business telephone or best point of contact for the victim/reporting party.
- Vehicle description (year, make, model, license #, color) when known.
- Information about the theft and/or thief if known.

The Dispatcher, ASD, or Records Clerk receiving the initial complaint shall enter all information described above into the CAD system via the complaint mask.

Officers and other personnel obtaining the initial complaint from the victim shall provide Napa Dispatch with the required information for entry into the CAD system.

Preliminary Investigation of Stolen Vehicles - Though the preliminary stolen vehicle report may be taken by telephone or in person, the following investigative steps shall be taken where appropriate:

- A check of the area where the vehicle was reported stolen.
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- Contact of neighbors, witnesses or other involved parties.
- Follow-up of any leads developed from victim/neighbor contacts.
- Contact of financing agency, repossessor, tow companies, etc.

Report Requirements Stolen Vehicles - The assigned Officer shall complete the CHP 180 form, entering all required information, including any additional vehicle descriptors which will aid in identification.

- In addition to the victim's residence telephone number, the assigned Officer shall obtain the victim's business telephone number or other number for the best point of contact (BPC) when the victim is not home.
- The business telephone number of BPC shall be entered in the first line of the REMARKS section to the right of the REPORTED BY: box. Example: BUS PH 255-7119 or BPC (415) 553-6621.
- Victim/Reporting Party Signature.
  - It is not a requirement to obtain the victim's/reporting party’s signature when the report is taken over the telephone AND the reported theft appears legitimate.
  - The victim's/reporting party’s signature SHOULD be obtained when the vehicle theft report is taken in person.
  - The victim's/reporting party’s signature SHALL be obtained on ANY vehicle theft report when there is a question as to its legitimacy.
- The narrative of the report shall contain the circumstances surrounding the theft or disappearance of the vehicle, any suspect descriptions, investigative leads provided by the victim, reporting party, witnesses, and all investigative activities conducted by the assigned Officer and/or by other Officers at the direction of the assigned Officer, including any recovery and arrest information if the stolen vehicle is recovered as a result of the continuing investigation by the assigned Officer before the end of his/her shift.

Stolen Vehicle System (SVS) Data Entry - Upon completion of the initial vehicle theft report the Officer or employee taking the report will contact Napa Dispatch by radio or telephone, providing them with the required information for entry into the Stolen Vehicle System.

- The reporting Officer/employee may conduct or cause a thorough preliminary investigation prior to the entry of the vehicle information into SVS if the Officer/employee feels the vehicle in question has been misplaced or the reported theft may not be legitimate. (Requires documentation in narrative of the report).
- The reporting Officer/employee shall provide, at a minimum, the following information, if not already in possession of Dispatch:
  - Vehicle license number/state/expiration year
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- Year
- Make
- Model
- Body Type
- Color(s)
- VIN if obtained and confirmed by the reporting employee
- Outstanding features for identification
- Suspect information if appropriate for BOL
- Broadcast a BOL on the stolen vehicle with any additional information provided relating to the description, suspects, direction of travel, etc.

Upon receipt of the necessary information from the reporting Officer or employee, Dispatch shall:

- Confirm the license/owner information in DMV and obtain the VIN (if not already obtained by the reporting Officer/employee).
- Enter any additional information necessary into the CAD system and initiate a case number for the incident.
- Provide the reporting Officer/employee with the VIN and case number.
- Enter the information into SVS.

Preliminary Investigation of Recovered Stolen Vehicles - When ANY stolen vehicle, regardless of the reporting agency, is recovered within the Napa City limits, a thorough investigation SHALL be conducted, including:

- Processing and collection of physical evidence including latent prints, wire jumpers, tools used in the commission of the crime, and other items of evidence which aid in identification of the suspect(s), etc.
- Inventory of the vehicle and its contents to determine damage, items removed and/or left by the suspect(s).
- Photographs of the vehicle exterior and interior when appropriate.
- Contact with the person(s) reporting the location of the vehicle when appropriate (e.g. located abandoned).
- Neighborhood check to locate persons who might identify suspect(s) when the vehicle is found abandoned.
- Arrest and interview of suspects when appropriate.
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• When a vehicle reported stolen in Napa is recovered by another agency, that agency will be requested to process the vehicle for evidence and a copy of their report be forwarded to the Napa Police Department.
  o If the recovering agency's policies prohibit processing of the recovered vehicle, the Patrol Watch Commander may assign an Officer to respond for processing, WHEN the recovered vehicle is within twenty minutes driving time AND a suspect is in custody or named.
  o When a vehicle reported stolen from the city of Napa is involved in another felony crime in Napa and is recovered by another agency, the Patrol Watch Commander or Investigations Supervisor, with consideration for the type of crimes, distance, custody status and necessity to collect evidence, may:
    ▪ Request the recovering agency process the vehicle, providing that the agency has the information necessary to obtain appropriate evidence, or
    ▪ Assign one or more Officers and identification technicians to respond to process the vehicle, or
    ▪ Request the recovering agency impound the vehicle pending response by the Investigators/ID Technicians.
    ▪ If the recovering agency is an out-of-state law enforcement agency and a request is made to confirm extradition they shall be referred to the District Attorney's Office on the next business day.

When ANY stolen vehicle, either stolen from the City of Napa or recovered in the City of Napa, regardless of the reporting or recovering agency, the Napa Dispatch Center SHALL Initiate a CAD incident for a recovered stolen vehicle providing the minimum of the following information:

• Original case number
• Original Reporting Agency
• Recovering Agency
• Location of the recovered vehicle
• Condition of the recovered vehicle, drivable or not
• If the vehicle is stored or released to the owner.

Report Requirements Recovered Stolen Vehicles - The assigned Officer shall complete the CHP 180 form, entering all required information, including damage, missing parts and descriptors which will aid in identification.

• The narrative of the report shall contain the circumstances surrounding the recovery of the vehicle, arrests made, suspect descriptions, statements of witnesses and suspects, all investigative activities conducted by the reporting Officer and/or by other
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Officers at the direction of the reporting Officer, including the collection of evidence, neighborhood checks, storage, impound or release of the vehicle to the owner.

Stolen Vehicle System (SVS) Removal of Data. When confirmation of a vehicle recovery that was stolen in the city of Napa is received, Napa Central Dispatch SHALL remove the vehicle from the Stolen Vehicle System.

Owner Notification Recovered Stolen Vehicle - When a vehicle reported stolen from another agency is recovered in the city of Napa, Napa Central Dispatch SHALL:

• Contact the original reporting agency by telephone to advise them of the recovery.
• Advise the original reporting agency if the vehicle is drivable or if it will be stored.
• Attempt to notify the victim/owner from the information on the SVS entry of the original reporting agency.

When a vehicle reported stolen from the city of Napa is recovered by another agency or by the Napa Police Department, Napa Central Dispatch will:

• Pursuant to current CJIS regulations, Dispatch will attempt to notify the original reporting party and/or victim by phone or by assigning an Officer to make contact.
• Document all notifications, any information received from the recovering Officer or recovering agency, and all actions regarding the recovered stolen vehicle performed by Dispatch personnel on the Recovered Stolen Vehicle Incident card in CAD.

If the vehicle is recovered in the city of Napa, the recovering Officer will:

• Inform Dispatch of the recovery.
• Advise Dispatch if the vehicle is available to be released to the owner or if it is to be held for further investigation.
• Request Dispatch attempt to contact the owner. Dispatch will first attempt to contact the owner by telephone numbers in the original Stolen Vehicle card and in CAD.
  ◦ If contact cannot be made by telephone, the appropriate beat Officer or the recovering Officer shall be Dispatched to the vehicle owner's residence to attempt to contact.
  ◦ **ONCE DISPATCHED TO THE OWNER'S RESIDENCE, NOTIFICATION OF THE OWNER BECOMES THE RESPONSIBILITY OF THE OFFICER ASSIGNED.**

If the Officer assigned notification is unable to make contact at the owner's residence, he/she SHOULD:

• Contact a neighbor to confirm the owner still lives at that address.
• Leave a message with the neighbor for the owner, and
Stolen & Recovered Vehicles

- Leave a note at the owner's residence advising of the recovery and a contact number for Records or Investigations.

If the Officer assigned notification is unable to make contact at the owner’s residence or the owner has moved, he/she SHALL:

- Notify the Patrol Supervisor that contact has not been made.
- Notify the on-coming beat Officer to attempt contact with the owner (if still living at the address provided).
- Ensure the original recovery report is delivered to Records.
- Ensure a copy of the recovery report is delivered to Investigations.

If the recovery occurs over a weekend and the owner was not contacted initially, attempts to contact shall be continued and documented by the appropriate Officers until Investigations can be notified.

When the owner of a recovered stolen vehicle is notified, the date, time, and means of notification SHALL be documented.

- Dispatch will document the information in the Recovered Stolen Vehicle card in CAD.
- Assigned Officers will document and route the information to Investigations and Records.

Storage of Recovered Stolen Vehicles - Recovered stolen vehicles SHALL be stored:

- When the owner cannot be contacted in a reasonable amount of time the assigned Officer will provide a copy of the CHP 180 form to Records for notification of the owner by mail.
- Upon the owner's request (unable to respond or not drivable).
- When required for processing and collection of evidence.

All recovered stolen vehicles SHALL be inventoried prior to storage.

Napa Central Dispatch SHALL enter all stored vehicles in SVS and note the storage in the appropriate CAD incident.

Records SHALL send a notification of storage to the registered owner as required by CJIS regulations.
Ride-Along Policy

406.1 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.

406.1.1 ELIGIBILITY
The Napa 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

406.1.2 AVAILABILITY
The Ride-Along Program is available on most days of the week, with certain exceptions. The ride-along times are from 10:00 a.m. to 11:00 p.m. Exceptions to this schedule may be made as approved by the Chief of Police, Division Captain, or Shift Sergeant.

406.2 PROCEDURE TO REQUEST A RIDE-ALONG
Generally, ride-along requests will be scheduled by the Patrol Lieutenant. 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 Patrol Lieutenant 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 Shift Sergeant 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.

406.2.1 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 Shift Sergeant.
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 the Police Cadets Policy.

406.2.2 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 Shift Sergeant or field supervisor may refuse a ride along to anyone not properly dressed.

406.2.3 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 Shift Sergeant. 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.

406.2.4 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 Napa Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

406.3 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 Shift Sergeant is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the yellow form shall be returned to the Shift Sergeant with any comments which may be offered by the officer.

406.4 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
Ride-Along Policy

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment.

c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer’s duties.

d) Ride-alongs may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety.

e) Officers will not allow any ride-alongs to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen.

(f) Under no circumstance shall a civilian ride along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person.
Hazardous Material Response

407.1 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.

407.1.1 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.

407.2 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).

407.3 REPORTING EXPOSURE(S)
Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an incident report that shall be forwarded via Chain of Command to a Bureau Captain. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the incident report.
Hazardous Material Response

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.

407.3.1 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.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department. (See Policy 701 - Respiratory Protection Program).
Hostage and Barricade Incidents

408.1 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.

408.1.1 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.

408.2 POLICY
It is the policy of the Napa 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.

408.3 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.

408.3.1 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,
Hostage and Barricade Incidents

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.

408.4 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.

408.4.1 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.

408.4.2 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.

408.5 SUPERVISOR RESPONSIBILITIES
Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit (CRU) response if appropriate and apprising the CRU 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.

408.6 CRU RESPONSIBILITIES
The Incident Commander will decide, with input from the CRU Commander, whether to deploy the CRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CRU Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the CRU. The Incident Commander and the CRU Commander or the authorized designee shall maintain communications at all times.

408.7 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

409.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to assist members of the Napa 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.

409.2 POLICY
It is the policy of the Napa Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

409.3 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 Shift Sergeant is immediately advised and informed of the details. This will enable the Shift Sergeant to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

409.4 GOVERNMENT FACILITY OR PROPERTY
A bomb threat targeting a government facility may require a different response based on the government agency.

409.4.1 NAPA POLICE DEPARTMENT FACILITY
If the bomb threat is against the Napa Police Department facility, the Shift Sergeant will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

409.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY
If the bomb threat is against a county or municipal facility within the jurisdiction of the Napa 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 Shift Sergeant deems appropriate.
Response to Bomb Calls

409.4.3 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.

409.5 DISPATCHING PERSONNEL TO CALLS
Dispatch shall immediately assign one patrol unit and a supervisor to the scene of a reported bomb threat. In case of an actual bombing or suspected device, the on-duty supervisor shall request the appropriate explosive ordinance disposal (EOD) team to respond in addition to NPD Investigations personnel.

409.5.1 SEARCH OF AN AREA, EVALUATION OF THREAT & EVACUATION
The primary responsibility for the search of the bomb threat area shall rest with the person in charge of the premises. The officer in charge at the scene shall discuss the situation with the person in charge of the premises and make an evaluation as to what type of search shall be conducted.

- Covert Search - A search by a limited number of employees, without evacuating, and allowing the business to operate as usual.
- Overt Search - A search by a designated group of employees after an evacuation has taken place.

Officers shall not get involved in searching for explosive devices.

In the event that no bomb or suspicious device is found, the responsibility to return to the threatened area shall rest with the person in charge of the premises.

Evaluation of threat/Evacuation - Items to be included in evaluating the threat and deciding to evacuate include:

- Recently fired employees;
- Dissatisfied customers;
- Other acts or threats of violence which have been carried out;
- Similar bomb threats which resulted in actual devices being found and detonated;
- The requirement that if an evacuation is implemented, it must be done within a safe distance in all directions of the threatened area, which may include evacuation of
other premises, the closure of city streets, and the deployment of additional officers for premier security.

409.5.2 DISCOVERY OF A BOMB OR SUSPECTED EXPLOSIVE DEVICE
Upon locating a bomb, suspected bomb or explosive device (including all blasting caps), or military ordinance, the following procedures shall be applied.

(a) Evacuation of the area. The officer in charge of the scene shall have the danger area evacuated to a minimum distance of 300 feet. The officer shall then establish and maintain a perimeter allowing entry to authorized persons only.

(b) In the event the target of the bomb is an automobile, the officer in charge of the scene shall cause the area to be evacuated. The responsibility for the search shall rest with the appropriate EOD team.

(c) The supervisor at the scene of the bombing or location of a suspected device shall summon the appropriate EOD team in addition to NPD Investigations.

(d) Notification of other agencies.

1. The supervisor at the scene shall request the Napa Fire Department, as well as ambulance(s), to stand by the area when the EOD team arrives.

2. When necessary, the supervisor shall also notify PG&E officials to shut off power and fuel lines.

409.5.3 REMOVAL OF A BOMB

(a) No officer, unless designated by the Chief of Police or his designee, shall at any time, attempt or cause to be moved, any bomb, suspected bomb or other explosive device.

(b) When the suspected bomb or suspected device is located, the appropriate EOD Team shall be called and officers shall follow their instructions, lending whatever assistance the EOD Team may require.

(c) When the EOD Team is not immediately available, officers shall not attempt to disarm or move the explosive device, but shall keep the area clear until trained EOD personnel arrive.

(d) Pending the arrival of an EOD Team the on-duty supervisor may call for and assign department personnel who have been trained in explosive ordinance and have been designated by the Chief of Police, in writing, to proceed to the scene in an attempt to determine the type of explosive or device. Personnel so designated shall not, at any time, attempt to disarm or move the bomb or device.

409.5.4 DISPOSAL OF BOMBS OR SUSPECTED EXPLOSIVE DEVICES

(a) The Napa County Sheriff's Department Bomb Squad shall be the primary EOD Team to be called out for all bombs or suspected explosive devices within the City of Napa.
1. The Napa County Sheriff's Department Bomb Squad primary function is to render safe any explosive device.

2. Requests for the Napa County Sheriff's Department Bomb Squad shall be made by a supervisor through Napa Central Dispatch.

(b) If the Napa County Sheriff's Department Bomb Squad is not available, then the California State Fire Marshall's Office shall be contacted. Responsibility for the notification of Napa County Sheriff's Department Bomb Squad or California State Fire Marshall's Office personnel rests with the on-duty supervisor.

409.6 BOMBS AND SUSPECTED BOMBS SENT THROUGH THE MAIL

(a) Officer shall handle all explosives or suspected explosives sent or received through the mail in the manner as other explosives.

(b) Officers shall advise the on-duty supervisor who shall notify the proper postal authority immediately.

409.7 DETONATION OF AN EXPLOSIVE DEVICE
Whenever an explosive device has been detonated accidentally or unlawfully, the investigating officer shall:

(a) Render immediate care for any injured persons and request emergency services required at the scene.

(b) Above all else, remember where one explosive device detonated, so might another. Don't assume there is only one.

(c) Preserve the scene and all potential evidence bearing in mind that it may be spread over a large area.

(d) Insure that the Investigations Bureau is notified to respond to the scene to conduct the investigation.

(e) Locate and obtain identifying information and statement from witnesses.

(f) Request that the Police Forensic Specialist or Crime Scene Specialist respond for photographs and evidence collected. Provide assistance, as needed, for the EOD Team.

409.8 EVIDENCE COLLECTION AND STORAGE OF BOMBS OR SUSPECTED EXPLOSIVES

(a) In all bomb cases, i.e., an actual bombing, a suspected bomb, or explosive device, there will be physical evidence available.

(b) Members shall see that all evidence is collected.
Response to Bomb Calls

(c) Actual bombs, unexploded devices, or explosive materials, except for commercially manufactured fireworks, shall be rendered safe by an EOD Team.

1. Bombs, unexploded devices, explosive materials, or highly caustic materials that the EOD cannot render safe shall remain in the custody of the EOD team until it can be rendered safe, neutralized or destroyed.

(d) All fireworks are classified as "dangerous fireworks." This includes those labeled "safe and sane." All fireworks are defined as "firecrackers."

1. "Firecrackers" are defined in Section 980(f)(1) of the California Code of Regulation as a device consisting of an explosive pyrotechnic in an amount not to exceed 50 milligrams (.772 grains) in weight in a fused container whose primary function is to produce and audible effect. All firecrackers are classified as "dangerous fireworks."

2. Devices similar in construction to "firecrackers" which exceed the specified weight shall be considered as EXPLOSIVES in accordance with Health and Safety Code Section 12000, et seq.

(e) No bombs or explosive substances shall be stored in the police department building, on police department grounds, or any other City of Napa facility with exception of the Pyrotechnics Locker, as provided in Section 416.8.1 (a). This includes fireworks and gun powders.

409.8.1 THE PYROTECHNICS LOCKER

(a) The Pyrotechnics Locker is located at the Police Department firearms range. No bombs, unexploded devices or explosive materials not rendered safe by the EOD Team, or items that are considered unsafe to be handled by department members, shall be stored in the locker. However, commercially manufactured fireworks may be stored in the Pyrotechnics Locker.

(b) Members having evidence to be placed in the Pyrotechnics Locker shall contact their shift supervisor or on-duty supervisor for access.

(c) All items being placed in the Pyrotechnics Locker shall be accompanied by a property packaging report with a case number.

1. The Property Packaging Report shall clearly indicate the items placed in the Pyrotechnics Locker, including the quantity of the substances being stored.

(d) A copy of the Property Packaging Report shall be routed to the Property Clerk.

(e) The shift supervisor shall notify the Special Operations Captain of the nature and quantity of the substances placed in the Pyrotechnics Locker.
Response to Bomb Calls

1. The Special Operations Captain, or his designee, shall, in a timely manner, and within the guidelines of the Evidence Code, safely and legally purge the contents of the Pyrotechnics Locker.

409.9 REQUIRED REPORTS

(a) When an officer receives a bomb threat from a suspect or investigates a bomb threat received by a citizen or departmental member, he/she shall complete a crime report.

(b) Should a communications operator or other civilian personnel receive a bomb threat, they shall complete a supplemental report that will be forwarded to accompany the officer’s crime report.

(c) A copy of bomb threat reports shall forwarded to Investigations which shall have the responsibility for notifying the FBI, Postal Service, or AFT of any reports related to actual bombings or bomb threats, even if they are unfounded.

(d) When an explosive device is detonated unlawfully, a crime report shall be completed by the investigating officer.

(e) When a detonation is accidental and not a criminal violation, an incident report shall be made.

409.10 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Napa Police Department, 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.

(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 Shift Sergeant is immediately notified so that he/she can communicate with the person in charge of the threatened facility.
**Response to Bomb Calls**

409.10.1 ASSISTANCE
The Shift Sergeant should be notified when police assistance is requested. The Shift Sergeant 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 Shift Sergeant 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.

409.11 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 Shift Sergeant 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.

409.12 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.

409.12.1 CONSIDERATIONS
Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(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.

409.12.2 NOTIFICATIONS
When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
Response to Bomb Calls

- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Shift Sergeant
- 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

409.12.3 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.

409.12.4 PRESERVATION OF EVIDENCE
As in any other crime scene, steps should immediately be taken to preserve the scene. The Shift Sergeant 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.
Bank/Hold-up Alarm Response

410.1 PURPOSE AND SCOPE
The purpose of this Order is to set forth procedures for field units and Communications personnel’s response relative to Bank/Hold-up alarm assignments. The response procedures are designed to minimize hazardous conditions for responding officers and enhance the probability of apprehending robbery suspects. Field units regularly respond to hold up alarms at banks, businesses and residences. This order consists of the responsibilities for Communications and responding officers.

410.2 COMMUNICATIONS RESPONSIBILITIES

(a) Dispatch will utilize the alert tone, assign a minimum of three (3) units and broadcast the address and name of business of the hold-up alarm. If the hold-up alarm is at a residence, the dispatcher will broadcast that this alarm is at a residence.

(b) Dispatch will immediately attempt to establish telephone communications with the business or residence and advise them the alarm has been received. The dispatcher shall ask questions in such a manner that they can be answered with a "yes" or "no."

1. If the alarm is reported as false, Communications will immediately advise responding officers of the information, will keep an open line with the business or residence and when instructed by officers on the scene shall request an employee or resident to exit the premises and meet with an officer. Communications shall obtain a description that is to include clothing, sex and name of the representative and advise the officers that the person will be exiting the business and by which door.

2. If the phone contact confirms a robbery in progress with the suspects there, the dispatcher shall maintain an open line with the business or residence. The dispatcher will immediately advise responding units "it is a 211 in progress, suspects still 10-97". Dispatch will attempt to obtain as much information as possible using "yes" or "no" response questions and relay updated information to responding units.

3. If the phone contact confirms a robbery has occurred and the suspects left the scene, the dispatcher shall maintain an open line and advise responding units that "it is a 211, just occurred, suspects gone". Dispatch shall immediately obtain a description of the suspect(s), direction of travel, weapon and vehicle description. Dispatch will broadcast this information to responding units. When units are on scene, dispatch will instruct the employee or resident to exit the premises and meet with an officer. A description will be obtained and will include clothing, sex and name of the person exiting the premises shall be obtained and relayed to the officers on scene.
Bank/Hold-up Alarm Response

410.3 PATROL DIVISION RESPONSIBILITIES

(a) A minimum of three (3) units will respond on all robbery alarms. The first unit to arrive at the premises shall observe the scene for indications of criminal activity.

(b) It is the responsibility of the first unit on scene and/or the supervisor to initiate a "code 33". The first unit on scene will take charge and effectively deploy units in such a manner as to allow for maximum visibility and containment of the scene. The following should be considered:

1. Position the police vehicle at strategic locations to decrease the flow of traffic and contain suspect vehicles.
2. Ascertain the need for more units needed to respond to the scene for assistance.
3. Officers should attempt to prevent additional customers from entering the premises.

(c) When the perimeter is set, the first officer on scene should contact Communications and obtain any further information. If the alarm is good and the suspect(s) is within the premises, the officers shall not enter unless the situation dictates otherwise. Officers will contact Communications and continue to maintain a perimeter and react to whatever threat officers are presented with. Communications will contact the on-duty supervisor who will respond to the scene. The Crisis Response Unit will respond to the premises at the request of the supervisor on scene via chain of command.

(d) If the suspect(s) has fled the premises prior to police arrival, the first officer on scene will request the employee or resident to exit the premises and speak with this representative to ascertain the status of the alarm. If the alarm is determined to be good, the officer should as soon as possible broadcast the alarm status, suspect and vehicle description and direction of travel.

(e) If the alarm is reported to be false or the suspects have been determined to have left the scene, two officers will check the interior of the premises prior to leaving the scene.

(f) If a robbery occurs at a bank or other financial establishment, the investigating officer is responsible for the investigation including statements and evidence collection. The investigating officer will ensure the FBI is contacted, to advise them of the robbery investigation. The investigating officer will complete a detailed thorough report on the incident.

(g) The on-duty supervisor will determine if Investigations will be called to the scene.
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 Napa 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, Shift Sergeant 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
and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

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.

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 officer should also ask if the person needs assistance turning off any appliance or water.

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

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.
Mental Illness Commitments

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

c) Facilitate the individual’s transfer to jail.

d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

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

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 Investigative Bureau, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

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

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

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

412.4 MISDEMEANOR WARRANTS
An adult arrested on a misdemeanor warrant may be released, subject to Shift Sergeant 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.
Cite and Release Policy

(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.
Foreign Diplomatic and Consular Representatives

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

413.2 POLICY
The Napa 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</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. Yes otherwise (note (a))</td>
<td>No</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Honorable Consul Officer</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. Yes otherwise. (note (a))</td>
<td>No</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Consulate Employees</td>
<td>Yes (note (a))</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts. No for official acts. Yes otherwise. (note (a))</td>
<td>No</td>
<td>No immunity or inviolability</td>
</tr>
<tr>
<td>Int'l Org Staff (note (b))</td>
<td>Yes (note (c))</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes (note (c))</td>
<td>No</td>
<td>No immunity or inviolability</td>
</tr>
</tbody>
</table>
### Foreign Diplomatic and Consular Representatives

<table>
<thead>
<tr>
<th>Diplomatic-Level Staff of Missions to Int’l Org</th>
<th>No (note (b))</th>
<th>No</th>
<th>Yes</th>
<th>No</th>
<th>No</th>
<th>Same as sponsor (full immunity &amp; inviolability)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support Staff of Missions to Int’l Orgs</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No for official acts</td>
<td>Yes otherwise</td>
<td>No immunity or inviolability</td>
</tr>
</tbody>
</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 Napa 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 practicable, 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 Division Captain 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 Manager 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).
Immigration Violations

415.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidelines to members of the Napa Police Department relating to immigration and interacting with federal immigration officials.

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

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

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

415.2 POLICY
It is the policy of the Napa 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.

415.3 VICTIMS AND WITNESSES
To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of 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.

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

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

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

415.5.1 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.

415.6 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.).

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

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

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

415.7.1 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.

415.7.2 NOTICE TO INDIVIDUALS

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

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

415.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Napa 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.

415.7.4 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.
Immigration Violations

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

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

415.8 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 Investigative Bureau supervisor assigned to oversee the handling of any related case. The Investigative Bureau supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). Form I-914 Supplement B certification shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking).

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

(e) Inform the victim liaison of any requests and their status.

415.8.1 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 90 days of a request from the victim or victim’s family related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within 14 days of the request.

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

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

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration violation has been committed.

(c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).
Emergency Utility Service

416.1 PURPOSE AND SCOPE
The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

416.1.1 BROKEN WATER LINES
The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by the Communications Center.

416.1.2 ELECTRICAL LINES
City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

416.1.3 RESERVOIRS, PUMPS, WELLS, ETC.
Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

416.1.4 EMERGENCY NUMBERS
A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by the Communications Center.

416.2 TRAFFIC SIGNAL/STREET LIGHT MAINTENANCE
The City of Napa may contract with a private maintenance company to furnish maintenance for all traffic signals and street lights within the City, other than those maintained by the State of California.

416.2.1 OFFICER'S RESPONSIBILITY
Upon observing a damaged or malfunctioning signal or street light, the officer will advise the Communications Center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.
Aircraft Accidents

417.1 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.

417.1.1 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.

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

417.3 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).

417.4 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

417.5 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)

417.6 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.

417.7 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.
Aircraft Accidents

(c) Fluids, batteries, flares and igniters.
(d) Evacuation chutes, ballistic parachute systems and composite materials.

417.8 DOCUMENTATION
All aircraft accidents occurring within the City of Napa Police Department 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 NPD 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.

417.8.1 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.

417.8.2 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.

417.9 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.
Field Training Officer Program

418.1 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 Napa 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.

418.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

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

418.2.1 SELECTION PROCESS

FTOs will be selected based on the following requirements:

(a) Desire to be an FTO
(b) Minimum of three years of patrol experience, two of which shall be with this department
(c) Demonstrated ability as a positive role model
(d) Participate and pass a testing process in accordance with the Specialty and Ancillary assignment policy.
(e) Evaluation by supervisors
(f) Possess a POST Basic certificate
(g) The selection and assignment of the FTO coordinator shall be at the sole discretion of the Chief of Police Final selection and appointment of the FTO shall be made by the Administrative Captain with the approval of the Chief of Police

418.2.2 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.
418.2.3 TENURE

(a) The tenure of both the FTO coordinator and FTOs are included in the Specialty Assignment Policy Number 1004.

418.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

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

The responsibilities of the FTO Program supervisor include the following:

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

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

418.4 TRAINEE DEFINED

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

418.5 REQUIRED TRAINING

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

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

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

418.5.1 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 Napa Police Department. The officer shall become knowledgeable of the
Field Training Officer Program

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 Napa Police Department.

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

418.6.1 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.

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

418.6.3 FIELD TRAINING ADMINISTRATOR
The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

418.6.4 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.

418.7 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
418.8 COMPENSATION
FTOs shall be compensated at the rate and in the manner as prescribed in the current MOU between the City of Napa and NPOA.
Acting Sergeant

419.1 PURPOSE AND SCOPE
It is the policy of the Napa Police Department to provide adequate and competent supervision at all times. The goals of the Acting Sergeant position are as follows:

(a) To provide for adequate and competent supervision at all times even in the absence of a Sergeant.

(b) To provide a career development tool for police officers interested in promoting to Sergeant, by giving them supervisory experience, opportunity and training while participating as an Acting Sergeant.

419.2 ORGANIZATIONAL STRUCTURE
Acting Sergeants shall be assigned to the Operations Bureau and Special Operations Bureau. Six (6) Acting Sergeants will be divided among the patrol teams. The Special Operations Bureau will have two (2) Acting Sergeants.

(a) Operations Bureau Acting Sergeant:

1. Whenever possible, the Acting Sergeants assigned to the Operations Bureau shall operate on the team to which he/she is assigned, however, it is understood that at times it may be necessary to move an Acting Sergeant to another team to meet the needs of the department. In those cases, the department will provide thirty (30) days notice to the Acting Sergeant, unless waived pursuant to the department shift change policy. Assignment to a particular team shall be by seniority pick and subject to the same bumping and other shift change procedures as regular patrol officers, but only among and between the Operations Bureau Acting Sergeants.

2. Acting Sergeants in the Operations Bureau are responsible to, and supervised by the regular shift supervisor and the Operations Bureau Lieutenant while performing field duties.

(b) Special Operations Acting Sergeant:

1. The two (2) Acting Sergeants positions in Special Operations will be assigned as follows; one (1) Acting Sergeant position will be assigned directly to the Investigations Division. The other Acting Sergeant position will be assigned to an officer who occupies a Special Assignment (YSB, Traffic, SEU or NSIB).

2. Acting Sergeants in the Special Operations Bureau are responsible to, and supervised by the regular special assignment supervisor and the Special Operations Bureau Lieutenant while performing assigned duties.

The position description for Acting Sergeant is attached for reference (Attachments "A" and "B").
419.3 SELECTION PROCESS

(a) The selection criteria and minimum qualifications for the Acting Sergeants are included in the position descriptions attached herein for reference.

(b) The selection of the Acting Sergeants shall be in accordance with provisions of Policy Number 1004 (Specialty Assignments). Those officers selected for the position of Acting Sergeant, who occupy a specialty assignment, will remain in the Acting Sergeant position only for that time allotted to the initial appointment of the original specialty assignment, i.e. Investigations, YSB, Traffic, SEU or NSIB.

(c) Ranked lists shall expire at the end of one (1) year or when there are three (3) or fewer names remaining on the list.

(d) Final selection and appointment shall be made by the affected Bureau Captain with the approval of the Chief of Police.

419.4 TENURE

The tenure of Acting Sergeants is included in the Specialty Assignment Policy Number 1004.

419.5 TRAINING

(a) Once appointed, all Acting Sergeants must successfully complete the POST basic supervision school.

(b) The department also recognizes the need for Acting Sergeants to be technically competent in all areas of field and special assignment performance. To the extent and degree possible within budgetary, staffing, and course availability, the department will make training courses available to the Acting Sergeants depending on need and interest.

(c) Examples of training courses are listed in the training manual.

419.6 ACTING SERGEANT ASSIGNMENTS

The Acting Sergeant may be assigned to supervision duties by a regular Sergeant or the Lieutenant in any of the following cases:

(a) When the Sergeant is on leave.

(b) When the Sergeant is attending department approved training.

(c) When the Sergeant is attending department meetings which prevent him/her from effectively monitoring radio traffic or immediately responding to calls for assistance in the field.

(d) When the Sergeant is committed to an incident or emergency for an extended period of time (i.e. SWAT call-out, etc.)
(e) When the Acting Sergeant is not performing acting sergeant duties, the Acting Sergeant will be assigned to normal duties based upon their assignment, and the Acting Sergeant shall be given a corresponding designation and counted toward the minimum staffing and safety standards when assigned to the Operations Bureau.

419.6.1 ACTING SERGEANT RESPONSIBILITIES
The Acting Sergeant while acting in the capacity of the Acting Sergeant shall perform all of the duties and shall have all of the responsibilities and authority as the regular Sergeant except as noted below.

(a) Acting Sergeants shall not conduct internal personnel investigations unless the incident is so serious and/or urgent that an initial investigation is required and then only until the investigation can be turned over to the appropriate authority.

(b) Nothing in this Policy shall prohibit or discourage an Acting Sergeant or any employee from documenting any report or observation of inappropriate conduct or unacceptable performance of any employee and forwarding same to the appropriate authority.

(c) Acting Sergeants shall not participate in any disciplinary review board or make recommendations for formal discipline involving any non-probationary employee of the department.

(d) An Acting Sergeant from one team shall not be assigned Acting Sergeant duties on another team if that team's regularly assigned Acting Sergeant is available to perform those duties.

419.7 INSIGNIA OF ASSIGNMENT
Acting Sergeant shall wear the insignia of corporal during their tenure as described in the Uniform Policy.

419.8 COMPENSATION
Acting Sergeants shall be compensated at the rate and in the manner as prescribed in the current MOU with the NPOA.
Obtaining Air Support

420.1 PURPOSE AND SCOPE
The use of a police air support can be invaluable in certain situations. This policy specifies potential situations where the use of air support 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 air support would be beneficial, a request to obtain air support assistance may be made.

420.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY
After consideration and approval of the request for air support by a Police Officer, the Supervisor or his/her designee, will call the closest agency having air support available. The on duty Supervisor 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 air support may be requested under any of the following conditions:

(a) When air support is activated under existing mutual aid agreements
(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of air support may reduce such hazard
(c) When the use of the air support will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community
(d) When air support is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
(e) Vehicle pursuits

While it is recognized that the availability of air support will generally provide valuable assistance to ground personnel, the presence of air support will rarely replace the need for officers on the ground.
Detentions And Photographing Detainees

421.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the officer, the decision to FI or photograph a field detainee shall be left to the discretion of the involved officer based on the totality of the circumstances available to them at the time of the detention.

421.2 DEFINITIONS
Detention - Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement.

Consensual Encounter - Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

Field Interview - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purposes of determining the individual's identity and resolving the officer's suspicions.

Field Photographs - Field photographs are defined as posed photographs taken of a person during a contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a video recording device when persons are not posed for the purpose of photographing are not considered field photographs.

Pat-Down Search - This type of search is used by officers in the field to check an individual for weapons. It involves a thorough patting down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

Reasonable Suspicion - Occurs when, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

421.3 FIELD INTERVIEWS
Officers may stop individuals for the purpose of conducting an FI where reasonable suspicion is present. In justifying the stop, the officer should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to, the following:

(a) The appearance or demeanor of an individual suggests that he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) The actions of the suspect suggest that he/she is engaged in a criminal activity.
Detentions And Photographing Detainees

(c) The hour of day or night is inappropriate for the suspect's presence in the area.
(d) The suspect's presence in the particular area is suspicious.
(e) The suspect is carrying a suspicious object.
(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.
(g) The suspect is located in proximate time and place to an alleged crime.
(h) The officer has knowledge of the suspect's prior criminal record or involvement in criminal activity.

421.3.1 INITIATING A FIELD INTERVIEW
An officer may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person however, should not be detained longer than is reasonably necessary to resolve the officer's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals are encouraged by the Napa Police Department to strengthen our community involvement, community awareness and problem identification.

421.3.2 WITNESS IDENTIFICATION AND INTERVIEWS
Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigators to utilize available personnel for the following:

(a) Identify all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a department vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.
421.4 PAT-DOWN SEARCHES
A pat-down search of a detained subject may be conducted whenever an officer reasonably believes that the person may possess an object that can be utilized as an offensive weapon or whenever the officer has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to the following:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.
(b) Where more than one suspect must be handled by a single officer.
(c) The hour of the day and the location or neighborhood where the stop takes place.
(d) Prior knowledge of the suspect's use of force and/or propensity to carry deadly weapons.
(e) The appearance and demeanor of the suspect.
(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.
(g) The age and gender of the suspect.

Whenever possible, pat-down searches should be performed by officers of the same gender.

421.5 FIELD PHOTOGRAPHS
Before photographing any field detainee, the officer shall carefully consider, among other things, the factors listed below.

421.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT
Field photographs may be taken when the subject of the photograph knowingly and voluntarily gives consent.

421.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT
Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. Mere knowledge or suspicion of gang membership or affiliation is not a sufficient justification for taking a photograph without consent. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct.

If, prior to taking a photograph, the officer’s reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.
421.6 SUPERVISOR RESPONSIBILITY
While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph. Access to field photographs shall be strictly limited to law enforcement purposes.

421.7 DISPOSITION OF PHOTOGRAPHS
All detainee photographs must be adequately labeled and submitted to the Senior Evidence Technician for processing. An associated FI card or other memorandum explaining the nature of the contact related to the detainee photograph will be submitted to the shift Sergeant. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the submitting Officer will ensure the photograph was sent to one of the following locations:

(a) If the photo and associated FI or memorandum is relevant to criminal street gang enforcement, the Officer will forward the photo and documents to the Special Enforcement Unit Supervisor. The Special Enforcement Unit Supervisor will ensure the photograph and supporting documents are retained as prescribed by the Criminal Organizations Policy.

(b) Photographs that do not qualify for Criminal Street Gang file retention or which are not evidence in an investigation with an assigned case number should be forwarded to the Senior Evidence Technician for processing. These photographs will be purged as described in the Purging the Field Photo File of this policy.

When a photograph is taken in association with a particular case, the Detective/Officer may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs will be kept in property in a separate non-booking photograph file in alphabetical order.

421.7.1 PURGING THE FIELD PHOTO FILE
The Records Supervisor, Senior Evidence Technician, or Senior Property Clerk will be responsible for ensuring that photographs in their charge that are more than one year old and no longer serve a law enforcement purpose are periodically purged and destroyed. Photographs that continue to serve a legitimate law enforcement purpose may be retained longer than one year provided that a notation of that fact is added to the file for each additional year that they are retained. Access to the FI photo file shall be strictly limited to law enforcement purposes.

A photograph need not be purged but may be retained as an updated photograph in a prior booking file if the person depicted in the photograph has been booked at the Napa Police Department and the booking file remains in the Records Bureau.
421.8 PHOTO REVIEW POLICY
Any person who has been the subject of a field photograph or an FI by this agency during any contact other than an arrest may file a written request within 30 days of the contact requesting a review of the status of the photograph/FI. The request shall be directed to the office of the Chief of Police who will ensure that the status of the photograph or FI is properly reviewed according to this policy as described below. Upon a verbal request, the Department will send a request form to the requesting party along with a copy of this policy.

421.8.1 REVIEW PROCESS
Upon receipt of such a written request, the Chief of Police or his or her designee will permit the individual to appear in person (any minor must be accompanied by their parent or legal guardian) for a review of the status of the photograph/FI.

Such a meeting will generally be scheduled during regular business hours within 30 days of the receipt of the written request. An extension of the 30-day limit may be made either upon the mutual convenience of the parties or if, at the discretion of the Chief of Police, there appears to be an ongoing legitimate law enforcement interest which warrants a delay. If the delay could jeopardize an ongoing investigation, nothing in this policy shall require the Chief of Police to disclose the reason(s) for the delay.

A meeting for the review of the status of any non-arrest photograph/FI is not intended to be a formal hearing, but simply an informal opportunity for the individual to meet with the Chief of Police or his/her designee to discuss the matter.

After carefully considering the information available, the Chief of Police or designee will determine, generally within 30 days of the original meeting, whether the photograph/FI was obtained in accordance with existing law and Napa Police Department policy and, even if properly obtained, then whether there is any ongoing legitimate law enforcement interest in retaining the photograph/FI.

If the Chief of Police or his/her designee determines that the photograph/FI was obtained in accordance with existing law and department policy and that there is an ongoing legitimate law enforcement interest in retaining the non-arrest photograph, the photograph/FI shall be retained according to this policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest photograph no longer exists or that it was obtained in violation of existing law or Napa Police Department policy, the original photograph will be destroyed or returned to the person photographed, if requested. All other associated reports or documents, however, will be retained according to department policy and applicable law.

If the Chief of Police or his/her designee determines that the original legitimate law enforcement interest in retaining a non-arrest FI no longer exists or that the original F/I was not obtained in accordance with established law or Napa Police Department policy, the original F/I may only be destroyed upon the execution of a full and complete waiver of liability by the individual (and guardian if a minor) arising out of that field contact.
Detentions And Photographing Detainees

If the Chief of Police or his/her designee determines that any involved Napa Police Department personnel violated existing law or department policy, the Chief of Police or designee shall initiate a separate internal investigation which may result in additional training, discipline or other appropriate action for the involved employees.

The person photographed/FI'd will be informed in writing within 30 days of the Chief of Police’s determination whether or not the photograph/FI will be retained. This does not entitle any person to any discovery or access to any law enforcement records not otherwise authorized by law.
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422.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that the Napa 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 Napa 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.

The Special Enforcement Unit supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The Special Enforcement Unit 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 supervisor’s responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Bureau. Any supporting documentation for an entry shall be retained by the Records Bureau in accordance
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with the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Bureau are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

422.3.2 GANG DATABASES
The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database.

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 Bureau after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Bureau supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.
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Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

422.4 TEMPORARY INFORMATION FILE
No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

422.4.1 FILE CONTENTS
A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Bureau or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, FI forms, the Communications Center records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

422.4.2 FILE REVIEW AND PURGING
The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged 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:
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(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 Manager 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 Special Enforcement Unit supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:

1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).

2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.

3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).

(b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.
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**422.8 TRAINING**

The Training Manager 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.
Mobile Audio Video

423.1 PURPOSE AND SCOPE
The Napa Police Department has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

423.1.1 DEFINITIONS
Definitions related to this policy include:

**Activate** - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

**In-car camera system and Mobile Audio/Video (MAV) system** - Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

**MAV technician** - Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

423.2 POLICY
It is the policy of the Napa Police Department to use mobile audio and video technology to more effectively fulfill the department’s mission and to ensure these systems are used securely and efficiently.

423.3 OFFICER RESPONSIBILITIES
Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Napa Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system’s operation in accordance with manufacturer specifications and department operating procedures and training.

System documentation is accomplished by the officer recording his/her name, serial number, badge or PIN number and the current date and time at the start and again at the end of each shift. If the system is malfunctioning, the officer shall take the vehicle out of service unless a supervisor requests the vehicle remain in service.
423.4 ACTIVATION OF THE MAV
The MAV system is designed to turn on whenever the unit’s emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

423.4.1 REQUIRED ACTIVATION OF MAV
This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident. In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:
   1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
   2. Priority responses
   3. Vehicle pursuits
   4. Suspicious vehicles
   5. Arrests
   6. Vehicle searches
   7. Physical or verbal confrontations or use of force
   8. Pedestrian checks
   9. DWI/DUI investigations including field sobriety tests
   10. Consensual encounters
   11. Crimes in progress
   12. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify the Communications Center

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:
   1. Domestic violence calls
   2. Disturbance of peace calls
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3. Offenses involving violence or weapons
   (d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording
   (e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

423.4.2 CESSATION OF RECORDING
Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person’s attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

423.4.3 WHEN ACTIVATION IS NOT REQUIRED
Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

423.4.4 SUPERVISOR RESPONSIBILITIES
Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of the Communications Center.

At reasonable intervals, supervisors should validate that:

   (a) Beginning and end-of-shift recording procedures are followed.
   (b) Logs reflect the proper chain of custody, including:
       1. The tracking number of the MAV system media.
       2. The date it was issued.
       3. The law enforcement operator or the vehicle to which it was issued.
       4. The date it was submitted.
       5. Law enforcement operators submitting the media.
       6. Holds for evidence indication and tagging as required.
(c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

### 423.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

- (a) For use when preparing reports or statements
- (b) By a supervisor investigating a specific act of officer conduct
- (c) By a supervisor to assess officer performance
- (d) To assess proper functioning of MAV systems
- (e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation
- (f) By department personnel who request to review recordings
- (g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment
- (h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee
- (i) By the media through proper process or with permission of the Chief of Police or the authorized designee
- (j) To assess possible training value
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(k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection.

Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Shift Sergeant. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

423.6 DOCUMENTING MAV USE
If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer shall make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

423.7 RECORDING MEDIA STORAGE AND INTEGRITY
Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

423.7.1 COPIES OF ORIGINAL RECORDING MEDIA
Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

423.7.2 MAV RECORDINGS AS EVIDENCE
Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Napa Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

423.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer's recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.
(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer’s transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

(e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

(g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

423.9 MAV TECHNICIAN RESPONSIBILITIES
The MAV technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:

1. Ensures it is stored in a secure location with authorized controlled access.
2. Makes the appropriate entries in the chain of custody log.

(c) Erasing of media:

1. Pursuant to a court order.
2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field:

1. Maintaining a record of issued media.

(e) Ensuring that an adequate supply of recording media is available.

(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.
423.10  TRAINING
All members who are authorized to use the MAV system shall successfully complete an approved course of instruction prior to its use.
Party Disturbance Calls For Service

424.1 PURPOSE AND SCOPE
The purpose of this General Order is to provide a policy and procedure for the response to teen alcohol parties, and for the second response for Police services at loud, unruly, and/or disorderly gatherings, parties, and disturbances.

The Napa Police Department recognizes that disturbances pose a threat to officer safety and to the health, welfare, safety, and peace of the community. Responses to these events depletes the limited law enforcement resources available to the citizens of this City. Such law enforcement responses decrease preventative Police presence and delay responses to genuine emergencies.

424.2 POLICY
It is the policy of this Department that Officers shall comply with the procedures of the teen alcohol and second response ordinances as described in this order.

Experience has shown that faced with a financial burden, responsible persons will take precautions to prevent such events from occurring and react more quickly to remedy problems by cooperating with Police personnel.

424.3 DEFINITIONS
(a) **Disturbance.** As used in this policy, a "disturbance" is any public or private party which unreasonably disturbs the peace and quiet of surrounding neighbors.

(b) **Law Enforcement Response.** As used in this policy, a "law enforcement response" is the deployment of Napa Police Department personnel to the scene of a disturbance upon receipt of a complaint or request for service from a member of the public.

(c) **Second Response.** As used in this policy, a "second response" means the deployment of law enforcement personnel to the scene of a disturbance as the result of a complaint or request for service, two or more times in a twelve (12) hour period.

(d) **Reasonable and Actual Costs.** As used in this policy, the phrase "reasonable and actual costs" are those costs, calculated at a rate to be set by resolution, resulting from the deployment of law enforcement personnel, equipment, overhead, and any actual damages incurred by the City while responding to or deployed at the scene of the disturbance.

(e) **Teen Alcohol Party.** As used in this policy, Teen Alcohol Party means the allowing, permitting, suffering or hosting of a party, gathering where alcoholic beverages are being consumed by any person under 21 years of age, etc. No person shall suffer, permit, allow, or host a party, gathering, or event at his/her place of resident or other public or private property, place or premises under his/her control where alcoholic beverages are in the possession of, or are being consumed by, any person under the
age of twenty-one (21) years. (Ord. No. 096-012, Enacted 06/18/96; Ord. No. 096-015, Renumbered 07/02/96, 2.101.030).

424.4 PROCEDURES - LOUD PARTY RESPONSE & TEEN ALCOHOL PARTY RESPONSE

(a) Initial Response and Notification To A Loud Party

1. On the initial response to a disturbance generated by a complaint as defined herein, the primary responding Officer will undertake the following steps:

   (a) Locate and identify the responsible party for the event. This will be the person in charge of the premises, or the person who organized the event.

   (b) The primary responding Officer shall identify and inform the person/persons in charge that a response fee will be charged for any subsequent responses within the twelve hour period. The primary Officer shall also advise the person/persons in charge of the event of the fee schedule as adopted.

   (c) Complete the warning notice form, explain the warning to the responsible party, and have the responsible party sign the form.

   (d) Give the responsible party the yellow copy of the warning notice.

   (e) If the responsible party refuses to sign the warning notice, write "refused to sign" on the signature line, and leave the yellow copy of the form at the location of the event.

   (f) Enforce on-view law violations as needed to alleviate the disturbance.

   (g) If, during the same watch, a second response to the disturbance is not required, the original form will be given to the on-coming Shift Supervisor.

(b) Second Response.

1. If the original location of the disturbance requires a second police response within twelve (12) hours of the initial response, the following steps will be taken:

   (a) The primary responding officer shall identify and inform the person/persons in charge that a response fee will be charged for this and any subsequent responses within the twelve hour period. The Officer in charge shall also advise the person/persons in charge of the event of the fee schedule as adopted.

   (b) All law violations should be enforced by the responding Officers.

   (c) The primary responding Officer will write an information report on the incident. The report will include a brief account of the criteria in which the threat level was established, and the name of the responsible party(s).
(d) The Officer's report shall include the number of Officers assigned to the disturbance and the total time for each Officer spent on the second response. The Officer's copy of the written warning will be attached to the information report.

(e) The Officer's report will be forwarded to the Shift Supervisor prior to the end of his/her shift.

(c) Teen Alcohol Party Response.

1. Upon responding to a teen alcohol party the following steps will be taken:

(a) The primary responding Officer shall address the medical needs of any person in need of medical attention due to intoxication or injury.

(b) The primary responding Officer shall identify the person or all persons who owns, rents, leases, and/or otherwise has control or is in charge of the premises where the party, gathering, or event takes place, irrespective of whether such person knew of the event or knew or intended that alcohol beverages would be possessed or consumed by minors and/or the person who organized the event and arrest or cite release that person (or persons) for the violation of the application NMC section.

(c) All law violations should be enforced by the responding Officer.

(d) The primary responding Officer will write a report on the incident. The report will include a listing of all persons under the age of 21 attending the party/event and, when possible, the corresponding blood alcohol level of each person under 21 years of age.

(e) The Officer's report will include a copy of the CAD report showing the Officers who responded and the amount of time involved with the incident and shall include any subsequent and related incidents to the original call.

(f) The Officer's report will include any medical assistance provided, the disposition of minors and investigation of any other crimes.

(g) The Officer's report will be forwarded to the Shift Supervisor prior to the end of his/her shift.

(d) Supervisor's Responsibilities:

(a) The on-duty Shift Supervisor will forward the information report to the Operations Lieutenant to initiate the billing procedure.

(e) Fees Imposed.

(a) The fee schedule or rate shall be applied to all Police personnel assigned to the teen alcohol party or second response. The fee rate shall begin at the time of
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assignment and shall end at the time the personnel are cleared from the scene and available for other calls.

(b) Demand for Payment. The Police Department shall cause a demand for payment to be delivered to the person(s) identified as responsible for the event by U.S. mail or personal service no later than thirty (30) days from the date of the event. The total fee shall be charged against the person or persons in charge of the event, or if said person or persons are minors, to the parents or legal guardians thereof.
Mobile Digital Computer Use

425.1 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.

425.2 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).

425.3 POLICY
Napa 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.

425.4 RESTRICTED ACCESS AND USE
MDC use is subject to the Information Technology Use and Protected Information policies.

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

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.

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

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

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

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

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

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

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

425.5.2 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 Shift Sergeant 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.

425.6 EQUIPMENT CONSIDERATIONS

425.6.1 MALFUNCTIONING MDC
Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify the Communications Center. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.
425.6.2  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.
Portable Digital Audio Recorders

426.1 PURPOSE AND SCOPE
This policy provides guidelines for the use of portable digital audio recording devices by members of this department while in the performance of their duties. Portable digital audio 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 Napa Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

426.2 POLICY
The Napa 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.

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.
Portable Digital Audio Recorders

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.

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
Portable Digital Audio Recorders

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 Shift Sergeant. 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.

426.7  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.
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(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.

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.

426.9 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.
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(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) Incident 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 Napa 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 but in no event for a period less than 180 days.

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.
Police Response to Civil Stand-by/Maintain the Peace Calls

427.1 PURPOSE AND SCOPE
The purpose of this order is to establish the policy and procedure for Police Officer response within the City of Napa to requests for civil stand-by assistance or maintain the peace calls.

427.1.1 DEFINITION
A civil stand-by/maintain the peace calls for service is a request for police presence at a location for the purpose of preventing violence or other criminal activity while the requesting party engages in activity in which he or she has a legal right to engage.

427.2 CONDITIONS
(a) Civil stand-by/maintain the peace requests will not be accepted for service between the hours of 2100-0800 except in cases of extreme urgency and only with the authorization of the shift supervisor.

(b) Requests for civil stand-by/maintain the peace calls shall be discouraged. Dispatch, Records personnel at the public counter and officers will advise the requesting party of the conditions of this service and encourage the requesting party to seek other assistance such as friends, relatives, court orders, private mediation services, etc.

(c) When a request for a civil stand-by/maintain the peace is received by dispatch, dispatch shall assign the call to the shift supervisor for approval and disposition. The shift supervisor should advise the requesting party that responding officers will spend no more than twenty (20) minutes at the location.

1. The request for this service shall be denied if the requesting party is uncooperative, intoxicated or unstable.

2. Civil stand-bys/maintain the peace should only be granted if a genuine necessity exists for the requesting party to go to the location and that there is a likelihood that violence or some other criminal activity will occur.

3. Responding officers will not force entry into any building or vehicle to allow the requesting party access.

4. Responding officer will only remain on scene if both parties are present and entry onto or into the location is consensual by the party in control of the premises.
Medical Marijuana

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

428.1.1 DEFINITIONS
Definitions related to this policy include:

Cardholder - A person issued a current identification card.

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

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

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

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

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

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

Statutory amount - No more than 8 ounces of dried, mature, processed female marijuana flowers (“bud”) or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).
428.2 POLICY
It is the policy of the Napa Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

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

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

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

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

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

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

(a) The information contained in the card is false or falsified.
(b) The card has been obtained or used by means of fraud.
(c) The person is otherwise in violation of the provisions of the MMP.
(d) The person possesses marijuana but not for personal medical purposes.
Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

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

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

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

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

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

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

428.3.4 ADDITIONAL CONSIDERATIONS

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

(a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at a later time.

2. The case would benefit from review by a person with expertise in medical marijuana investigations.

3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.
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4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.

(b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient’s needs:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).

(d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

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

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

(b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

(c) Smoking marijuana (Health and Safety Code § 11362.79):

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

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

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

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

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

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

429.1 PURPOSE AND SCOPE
The Napa Police Department Police Department has established the Bicycle Patrol Unit (BPU), as an ancillary duty to the employee’s regular assignment, 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.

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

Police bicycles may be used to supplement regular patrol activities using the "park-and-ride" deployment. Officers qualified and assigned to the Bike Unit may utilize a vehicle bike rack to keep the police bicycle with them while on-duty. As time permits, the officers can continue their assigned patrol duties on a police bicycle, while remaining available for calls for service. Officers involved in "park-and-ride" bicycle deployments should remain close enough to their assigned vehicle to respond to emergency calls for service. 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 officers shall be coordinated through the Bicycle Unit Coordinator or the shift Sergeant.

429.3 SELECTION OF PERSONNEL
Interested sworn personnel, who are off probation, may test for this ancillary assignment. All testing will be in accordance with Policy No. 1004. Selection criteria may include:

(a) Recognized competence and ability as evidenced by performance.
(b) Special skills or training as it pertains to the assignment.
(c) Good physical condition.
(d) Willingness to perform duties using the bicycle as a mode of transportation.
(e) Physical Agility: The physical agility test will consist of a department-approved test designed to assess the applicants' physical abilities as they relate to operating a police bicycle. The test shall be one of two pre-determined tests approved by the Division Captain. The testing and scoring will be designed by the Bicycle Unit Coordinator and approved by the Division Captain. A minimum qualifying score shall be attained by the applicant to be considered for the position.
Bicycle Patrol Unit

429.3.1 BICYCLE PATROL UNIT SUPERVISOR
The Bicycle Unit Coordinator will be selected by the Division Captain, or his/her designee, from the ranks of officers, corporals, or sergeants who are off of probation. Preference should be given to Supervisors who are both interested and qualified in the role of Bicycle Unit Coordinator. The bicycle unit coordinator shall have responsibility for the following:

(a) Organizing bicycle training
(b) Inspecting and maintaining an inventory of bicycles and program equipment
(c) Scheduling maintenance and repairs
(d) Evaluating performance of bicycle officers
(e) Other activities as required to maintain the efficient operation of the Bicycle Unit

429.4 TRAINING
Participants in the program must complete an initial department-approved bicycle training course after acceptance into the program. The initial training shall minimally include the following:

- Bicycle patrol strategies,
- Bicycle safety and accident prevention
- Operational tactics using bicycles

Thereafter, bicycle-approved officers should receive periodic documented in-service training to improve skills and refresh safety, health, and operational procedures. Ongoing training shall include, at a minimum, annual firearms qualification with issued firearms in full bicycle uniform and gear at a regularly scheduled range training date.

429.5 UNIFORMS AND EQUIPMENT
Officers shall wear the specialized department-approved bicycle patrol uniform, as outlined in the uniform appendix, and safety equipment while operating the department bicycle. Unit members shall wear the specialized uniform unless operating in a plainclothes capacity. Safety equipment includes department-approved helmet, riding gloves, protective eyewear, and approved footwear.

Optional equipment includes a radio headset and microphone, and jackets in colder weather.

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

During plainclothes operations, unit members should wear helmets and protective eyewear. Members shall carry at least the minimum equipment required by policy governing plainclothes assignments.

Officers will be responsible for obtaining the necessary forms, citation books, and other department equipment need while on bicycle patrol.
429.6 CARE AND USE OF PATROL BICYCLES
Officers will be assigned a specially marked and equipped bicycle, attached gear bag, and battery to operate the bicycle lighting and siren.

Bicycles utilized for uniformed patrol shall be primarily black or white with a "police" decal affixed to each side of the crossbar or the bike saddlebags. Every such bicycle shall be equipped with front and rear reflectors, front lights, and a siren/horn satisfying the requirements of Vehicle Code § 2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddlebags sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage, and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information, and user manuals. These items are to remain with/on the bicycle at all times.

Each bicycle shall be equipped with a steady red, and a flashing blue warning light that is visible from the front, sides, and/or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order. Bicycles that are not in safe working condition will not be used until appropriate repairs are made. 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, a repair work order will be completed and forwarded to the program coordinator for repair by an approved technician. Each bicycle will have scheduled maintenance performed.

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 bicycles, remove, modify, or add components except with the express approval of the bicycle coordinator or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the bicycle. Due to possible component damage, transportation of the 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.

429.7 OFFICER RESPONSIBILITY
Officers must operate the bicycle in compliance with the Vehicle Code during normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such actions appear reasonably necessary for officer safety and tactical concerns. Officers must use caution and care when operating the bicycle without lighting equipment.
Bicycle Patrol Unit

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

Officers will notify dispatch of their status when starting and ending bicycle patrol.

429.8 PARTICIPATION

Members of the Bicycle Unit are expected to be available for special events, demonstrations, and civil disturbances.
Sub-Stations

430.1 PURPOSE AND SCOPE
The purpose of this order is to establish a policy for employees of the Napa Police Department in regards to the proper usage of the Police Department Sub-Station(s).

430.2 BLANK SECTION TITLE - NEED CHANGES FROM THE USER
It is the policy of this Police Department that Sub-Station(s) are to be used by on-duty police personnel, to provide a central and accessible office which allows employees to remain closer to their respective beats.

(a) Sub-Stations are approved off-site office locations to be used by police personnel for the purpose of conducting official police business (i.e. report writing, telephone follow up, interviews and other job related functions).

(b) No personal items will be left at the Sub-Station(s) and due to the fact that the Sub-Station(s) are either at another city building or private office building it is imperative that police personnel clean up after themselves.

(c) On-duty police personnel should notify communications of their status when utilizing the Sub-Station(s).
Automated License Plate Readers (ALPRs)

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.

431.2 POLICY
The policy of the Napa 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.

431.3 ADMINISTRATION
The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Napa 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 Administration Division Captain. The Administration Division Captain will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

431.3.1 ALPR ADMINISTRATOR
The Administration Division Captain 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.

431.4 OPERATIONS
Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.

(f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

431.5 DATA COLLECTION AND RETENTION
The Administration Division Captain is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a minimum of one year (Government Code § 34090.6) and in accordance with the established records retention schedule. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances the applicable data should be downloaded from the server onto portable media and booked into evidence.

431.6 ACCOUNTABILITY
All data will be closely safeguarded and protected by both procedural and technological means. The Napa 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)

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or department-related civil or administrative action.

(c) ALPR system audits should be conducted on a regular basis.

For security or data breaches, see the Records Release and Maintenance Policy.

431.7 RELEASING ALPR DATA
The ALPR data may be shared only with other law enforcement or prosecutorial agencies for official law enforcement purposes or as otherwise permitted by law, using the following procedures:

(a) The agency makes a written request for the ALPR data that includes:
   1. The name of the agency.
   2. The name of the person requesting.
   3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Administration Division Captain or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-law enforcement or non-prosecutorial agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

431.8 TRAINING
The Training Manager should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).
Homeless Persons

432.1 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 Napa Police Department recognizes that members of the homeless community are often in need of special protection and services. The Napa 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.

432.1.1 POLICY
It is the policy of the Napa 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 as a basis for detention or law enforcement action.

432.2 HOMELESS COMMUNITY LIAISON
(a) The Chief of Police will designate a member of this department to act as the Homeless Liaison Coordinator. The responsibilities of the Homeless Liaison Coordinator include the following:
(b) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
(c) Meet with social services and representatives of other organizations that render assistance to the homeless.
(d) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
(e) 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.
(f) The Homeless Liaison Coordinator or authorized designee should be present during any clean-up operation coordinated or conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
(g) Develop training to assist officers in understanding current legal and social issues relating to the homeless.
432.3 FIELD CONTACTS
Officer 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, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as referrals to the Napa Police Department Police Department's Homeless Outreach Team.

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

432.3.1 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.

432.4 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
Homeless Persons

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 the department Homeless Liaison Coordinator. When practicable requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Coordinator.

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

432.5 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.

432.6 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.
Public Recording of Law Enforcement Activity

433.1 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.

433.2 POLICY
The Napa 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.

433.3 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.

433.4 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.

433.5 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.

433.6 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

434.1 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.

434.1.1 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.

434.2 POLICY
The Napa 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.

434.3 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
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.

434.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS
The Chief of Police should designate an appropriate Division Captain 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.

434.5 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.

434.6 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.

434.7 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.
434.8 SUPERVISOR RESPONSIBILITIES
A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

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

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

434.9 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.

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

434.10 CIVILIAN INTERACTION WITH PEOPLE IN CRISIS
Civilian 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.

434.11 EVALUATION
The Division Captain 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.

434.12 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).
Suspicous Activity Reporting

435.1 PURPOSE AND SCOPE
This policy provides guidelines for reporting and investigating suspicious and criminal activity.

435.1.1 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. Race, ethnicity, national origin or religious affiliation 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.

435.2 POLICY
The Napa 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.

435.3 RESPONSIBILITIES
The Operations Division Captain 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 Operations Division Captain 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).

435.4 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 civilian 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.

435.5 HANDLING INFORMATION

The Records Bureau will forward copies of SARs, in a timely manner, to the following:

- Investigative Bureau supervisor
- Crime Analysis Unit
- Other authorized designees
Medical Aid and Response

436.1 PURPOSE AND SCOPE
This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a law enforcement response to such situations.

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

436.3 FIRST RESPONDING MEMBER RESPONSIBILITIES
Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and 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

436.4 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.

436.5 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 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.

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

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.

436.6 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.

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

The Operations Division Captain 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.
Medical Aid and Response

- Ensure that no one smokes near the aircraft.

436.8 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).

436.8.1 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 Training 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.

436.8.2 AED REPORTING
Any member using an AED will complete an incident report detailing its use.

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

The Training 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).

436.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION
Trained members may administer opioid overdose medication (Civil Code § 1714.22; Business and Professions Code § 4119.9).

436.9.1 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 Training Manager.

Any member who administers an opioid overdose medication should contact the Communications Center as soon as possible and request response by EMS.
436.9.2  OPIOID OVERDOSE MEDICATION REPORTING
Any member administering opioid overdose medication should detail its use in an appropriate report.

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

436.9.3  OPIOID OVERDOSE MEDICATION TRAINING
The Training Manager 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).

436.9.4  DESTRUCTION OF OPIOID OVERDOSE MEDICATION
The Training Manager shall ensure the destruction of any expired opioid overdose medication (Business and Professions Code § 4119.9).

436.9.5  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).
First Amendment Assemblies

437.1 PURPOSE AND SCOPE
This policy provides guidance for responding to public assemblies or demonstrations.

437.2 POLICY
The Napa 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.

437.3 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

437.3.1 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.

437.4 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.

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

437.5.1 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 the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

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

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.
(b) Staffing and resource allocation.
(c) Management of criminal investigations.
(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).
(e) Deployment of specialized resources.
(f) Event communications and interoperability in a multijurisdictional event.
(g) Liaison with demonstration leaders and external agencies.
(h) Liaison with City government and legal staff.
(i) Media relations.
(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.
(k) Traffic management plans.
(l) First aid and emergency medical service provider availability.
(m) Prisoner transport and detention.
(n) Review of policies regarding public assemblies and use of force in crowd control.
(o) Parameters for declaring an unlawful assembly.
(p) Arrest protocol, including management of mass arrests.
(q) Protocol for recording information flow and decisions.
(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.
(s) Protocol for handling complaints during the event.
(t) Parameters for the use of body-worn cameras and other portable recording devices.
437.5.3 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).

437.6 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.

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

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and Conducted Energy Devices should be considered only when the participants’ conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).
Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

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

437.8 ARRESTS

The Napa 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).

437.9 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 News Media Relations Policy).

437.10 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.
First Amendment Assemblies

437.11 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)

437.11.1 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.

437.12 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.
Civil Disputes

438.1 PURPOSE AND SCOPE
This policy provides members of the Napa 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.

438.2 POLICY
The Napa 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.

438.3 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

438.4 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.

438.4.1 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.

438.5 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.

438.6 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.
Chapter 5 - Traffic Operations
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 Napa 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 in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. 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 properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Operations Lieutenant should be promptly notified whenever the supply of vests in the equipment room needs replenishing.
Traffic Collision Reporting

501.1 PURPOSE AND SCOPE
The Napa 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 the Napa Police Department shall be forwarded to the Records Bureau after approval and data entry into the Napa Police Department Records Management System. The Records Bureau Supervisor will be responsible for monthly and quarterly reports on traffic collision statistics to be forwarded to the Bureau Lieutenants or other persons as required.

501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES
Traffic collision investigation reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle. Whenever there is damage to a City vehicle, a Supervisor's Report of Damage/Injury shall be completed and forwarded to the appropriate Bureau Captain via the employee's chain of command.

Photographs of the collision scene and vehicle damage may be taken at the discretion of the traffic investigator or any supervisor.

501.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES
When an employee of the Police Department, either on-duty or off-duty, is involved in a traffic collision within the city limits of Napa resulting in any reportable collision, the Patrol Supervisor may notify the California Highway Patrol for assistance.

501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS
The Patrol Supervisor may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City of Napa official or employee where a Reportable collision has occurred.
501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to any person involved, a hit and run violation, DUI, or other misdemeanor Vehicle Code violation that is enforceable on private property. An Incident Report may be taken at the discretion of any supervisor.

501.4.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS
Traffic collision reports shall be taken when they occur on a roadway or highway within the City of Napa when there is a death or injury to any persons involved in the collision, a hit and run, or a collision involving a driver who is under the influence of alcohol and/or drugs.

Report Completion and Submission Times

(a) Reports to be completed and submitted prior to the end of the assigned officer's work week:

1. All minor injury accident reports (see note below).
2. All property damage only reports (see note below).
3. All INTOXICATION REPORTS associated with an accident if a drug or alcohol related arrest was made.
4. All ARREST/DETENTION/COMPLAINT forms (ADC forms) if the case involves an in-custody, in which the charges for which the arrest was based upon, arose out of acts directly attributed to the accident (i.e. hit and run DUI, etc.). When this form is used and the traffic accident report is pending the notation "traffic accident report to follow" will be written in the ADC narrative.

   (a) NOTE: In those instances where more information is needed (i.e. driver is transported to a hospital prior to officer's arrival, hit and run with investigative leads, etc.) the submission time will be the same time as in section 2 below.

(b) Reports to be completed and submitted prior to the end of the seventh calendar day after the accident was assigned:

   (a) Fatal injury accident.
   (b) Major injury accidents.
   (c) All accidents which result in an arrest for an act related to the accident; however, if the accident involves a DUI arrest, the INTOXICATION REPORT and ADC form will be submitted the same duty shift as the arrest.

   (a) In any instance, the CHP 555 (including the CHO 555-page 3) will be filled out as completely as possible before the end of the duty shift in which the accident was assigned and left in the reporting officer's follow-up box.
Traffic Collision Reporting

(c) Accidents involving fatal injuries or extensive reconstruction by traffic accident specialist may be granted a variance to this section by the Special Operations/Communications Bureau Captain on a case-by-case basis, as needed.

501.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION
In the event of a serious injury or death related traffic collision, the Shift Sergeant shall notify the Traffic Sergeant to relate the circumstances of the traffic collision and seek assistance from the Traffic Reconstruction Team. In the absence of a Traffic Sergeant, the Shift Sergeant or any supervisor may assign an accident investigator, motor officer, or the Traffic Reconstruction Team 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 Napa 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). 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 Communications Center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the official towing garage for the City of Napa Police Department. 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 BUREAU RESPONSIBILITY
Records personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Shift Sergeant for approval (Vehicle Code § 22651.5(b); Vehicle Code § 22851.3(b); Vehicle Code § 22854.5).

Authorized storage forms shall be promptly placed into the auto-file so that they are immediately available for release or review should inquiries be made.

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the Records Bureau to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by 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, in writing, or by telephone within 10 days of the date appearing on the notice.

502.2.8 OFFICERS RESPONSIBILITY
Officers will adhere to the "community caretaker" function when determining whether or not to tow a vehicle. The purpose of the "community caretaking" function is to remove vehicles that are presently impeding traffic or creating a hazard. The need to deter a driver's unlawful conduct of driving without a license (excluding suspensions) by itself is insufficient to justify a tow under the "caretaker" rationale.

502.3 TOWING SERVICES
The City of Napa Police Department 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" 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.
Any complaint alleging a violation of the agreement or other misconduct by a "No Preference" operator shall be referred to the Police Department for investigation. The department may periodically review the performance of each authorized "No Preference" operator.

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).
Vehicle Towing and Release

(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:

1. The vehicle was stolen.
2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
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.
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 Napa 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 Traffic Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations
where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department’s policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department’s expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Captain. The hearing officer will recommend to the appropriate Division Captain that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.
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 Napa 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.

The Traffic Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.
(b) The officer’s observations that indicate impairment on the part of the individual, and the officer’s health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).
(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.
(d) Information about any audio and/or video recording of the individual’s driving or subsequent actions.
(e) The location and time frame of the individual’s vehicle operation and how this was determined.
(f) Any prior related convictions in California or another jurisdiction.

504.4 FIELD TESTS
The Traffic Sergeant should identify standardized 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.
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(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person’s blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

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
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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.

504.5.4 URINE SAMPLES
If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored and transported as required by the testing facility.

504.5.5 STATUTORY NOTIFICATIONS
Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

504.5.6 PRELIMINARY ALCOHOL SCREENING
Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, 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).
504.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21
If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of 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 arrestee 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.

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.
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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 Manager 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 Manager 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.
(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 Records Bureau Administrator shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Bureau shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

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)). Any request from a recipient to dismiss a citation shall be referred to the Traffic Bureau Manager. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Manager may request the Operations Division Captain to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Operations Division Captain 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 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 a memo requesting a specific correction to his/her immediate supervisor. The citation and memo shall then be forwarded to the Records Bureau. The Records Bureau shall prepare a Judicial Council Form TR100 - Notice of Correction and Proof of Service (Vehicle Code § 40505).
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.

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 (Vehicle Code § 40215; Vehicle Code § 40230):

(a) Administrative reviews are conducted by the Traffic Bureau who will review written/documentary data. Requests for administrative reviews are available at the front desk or Traffic Bureau of the Napa Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own. The appellant shall contact Data Ticket at (800) 939-2058 or www.citationprocessingcenter.com to set up an administrative hearing.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to the Superior Court of California.

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).
Traffic Citations

(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).

(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. The court will notify the Juvenile of appearance date.
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 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 Napa Police Department 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 Napa Police Department 72-Hour Parking Ordinance shall be marked and noted on the Napa Police Department Marked Vehicle Card. No case number is required at this time.

In conjunction with a 72-hour sticker, a visible mark should be placed on any one of the four tires. All markings shall be noted on the Abandoned Vehicle Sticker. 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 a notice attached to the vehicle at least 24 hours prior to removal.

All Abandoned Vehicle Cards shall be submitted to the Community Service Officer for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be re-marked for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Community Service Officer.

Parking citations for the 72-hour parking ordinance can be issued when the vehicle is stored for the 72-hour parking violation.

507.2.1 ABANDONED VEHICLE FILE
The Community Service Officer shall be responsible for maintaining a file for all Abandoned Vehicle Cards. AVAA officers assigned to the Traffic Bureau shall be responsible for the follow up investigation of all 72 hour parking violation noted on the Abandoned Vehicle Cards.

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).
Photo Red Light Enforcement

508.1 PURPOSE AND SCOPE
This policy provides procedures for utilizing photo red light enforcement in the City of Napa in accordance with and under authority of sections 21455.5 through 21455.7 of the California Vehicle Code (Division 11, Chapter 2, Article 3).

The Photo Red Light Enforcement Program (PRLEP) is designed to supplement conventional law enforcement by accurately identifying traffic violations on a 24-hour basis without depending on the presence of a police officer.

508.1.1 BACKGROUND
The Napa Police Department Traffic Division Sergeant will oversee the daily operations and administrative functions of the Photo Red Light Enforcement Program (PRLEP).

The Napa Police Department is under contract with Redflex Traffic Systems, Inc. (Redflex) to provide equipment and data processing of potential red light violations at intersections designated by the Napa Police Department. Redflex will send data to the Napa Police Department via a secure web server utilizing the Redflex proprietary back-office "SmartOps™ System" software.

The program is managed wholly by the Napa Police Department. The Napa Police Department shall be the only entity with authority to issue citations from the PRLEP.

508.1.2 INFORMATION DISSEMINATION
Police Training Officers will be responsible for educating full time trainees of Photo Red Light Enforced Approaches. An approach is a single direction of travel with up to four contiguous lanes. The Traffic Division Sergeant will inform all Department personnel of current installations as well as future installations as they are added via the Department e-mail system.

508.1.3 INFORMATION REQUESTS
All requests for information regarding the PRLEP program from both the public and news media will be referred to the Traffic Division Sergeant.

508.1.4 CONFIDENTIALITY
Photographic records made by the system shall be confidential, and shall be made available only to governmental agencies and law enforcement agencies and only for law enforcement use. Data from the "SmartOps™ System" will only be reviewed by the Traffic Sergeant or his/her designated persons that have been trained as reviewers.

All persons authorized to review data for citation issuance or dismissal will be assigned a login to the SmartOps system and shall not share their user name and password with anyone. Confidential information obtained from the Department of Motor Vehicles for the administration or enforcement of red light violations shall be confidential, and may not be used for any other purpose.
Photo Red Light Enforcement

Except for court records described in Section 68152 of the Government Code, the confidential records and information may be retained for up to six months from the date the information was first obtained, or until final disposition of the citation, whichever date is later, after which time the information shall be destroyed in a manner that will preserve the confidentiality of any person included in the record or information.

Photographs used outside of the Napa Police Department for evidence purposes for violations of 21453(a) and 21453(c) of the California Vehicle Code shall have the faces of all passengers blocked out so as they are not recognizable in the photographs.

508.1.5 PRLEP LOCATION SELECTION
Notwithstanding the statutory requirements of the enabling legislation, the decision to place an automated enforcement system at a particular intersection is the sole discretion of the Napa Police Department.

In evaluating an intersection for installation of an automated photo enforcement system, the following factors may be considered:

(a) The intersection design lends itself to the installation of a camera system.
(b) The overall width of the roadway permits curbside or center-island mounting of the camera equipment.
(c) Adequate city owned curbside property at the intersection is available to locate camera equipment and a control cabinet (if needed).
(d) The ability of police officers to safely and effectively conduct enforcement through traditional means.
(e) The police department has determined that the number of potential violators appears sufficient to warrant the endeavor.
(f) The yellow light timing phase is consistent with the requirements of California Vehicle Code section 21455.7.
(g) Citizen complaints of red-light running.
(h) Pedestrian and traffic flow.
(i) Traffic collision statistics.
(j) Proximity to school zones and senior housing.

508.1.6 PRLEP IMPLEMENTATION PROCESS
Intersections equipped with red light photo enforcement cameras will be properly posted as defined in California Vehicle Code section 21455.5(a)(1).

A 30 day "Warning Period" shall commence with the activation of all new systems; during which the violator will receive a warning letter rather than a citation.
Photo Red Light Enforcement

Each new intersection chosen for inclusion shall cause a press release to be issued by the Traffic Division Sergeant assigned management of the PRLEP. This press release shall include the following:

(a) Name of the intersection
(b) The date the intersection will begin photo enforcement operation.
(c) The 30 day "Warning Period" and the date the enforcement period becomes effective (the date when citations will be issued).

Responsibility of monitoring the PRLEP and conducting the day to day review of violations shall rest on the primary employee assigned as the PRLEP Officer.

508.1.7 PROGRAM RESPONSIBILITIES
No provision of the PRLEP program or this order is intended to prohibit an officer from using discretion to issue or take any other enforcement action, when appropriate.

The Traffic Division Sergeant shall:

(a) Supervise the PRLEP program.
(b) Assign Traffic Bureau personnel as PRLEP assessors.
(c) Ensure PRLEP assessors are properly trained in order to conduct day-to-day monitoring of the program.
(d) Review PRLEP electronic data received from the PRLEP assessor involving on-duty personnel.
(e) Forward electronic data to the employee's immediate supervisor and direct an inquiry to be initiated.
(f) Supervise Traffic Division personnel and other Police personnel as may be assigned in the PRLEP program.
(g) Ensure personnel selected to review and process violations have been properly trained.
(h) Ensure the vendor has been provided with current copy of the Departmental directives and manuals in regards to the PRLEP program.
(i) Ensure the PRLEP log is maintained and retained in accordance with current statute.
(j) Be responsible for selecting an alternate Napa Police Department employee to review violations in the event a PRLEP employee is temporarily unable to process violations using the same criteria mentioned above.

1. Officers selected to review and process violations shall have attended the training provided by Redflex prior to reviewing violations for prosecution.
(k) Ensure an inspection of the PRLEP vendor’s records and facilities is conducted. The inspection shall include ensuring the following:

1. Vendor’s address of record is correct.
2. Files are maintained in a secure manner.
3. Files are being archived in accordance with the provisions of this order.

The PRLEP assessor shall be responsible for reviewing electronic file evidence submitted by the vendor and:

- Approve the violation if there is a preponderance of evidence that a traffic violation occurred.
- Disapprove the incident if there is a preponderance of evidence that a traffic violation did not occur.
- PRLEP activation by on-duty personnel driving a Department, City, or an outside agency emergency vehicle shall be processed in accordance with the provisions of the policy.
- Notify the vendor and advise whether the incident was approved or disapproved.
- Be responsible for maintaining records involving day-to-day operation of the program.

The records maintained shall include:

- Signal light maintenance documents from the appropriate City or State Department to ensure that the amber (yellow) lighting sequences meet Department of Transportation (DOT) standards.
- Documentation that the amber lighting still meets DOT standards. This shall be done quarterly.
- Monthly reports from Redflex documenting the following:
  - Number of electronic files reviewed.
  - Number of violations approved.
  - Number of violations disapproved.
  - Number of Department, City and outside agency violations.
  - Maintenance and repair information.

508.1.8 CITATION REVIEW
Data will be reviewed by Napa Police Department on a daily basis excluding weekends and holidays. Data shall be reviewed only by those persons authorized by the Traffic Division Sergeant and then only after having completed the necessary training to do so.
In the event that data is captured showing a valid violation of 21453(a) or 21453(c) of the California Vehicle Code, the reviewing person shall begin the citation process by means of accepting the violation via the "SmartOps™ System" software.

508.1.9 CITATION ISSUANCE CRITERIA
On photo red light enforced intersections, the following photographic evidence must exist for a red light violation citation to be considered:

(a) The incident contains all (4) required photographs
(b) The traffic signals are in the photos in Scene "A" & Scene "B" (pre & post violations) photographs
(c) Photographs depict the signal in the red phase
(d) Scene "A" (pre-violation) photo clearly show the vehicle placement before the limit line or crosswalk
(e) Scene "B" (post-violation) photo clearly show the vehicle entered the intersection
(f) The driver's photo is clear enough to identify the driver, either in person or with a soundex photo from DMV
(g) The license plate photo is clear
(h) The data bar information complete and accurate
(i) The video corroborates the photographic evidence
(j) The registered owner information (name, address) for the driver/vehicle is complete. If it is not complete a DMV search shall be conducted in an attempt to make it complete.

After evaluating an incident, the authorized police employee may accept the incident and issue a citation or reject it for any deficiencies listed in items (a) through (j) above or for any other mitigating circumstances. The decision to accept or reject an incident is at the discretion of the viewing employee.

When the viewing employee accepts a violation, a notice to appear is generated using the "SmartOps™ System" software and mailed by Redflex to the violator or registered owner.

Upon notification of a court trial, a court package is generated by Redflex. Upon receipt of the court package from Redflex, the evidence is presented and the violator prosecuted in court. Upon completion of a court trial, the court package is retained and filed in a secure location at the Napa Police Department for up to a maximum of six months. Unless an appeal is pending, the court package is destroyed by a designated Napa Police employee in a manner that protects the confidentiality of the person included in the record. All citations that do not go to trial are destroyed by Redflex six months after final disposition.
508.1.10 ON-VIEW VIOLATION

If an officer on patrol witnesses a violation of section 21453(a) VC or 21453(c) of the California Vehicle Code at a photo red light enforced intersection approach, the officer may initiate a traffic stop to inform the driver of the violation. If no citation is issued, the officer will complete a field interview card and forward it to the Traffic Bureau within 24 hours. In these cases, the incident will be reviewed and if appropriate, a citation will be issued via PRLEP. Officers are reminded that no provision of the PLREP program or this order is intended to prohibit an officer from using discretion to issue a citation or take any other enforcement action, when appropriate.

(a) Officers are discouraged from issuing citations at photo red light enforced intersection approaches for section 21453(a) or 21453(c) of the California Vehicle Code due to the complexity of tracking down data to ensure a second citation is not issued. If a stop is initiated the officer shall:

1. Verify that the driver is the registered owner
2. Verify all driver information on the driver's license is current and correct.
3. Forward any discrepancies to the Traffic Division within 24 hours on the field interview card.
4. The driver should be advised that a citation could be issued through the PRLEP process

(b) If the driver is not the registered owner:

1. Verify the driver information on the driver's license as current and correct
2. Forward the information on a field interview card and any discrepancies to the Traffic Bureau within 24 hours
3. Advise the driver that a citation could be issued through the PRLEP process

(c) Should the traffic stop lead into another violation of the law, the officer may issue a citation for sections 21453(a) or 21453(c) of the California Vehicle Code as probable cause for the stop. A copy of the citation must be forwarded to the Traffic Bureau within 24 hours to ensure that the PRLEP does not issue a second citation.

(d) If the traffic stop leads to an arrest of the driver, a ILEADS link to the arrest report shall be forwarded to the Traffic Bureau Sergeant within 24 hours to ensure that the PRLEP does not issue a citation for the violation.

(e) If the driver is not in possession of a valid driver's license, the officer shall take appropriate enforcement action.

508.1.11 ELECTRONIC DATA EVIDENCE

When the PRLEP electronic data is to be used as evidence, officer shall:

(a) Contact and make arrangements with the PRLEP assessor to obtain a copy of the electronic data (within a 7-day time frame).
(b) Document the electronic data as evidence in the appropriate report.

(c) Submit the evidence in accordance with Departmental directives.

508.1.12 PRLEP ACTIVATION BY ON-DUTY PERSONNEL

In the event of a PRLEP activation by on-duty personnel driving a Department or City vehicle, or an outside agency emergency vehicle, the following procedures shall be initiated:

Department Vehicles - When an incident captured for review involves any department vehicle, the PRLEP assessor shall review the data and:

• Disapprove the violation and notify the vendor.
• Download and save the electronic data to an appropriate media to preserve the electronic evidence until the conclusion of the review/inquiry/investigative process.
• Forward the electronic data to the Traffic Sergeant for review and disposition.

On duty police personnel with this Department, while acting within their official capacity, who knowingly activate any photo red light enforcement system shall as soon as practical, notify their supervisor of the incident.

The Supervisor, upon being notified of the system activation by on-duty personnel, shall notify the Traffic Sergeant, via email of the following:

• Date, time and location of the incident; and
• Circumstances surrounding the necessity for the officer/employee to enter against the red light.

Upon notification of a violation, the Traffic Division Sergeant shall review the electronic data and provide a disposition as appropriate. The disposition shall be reviewed by the Administrative Captain for final approval.

City Vehicles - In event an incident is captured for review involving any other city vehicle, the PRLEP assessor shall forward the information to the Traffic Sergeant. The Traffic Sergeant shall review the incident and using the same criteria as outlined above 527.10 of this policy, determine if it is appropriate to issue a citation. If a citation is issued, the Traffic Sergeant shall notify the Administrative Captain so the city employee's Manager can be notified of the incident or the issuance of the citation.

Outside Agency Vehicles - The Traffic Sergeant shall review all violations involving outside agency on-duty emergency vehicles. Should it appear a violation occurred, the Traffic Sergeant shall forward the package to the outside agency's appropriate staff person for review and action as they deem appropriate.

Off-Duty Personnel - Violations by off-duty City of Napa employees and other agencies off-duty personnel shall be forwarded to the Traffic Sergeant and reviewed using the same criteria set forth in the PRLEP business rules, and 527.10 of this policy.
508.1.13 DAMAGE TO THE PHOTO RED LIGHT CAMERA SYSTEM
Damage to any PRLEP equipment resulting from a vehicle collision which might affect the operability of the system shall be documented on a CHP 555 form. Additionally, the incident shall be reported to the Traffic Sergeant as soon as possible via the ILEADS and email system if not reported directly.

Vandalism to any PRLEP system equipment which might affect the operability of the system shall be immediately documented in crime report and immediately reported to the Traffic Sergeant via the ILEADS and email system if not reported directly.

If PRLEP system equipment is damaged to the point it is knocked down, then PRLEP equipment will be collected and stored at the City of Napa Corporation Yard in the Napa Police evidence storage yard. The Traffic Sergeant shall be notified as stated above.

The Traffic Sergeant shall notify the vendor of the damage to the PRLEP equipment, as soon as possible. The vendor is responsible for performing repairs. A log of the date of the damage and notification shall be kept to measure the vendor's response time and substantiate cost refunds.
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 Napa 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 Shift Sergeant.
   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 CIVILIAN MEMBER RESPONSIBILITIES
A civilian member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take
any enforcement 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 Investigative Bureau 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.
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(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

600.5 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 COMPUTER 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 Division Captain or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

600.9   CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigation Division Captain is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

(a) Security procedures are developed to protect information gathered through the use of the technology.

(b) A usage and privacy policy is developed that includes:

1. The purposes for which using cellular communications interception technology and collecting information is authorized.

2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.

3. Training requirements necessary for those authorized employees.

4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.

5. Process and time period system audits.

6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.

7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.

8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department’s usage and privacy procedures and all applicable laws.
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 Napa 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 Investigative Bureau supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

601.6 TRAINING
Subject to available resources, periodic training will 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 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.
Sexual Assault Investigations

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.

601.7.1 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).

601.7.2 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 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).
Sexual Assault Investigations

601.8 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.

601.8.1 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). Generally, 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(d)).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

601.8.2 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.

601.8.3 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT

The Property and Evidence Section 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).
601.9 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 Investigative Bureau supervisor. Classification of a sexual assault case as unfounded requires the Investigative Bureau supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

601.10 CASE REVIEW
The Investigative Bureau supervisor should ensure case dispositions are reviewed on a periodic basis, at least annually, using an identified group that is independent of the investigation process. The reviews should include an analysis of:

- Case dispositions.
- Decisions to collect biological evidence.
- Submissions of biological evidence for lab testing.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.
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 Napa Police Department seizes property for forfeiture or when the Napa 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 Napa 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 Napa 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.

602.2.1 SPECIAL GUIDELINES APPLICABLE TO AUTOMOBILES
Special guidelines apply regarding the minimum amounts of controlled substances contained in a vehicle in order for it to be seized as a conveyance used to facilitate narcotic activity. The minimum amounts of a controlled substance within a vehicle are as follows:

- 14.25 grams (1/2 oz) or more of rock cocaine or a substance containing heroin;
- 28.5 grams (1 oz) or more of cut cocaine or methamphetamine;
- 57.0 grams (2 oz) of a substance containing cocaine or methamphetamine;
- 10 pounds of marijuana, peyote or psilocybin.

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):
Asset Forfeiture

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 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) 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 and Evidence Section 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 received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

602.6 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.
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 (Health and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Health 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 Napa Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds.
Asset Forfeiture

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 CONFIDENTIAL INFORMANT - DEFINED
A Confidential Informant (CI) is defined as:

Anyone, acting as an agent for the Napa Police Department who participates in/or expressly facilitates actions for the purpose of obtaining evidence of a criminal offense. Anyone providing information or services to the Napa Police Department in hopes of gaining financial consideration or leniency in a criminal matter.

603.1.2 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 Napa Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Napa Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY
The Napa 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 or tobacco products the use of any juvenile 13 years of age or older as an informant is only permitted when authorized by court order (Penal Code § 701.5).
Informants

In all cases, 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
(d) The Chief of Police or the authorized designee

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, Division Captain, Napa Special Investigations Bureau (NSIB) 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 Napa 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 Napa Special Investigations Bureau (NSIB) 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 Napa Special Investigations Bureau (NSIB) 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 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 Napa Special Investigations Bureau (NSIB). The Napa Special Investigations Bureau (NSIB) 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, Division Captain, Bureau Lieutenant, Napa Special Investigations Bureau (NSIB) supervisor or their authorized designees.
Informants

NPD informant files shall be maintained in a secure area with the Special Operations Bureau. The Investigations Sergeant shall be responsible for maintaining the informant files. Access to the informant files shall be restricted to the Chief of Police, Bureau Captain, Bureau Lieutenant, Investigations Sergeant of their authorized designees.

The Investigation Division Captain 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 Napa Special Investigations Bureau (NSIB) supervisor or the Investigations Sergeant is replaced, the files will be audited before the new supervisor or Sergeant 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.

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
Informants

- 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 Napa Special Investigations Bureau (NSIB) supervisor or Investigations Sergeant will discuss the above factors with the Bureau Lieutenant and recommend the type and level of payment subject to approval by the Chief of Police or the authorized designee.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments will be paid in cash from the respective Napa Special Investigations Bureau (NSIB) or investigations buy/expense fund.

1. The Napa Special Investigations Bureau (NSIB) supervisor or Investigations Sergeant shall sign the voucher for cash payouts from the buy/expense fund.

(b) 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) Napa 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.
Informants

603.6.3 AUDIT OF PAYMENTS

The Napa Special Investigations Bureau (NSIB) supervisor or the authorized designee and the Investigations Sergeant 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.

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 Napa Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

604.3 INTERPRETIVE SERVICES
Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM
The Investigative Bureau supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide:

(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 instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

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/or video recorded and the recording should be retained according to current evidence procedures.

604.6 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. Techniques
Eyewitness Identification

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.

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 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination or show-up identification should not be used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the 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.
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.
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(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.

604.8 DOCUMENTATION

A thorough description of the eyewitness process and the results 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.
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 Napa Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY
The Napa 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 Napa 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 protected personnel files), 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.
**Brady Material Disclosure**

### 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 should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

**606.6 PROHIBITED USE**

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.


Unmanned Aerial System (UAS) Operations

- 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.
Vehicle Tracking Devices

609.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use and follow through of Global Positioning System (GPS) vehicle tracking devices. GPS tracking devices are an extremely useful and effective tool for law enforcement officers to covertly investigate a variety of crimes. It facilitates the ability to conduct lawful surveillance of suspects to ease in the apprehension of these suspects with minimal intrusiveness and danger to the community. Further, GPS tracking devices have been proven to be a great assistance in recovering stolen goods and locations for known and unknown criminals.

609.2 STORAGE
The Napa Police Department utilizes magnetic mounted GPS vehicle tracking devices. These devices are maintained and stored in a locked storage cabinet in the Investigations Division. The Investigations Sergeant is ultimately responsible for the maintenance and deployment of these tracking devices.

The Investigations Sergeant is also responsible for issuing and controlling the login and password for the tracking software. The Investigations Sergeant will maintain and inspect a sign-out/in log to include, at a minimum, the officer’s name, date, case number and authority to deploy the vehicle tracker.

609.3 AUTHORIZED USE OF VEHICLE TRACKERS
Vehicle trackers using GPS technology are an effective investigative tool useful in accomplishing investigative objectives including, but not limited to, arresting wanted suspects, tying suspects to particular locations, and identifying criminal co-conspirators. Deployment of vehicle trackers is governed by case law, statutory law and department policy. It is the policy of the Napa Police Department to require the documented approval of a Sergeant prior to lawfully deploying a vehicle tracker. The Special Operations Bureau Lieutenant will be notified of the tracker deployment as soon as practical.

609.4 DEPLOYMENT OF VEHICLE TRACKERS
Vehicle trackers will be installed and monitored in accordance with current law. Prior to installing the vehicle tracker, consideration shall be given to:

- Authority to deploy tracker
- Severity of crime
- Environment in which tracker is to be installed
- Immediate threat to public safety
- Safety of officers installing the tracker – covert nature of installations
Vehicle Tracking Devices

- Limitations of search warrant (“night service”) for installation and/or monitoring
- “Notice” requirements following deployment of tracker

Prior to installing the vehicle trackers, involved personnel will pre-brief the operation discussing, at a minimum, the aforementioned information. The Dispatch Center with jurisdiction where the installation is to occur will be notified. If the tracker is to be covertly installed, installing personnel will wear body armor and clearly identifiable “Police” markings. The vest and markings may be concealed with an unmarked cover shirt or jacket. This requirement may be excused with prior supervisory approval (i.e., daytime installation in a public parking lot). A plainclothes cover officer should be attached, and in immediate proximity to, the installing officer. Additionally, an officer wearing either a uniform or marked raid attire should be positioned nearby in a vehicle with emergency lighting and siren in the event the installing officer is compromised or confronted.

The procedure to swap out or recover a vehicle tracker should be the same as described above if being carried out in a covert fashion.

609.5 DOCUMENTATION

Anytime a vehicle tracker is deployed it will be documented in a police report. The report will include the authorization to deploy the tracker, as well as details related to the date, time and location of installation. The search warrant, return to search warrant and “Notice” to individual tracked will be attached to the case file. The report, or supplemental reports, will also contain details of the tracker recovery and compliance with “notice” requirements, or the authorized delayed notification.
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 made via a memo. This memo is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Bureau Lieutenant, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor’s report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by the affected Bureau Captain and a finding that no misconduct or negligence was involved, repair or replacement will be approved.
Department Owned and Personal Property

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. Damaged items will be described and restitution will be requested for lost or damaged items within this report.

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 of the City of Napa, 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 of Napa, it shall be the responsibility of a Napa officer present or the Napa officer 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.
Respiratory Protection Program

701.1 PURPOSE AND SCOPE
The purpose of this General Order is to establish a respiratory protection program for general duty officers whose assignments do not normally include contact with hazardous materials or response to the release of hazardous materials.

701.2 POLICY
It is the policy of this department to comply with the California Code of Regulations, Title 8, Section 5144, as it pertains to the use of air-purifying respirators (APRs) and powered air-purifying respirators (PAPRs).

Definition: For the purpose of this Order, "Law Enforcement Personnel" shall include sworn peace officers, community service officers and police forensic personnel.

701.3 PROCEDURE
This Respiratory Protection Program covers equipment selection, medical screening, fit testing, training, use and maintenance of respirators to be used by the following types of law enforcement personnel:

(a) Personnel who are issued respirators to be used for escape from hazardous atmospheres.

(b) Personnel who are issued respirators to be used while maintaining perimeters at hazardous materials incidents. These are personnel who will be stationed in the support ("cold" or "green") zone, where contaminants are not expected to exceed levels deemed safe for unprotected persons, as determined by the incident commander.

(c) Personnel who are issued respirators for use in maintaining the perimeter at crowd-control incidents where chemical agents (e.g., CS or CN tear gas) are used.

(d) Personnel who are issued respirators to prevent exposure to tuberculosis and other serious airborne respiratory infections due to sustained contact with, or transport of, persons who are suspected of carrying an active infection with a serious airborne respiratory disease (such as tuberculosis).

(e) Personnel who, in exigent or emergency situations, are required to enter an area where CS, CN, smoke or other tearing agents have been expelled.

1. Note: In exigent or emergency situations the incident commander, or officer in charge, shall ensure that the levels of contamination do not exceed the tearing agent manufacturer's recommendation for safe operation or the National Institute for Occupational Safety and Health (NIOSH) maximum concentration...
Respiratory Protection Program

for use (MUC), prior to entry. As of 10/1/03, the MUC for CN is 15mg/M and the MUC for CS is 2 mg/M.

701.4 PROGRAM ADMINISTRATION AND RESPONSIBILITIES

701.4.1 POLICE DEPARTMENT SAFETY COORDINATOR

(a) The Police Department Safety Coordinator (or his/her designee) shall be designated as the Respiratory Protection Program Administrator. The Program Administrator shall be knowledgeable about the requirements of Section 5144 of Title 8 of the California Code of Regulations and all elements of the Respiratory Protection Program.

(b) The Program Administrator is responsible for the following:

1. Oversight of the Respiratory Protection Program including program approval, program implementation, program administration, and periodic program review and evaluation.

2. Assist in evaluating the work environment for potential industrial hygiene exposure that may require respirator use.

3. Ensure that personnel wearing respirators have been evaluated and are qualified for respirator use by the department and/or City of Napa Occupational Health Care Provider before wearing a respirator.

4. Ensure that the respirator user is informed of the nature of hazards, which require the use of a respirator.

5. Ensure fit testing is conducted prior to respirator use.

6. Ensure that all required respirators are maintained in a clean and sanitary condition and that facilities and materials will be provided for cleaning activities.

7. Ensure that OSHA Respirator Medical Evaluation Questionnaires, when applicable, are completed.

8. Ensure the proper use and storage of respirators. This includes enforcing that a respirator user has no facial hair that interferes with the respirator face piece and the seal of the respirator.

9. Document and maintain respiratory training records and written reports received by the evaluating physician or licensed occupational health care provider for employees reviewed for respiratory use.

10. Ensure that any newly purchased respiratory protection equipment, which may pose any possible safety or health risk to the employee, has been approved by City Safety Coordinator.

11. Maintain adequate inventory of all brands and sizes of respirators used by personnel, and associated supplies including cleaning supplies.
Respiratory Protection Program

12. Select and procure respirators, equipment, and materials with environmental health and safety in mind that meet or exceed NIOSH standards.

13. Maintain records of all employees' respiratory training, fit testing, and verification of medical fitness.

(c) Supervisor

1. It is the responsibility of the Supervisor to ensure that approved respiratory protection measures are established in their area when required.

2. The Supervisor is responsible for the following:
   (a) Enforce the proper use and storage of respirators, and enforce facial hair restrictions in respirator use.
   (b) Enforce the proper cleaning procedures for employees using respirators.
   (c) Maintain a copy of and enforce this written Respiratory Protection Program.
   (d) Coordinate medical evaluations for respirator use as necessary, with the Police Department Safety Coordinator and the Occupational Health Care Provider.
   (e) Ensure fit testing is conducted prior to respirator use.
   (f) Coordinate initial and annual fit testing and training.

701.5 RESPIRATOR SELECTION AND APPROVAL FOR USE

(a) Approved Equipment

1. All respiratory protective equipment shall be approved by the National Institute for Occupational Safety and Health (NIOSH) for the environment in which it is going to be used.

2. The following definitions apply to equipment that will be issued to law enforcement personnel under this program.
   (a) Air-Purifying Respirator (APR) means a respirator that works by removing gas, vapor, or particulate, or combinations of gas, vapor, and/or particulate from the air through the use of filters, cartridges, or canisters that have been tested and approved for use in specific types of contaminated atmospheres by NIOSH. This respirator does not supply oxygen and therefore cannot be used to enter an atmosphere that is oxygen deficient.
   (b) Powered Air-Purifying Respirator (PAPR) means air-purifying respirator that uses a blower to force ambient air through air-purifying elements to the respirator facepiece or hood.
Respiratory Protection Program

1. Note: Cartridges, canisters and filters are approved for use against specific hazards where the concentration is known or can be reasonably estimated. Some combination organic vapor/particulate cartridges and canisters are approved for use against CS and CN tear gas.

(c) The correct air purifying respirator and appropriate cartridges shall be specified by the Program Administrator and Supervisor. Air purifying respirators cannot be used in any Immediately Dangerous to Life and Health (IDLH) environments.

(d) Employees may use "voluntary dust masks" for operations working with non-toxic dusts at any of the Police Department work sites.

(e) Selection of the correct air purifying respirator and appropriate cartridges shall be based on the following factors: The nature of the hazard.

   1. The characteristics of the operation or process.
   2. The functional capabilities and limitations of the respirator.
   3. The period of time for which respiratory protection equipment is worn.

3. Law enforcement personnel who are covered in this program will be issued Powered Air Purifying Respirators (PAPR) under the following conditions:

   (a) The physician or other licensed health care professional (PLHCP) recommends the use of a PAPR for medical reasons.

   (b) The employee cannot be successfully fit-tested for a tight-fitting facepiece. These officers shall be issued a PAPR with a loose fitting hood or helmet.

   (c) The employee requests a PAPR.

701.6 RESPIRATOR USE

(a) Escape: For escape from the release of hazardous materials, personnel will be provided with a combination cartridge air-purifying respirator.

(b) Entry: Respirators issued under this program shall not be used to enter any area that is designated as the exclusion ("hot" or "red") zone, or the contaminant reduction ("warm" or "yellow") zone of a hazardous materials incident. Respirators should not be used to enter any areas that are known or suspected to be oxygen deficient, or that contain concentrations of hazardous substances that are unknown or are immediately dangerous to life or health (IDLH). Respirator use shall not conflict with the agency's emergency response plan.
(c) Continuous Duty: For continuous duty in maintaining the perimeter of hazardous materials or crowd control incidents, approved gas masks and other air-purifying respirators shall be used. Respirators shall be selected that are approved for the contaminants that are believed to be present, and wearers shall not be located in atmospheres in which concentrations exceed the protection factor of the respirator. The Program Administrator or incident commander shall determine a cartridge change schedule.

(d) TB and other infectious airborne diseases: Particulate respirators shall be used when law enforcement personnel are in sustained contact (including transport in a closed vehicle) with a person who is suspected of carrying an active infection with a serious airborne respiratory disease (such as tuberculosis), and who cannot be masked. Used respirators shall be discarded in appropriate containers, in accordance with the department's infection control procedures.

(e) Breakthrough: If an employee detects breakthrough, the employee shall exit the area immediately, or as soon as safety conditions permit, remove the respirator and perform decontamination procedures. Breakthrough shall be reported to the incident commander or officer in charge. The incident commander or officer in charge shall re-evaluate potential exposures and determine whether it is necessary to redefine the incident perimeter.

Note: Some contaminants are detectable at levels that are below Cal/OSHA permissible exposure limits. Therefore detection of contaminants by a respirator user does not necessarily mean that employees are being exposed above the concentrations permitted under this program.

701.6.1 MEDICAL EVALUATION

(a) Personnel are considered medically qualified to use respiratory protective equipment after completing the POST Medical History Statement (POST 2-252) or its equivalent and successfully passing a physical examination that occurs as a condition of employment. The pre-employment physical must meet or exceed the standards described in the POST Medical Screening Manual for California Law Enforcement.

(b) Employees who were hired prior to the implementation of the POST Medical History Statement (POST 2-252) shall complete the Cal/OSHA medical questionnaire, which shall be reviewed by the City Occupational Health Services Representative.

(c) Medical evaluations are required for any employee when:

1. An employee reports medical signs or symptoms that are related to the ability to use a respirator.

2. A physician or other licensed health care professional (PLHCP), a supervisor, or the Program Administrator informs the agency that an employee needs to be reevaluated.
3. Observations made during fit testing and program evaluation indicate a need for re-evaluation.

4. A change occurs in the workplace conditions (e.g., physical work effort, protective clothing, temperature) that may result in a substantial increase in the psychological burden placed on an employee.

5. In the event the PLHCP determines an employee is incapable of utilizing an air-purifying respirator or powered air-purifying respirator, the employee will not be issued or required to use respiratory equipment and no disciplinary action will be taken against employee. Further, in the event of a situation where respiratory equipment is required, the employee will not be assigned to that location. In the above situation, the employee shall be reassigned or directed to a position or post a safe distance away from the potentially contaminated area.

6. All medical evaluations shall be provided at no cost to the employee. All physical examinations, including pre-employment physicals and periodic medical exams, must be documented in the employee’s medical records, and shall be maintained in the employees’ confidential medical record by the City of Napa Human Resources Department for as long as the employee remains with the City of Napa, plus a minimum of thirty (30) years after the employee leaves the City of Napa (29 CFR 1910.134). A copy of the questionnaire is included as an Attachment.

701.6.2 FIT TESTING

(a) Fit test procedures shall be in accordance with Appendix A of Section 5144 of Title 8 of the California Code of Regulations.

(b) Before an employee is required to use any respirator with a tight-fitting facepiece, (APR/PAPR), the employee must be fit tested with the same make, model, style, and size of respirator to be used. Employees shall be provided with a sufficient number of respirator models and sizes so that he/she may select an acceptable facepiece.

(c) Fit tests shall be provided at the time of initial assignment and at least annually thereafter. Additional fit tests shall be provided whenever the officer, employer, PLHCP, supervisor, or Program Administrator makes visual observations of changes in the officer's physical condition that could affect respirator fit. These conditions include, but are not limited to, facial scarring, dental changes, cosmetic surgery, or an obvious change in body weight.

(d) The person who administers the fit test shall complete fit test training. This training may be accomplished through the fire department, Cal/OSHA, or the manufacturer of the equipment. Documentation of all training must be maintained in the department training program records. All personnel qualified to fit-test must keep up to date on their training.
Respiratory Protection Program

(e) Prior to the fit test, the employee shall be shown the proper procedures for donning a respirator. The employee shall demonstrate donning the respirator, adjust the straps, and perform positive and negative pressure fit checks.

(f) Respirators with tight-fitting face pieces do not seal properly when facial hair comes between the sealing surface of the facepiece and the face, or when it interferes with valve function. Therefore, any employee who has facial hair that interferes with sealing surfaces, or who cannot be successfully fit tested with a tight-fitting facepiece respirator shall be issued a PAPR with a hood or helmet.

(g) Employees who wear corrective glasses or other personal protective equipment must be sure that such equipment is worn in a manner that does not interfere with the facepiece seal. The glasses or personal protective equipment that must be worn with the respirator shall be taken to the fit-test assessment and worn during the test.

(h) Employees who are issued tight-fitting facepiece gas/vapor air purifying respirators (gas masks) shall be provided with a qualitative (employee response to test agent) or quantitative (numerical measurement of leakage) method fit test. Agencies must indicate in their department training program records which test was utilized and the results of the tests.

(i) An escape hood is not a tight-fitting facepiece, and need not be fit tested. Employees who are issued escape hoods shall practice donning and removing the hood during training.

701.7 TRAINING
Cal/OSHA requires agencies to conduct training for all personnel designated to use a respirator. The training shall include at least the following:

(a) The specific circumstances under which respirators are to be used, including illustrative scenarios that identify the proper use by law enforcement personnel.

(b) Why the respirator is necessary and how proper fit, usage, or maintenance can ensure the protective effect of the respirator.

(c) What the respirator's limitations and capabilities are in terms of protecting against chemical agents and other respiratory hazards.

(d) How to effectively use the respirators in emergency situations, including situations when the respirator malfunctions.

(e) How to inspect, put on, remove, use and check the seals of the respirator.

(f) How to maintain and store the respirator. Officers who are issued a PAPR shall be instructed in procedures for charging and maintaining the batteries and for checking the flow rate.
Respiratory Protection Program

(g) How to recognize medical signs and symptoms that may limit or prevent the effective use of respirators.

(h) How to decontaminate (or safely dispose of) a respirator that has been contaminated with chemicals or hazardous biological materials.

Training shall be provided at the time of initial assignment to respirator use, and at least annually thereafter. Additional training shall be provided when there is a change in the type of respiratory protection used, or when inadequacies in the employee’s knowledge or use of the respirator indicate that he/she has not retained the requisite understanding or skill. This training can be accomplished by in-house instruction, or by viewing the POST video on respiratory protective equipment in combination with instruction. The training should be conducted prior to the fit-test procedures.

701.8 MAINTENANCE AND CARE
A program for maintenance and care of full-face respiratory equipment is described in this section. A copy of the appropriate manual for the respirator that an employee uses shall be issued with each respirator and reviewed by the Program Administrator, supervisor or trainer with the employee at the date of issuance and training.

701.8.1 CLEANING AND DISINFECTING
(a) Each respirator user shall be provided with a respirator that is clean, sanitary, and in good working order.

(b) The agency will ensure that respirators are cleaned and disinfected at the following intervals:
   1. The employee shall clean and disinfect their respirator after each use and as often as necessary to maintain a sanitary condition.
   2. Respirators issued to more than one (1) employee shall be cleaned and disinfected by the respirator user before being worn by other persons.
   3. Respirators maintained for emergency use shall be cleaned and disinfected by the respirator user after each use.
   4. Respirators used in fit testing and training shall be cleaned and disinfected by the respirator user after each use (before being used by another person).
   5. Respirators that have been contaminated with certain chemical, biological, or radioactive (CBRN) agents require special decontamination procedures to reduce the likelihood of secondary exposures to the user or assisting personnel. The HAZMAT Incident Commander or officer in charge will inform users of any special decontamination procedures that are required.

(c) The following procedures shall be used for cleaning and disinfecting respirators:
Respiratory Protection Program

1. Remove and dispose of any used cartridges.
2. Wash facepiece with provided cleaner-disinfectant pads or solution. Use a soft bristle brush to facilitate removal of dirt if necessary.
3. Rinse completely in clean, warm (not hot) water.
4. Air-dry respirator in an area away from contaminants.
5. Clean other respirator parts as recommended by the manufacturer.
6. Inspect valves, head straps, and other parts; replace with new parts obtained from supervisor if defective.

701.8.2 REPAIRS
Any defective respirator shall be removed from service, and shall be adjusted, repaired or discarded as appropriate. Defective equipment shall be turned in to the Program Administrator (or his/her designee) who will be responsible for issuing replacement equipment.

Only persons who have been trained to perform such operations shall make repairs or adjustments to respirators. All repairs shall be made according to the manufacturer's recommendations and specifications for the type and extent of repairs to be performed, using only the manufacturer's NIOSH-approved parts.

701.8.3 STORAGE
   (a) The employee shall properly store their respirators in order to protect them from damage, contamination, dust, sunlight, extreme temperatures, excessive moisture, and damaging chemicals. Respirators shall be packed or stored to prevent deformation of the facepiece and exhalation valve.
   (b) To protect the integrity of the equipment, the department must follow the manufacturer's recommendation for storage and maintain records of where all equipment is stored.

Note: PAPR batteries should be kept charged with the facepiece unit, or if battery and facepiece are kept in patrol vehicle, a spare battery should be kept charged and available.

701.8.4 PROGRAM EVALUATION
The Program Administrator will conduct a periodic review of the department's Respiratory Protection Program to ensure the department adheres to all subsections of this program. The review will include at a minimum:
   (a) Respirator fit.
   (b) Appropriate respirator selection.
   (c) Proper use of respirators.
   (d) Proper inspection and maintenance procedures.
701.9 RECORD KEEPING

(a) The Program Administrator is responsible for ensuring that proper records are kept for this program. This includes:

1. Personnel medical records shall be retained and made available in accordance with the California Code of Regulations, Section 3204, Title 8, for a minimum of thirty (30) years after an employee's separation or termination. The department shall follow departmental policies for the maintenance of confidential medical records. The policy must indicate where these records are maintained, who is responsible for them, and how employees, their representatives, or Cal/OSHA personnel can obtain access to the records.

2. Documentation of training, inspection and maintenance.

3. Documentation of fit testing, including:
   (a) Type of test (qualitative or quantitative)
   (b) Name or ID of employee
   (c) Make, model, style and size of respirator tested
   (d) Date of test
   (e) Results of the fit test

(b) A copy of this program and the above records shall be made available to all affected employees, their representatives, and representatives of the Chief of the Division of Occupational Safety and Health.
Personal Communication Devices

702.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded 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.

702.2 POLICY
The Napa Police Department allows members to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

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.

702.2.1 PERSONAL ELECTRONIC/ENTERTAINMENT DEVICES
(a) Personal electronic/entertainment devices (e.g., televisions, DVD players, video games or computer game systems) shall not be used while on-duty. Approved cellular telephones and electronic devices with the capability of playing video files or games shall not be played in such manner while on duty, except during authorized rest and meal breaks out of public view. Music devices may only be utilized in City vehicles while on-duty without headphones.

(b) On-duty personnel are prohibited from using electronic equipment, computers, televisions and DVD players for entertainment purposes, except during authorized rest and meal breaks out of public view. Personnel are permitted to monitor major newsworthy events, training, traffic monitoring and other work-related material.

(c) The City does not accept responsibility for the purchase, maintenance, loss or damage of personal electronic devices used while in the performance of assigned duties.
Personal Communication Devices

(d) Work product on a Department issued electronic devices or while on-duty is the property of the City.

(e) Personnel shall be prohibited from placing confidential information on any electronic device that is not secure from access by unauthorized persons. All Department work related materials saved to any electronic media device, shall be secured at all times.

(f) Electronic materials (e.g., pictures, audio, text messages, electronically generated messages), potentially related to criminal or internal investigations, recorded on a personal or Departmental issued cellular telephone or other device, shall be handled as evidence.

702.3 PRIVACY EXPECTATION
Members forfeit any expectation of privacy with regard to any communication accessed, transmitted, received or reviewed on any PCD issued or funded 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).

702.3.1 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 and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

702.4 DEPARTMENT-ISSUED PCD
Depending on a member’s assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-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.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD
Members may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
(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.

1. Members may use personally owned PCDs on-duty for routine administrative work as authorized by the Chief of Police.

(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) Use of a personally owned PCD while at work or for work-related business constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, members will provide the Department with the telephone number of the device.

(g) All work-related documents, emails, photographs, recordings or other public records created or received on a member’s personally owned PCD should be transferred to the Napa Police Department and deleted from the member’s PCD as soon as reasonably practicable but no later than the end of the member’s shift.

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.

702.6 USE OF PCD
The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:
Personal Communication Devices

(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) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Members shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Members may use a 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.

(e) 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.

(f) Members will not access social networking sites for any purpose that is not official department business.

(g) 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.

702.7 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.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.

2. Before conducting any administrative search of a member’s personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

702.8 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.

702.9 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. As soon as reasonably possible, members shall conduct sensitive or private communications on a land-based or other department communications network.
Vehicle Maintenance

703.1 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.

703.2 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.

703.2.1 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.

703.2.2 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.

703.2.3 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.

703.3 VEHICLE EQUIPMENT
Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

703.3.1 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
- First aid kit
- Protective equipment per 1016
- Fire extinguisher
Vehicle Maintenance

703.3.2 UNMARKED VEHICLES
An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- First aid kit, CPR mask
- 1 Fire extinguisher
- Protective equipment per 1016

703.4 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 only be refueled at the authorized location.

703.5 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.

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.

703.6 CIVILIAN EMPLOYEE USE
Civilian employees using marked vehicles shall whenever practical insure all weapons are removed from vehicles before going into service. Civilian employees shall also prominently display the "out of service" placards at all times. Civilian employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.
Vehicle Use

704.1 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 Napa Police Department to provide assigned take-home vehicles.

704.2 POLICY
The Napa 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.

704.3 USE OF VEHICLES

704.3.1 SHIFT ASSIGNED VEHICLES
The Shift Sergeant 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.

704.3.2 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, court appearances, community event) shall first notify the Shift Sergeant. A notation will be made on the shift assignment roster indicating the member’s name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

704.3.3 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.
Vehicle Use

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.

704.3.4 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.

704.3.5 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. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

704.3.6 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.

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.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Division Captain approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

704.3.7 KEYS
Members approved to operate marked patrol vehicles shall be provided a key to that vehicle. 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.
Vehicle Use

704.3.8 AUTHORIZED PASSENGERS
Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

704.3.9 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.

704.3.10 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. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

704.3.11 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the employee's Bureau Captain.

704.3.12 CIVILIAN MEMBER USE
Civilian members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian members shall prominently display the "out of service" placards or light bar covers at all times. Civilian members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

704.4 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.

The assignment of vehicles may be suspended when the member is unable to perform his/her regular assignment.

704.4.1 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 Napa Police Department City limits.

(d) Off-street parking will be available at the member’s residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

704.4.2 ENFORCEMENT ACTIONS
When driving a take-home vehicle to and from work outside of the jurisdiction of the Napa Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

704.4.3 MAINTENANCE
Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/maintenance requirements and damage.

(b) It is the member’s responsibility to ensure that his/her assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the city maintenance facility, the member will notify the fleet division by emailing to the "FleetServiceRequest", explaining the service or repair.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.
704.4.4 ASSIGNED VEHICLES
Assignment of take-home vehicles shall be based on the location of the member’s residence according to City of Napa Policy, the nature of the member’s duties, job description and essential functions, and employment or appointment status. Residence in the City of Napa Police Department is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Napa may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

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 errands or transports, unless special circumstances exist and the Chief of Police or a Division Captain gives authorization.

(b) Vehicles may be used to transport the member to and from the member’s residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:
   1. 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.
   2. When the member has received permission from the Chief of Police or Division Captains.

(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.

(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.

(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) Vehicles are to be parked off-street at the member’s residence unless prior arrangements have been made with the Chief of Police or the authorized designee. 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.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.

2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and maintenance of the vehicle.

704.4.5 ON-DUTY USE
Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

704.5 UNMARKED VEHICLES
Vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a division supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the division for that purpose. Any use of unmarked vehicles by those who are not assigned to the division to which the vehicle is assigned shall also record the use with the Shift Sergeant on the shift assignment roster.

704.6 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 during the shift in which the damage was discovered, documented in a Supervisor’s Report of Damage form and forwarded to the appropriate Bureau Captain, via the chain of command. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

704.7 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 Captain within five working days explaining the circumstances.

(c) The Administrative Captain will maintain the FasTrak files for all departmental vehicles enrolled in the program.

704.8 ATTIRE AND APPEARANCE
When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.
Chapter 8 - Support 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.
Communication Operations

801.1 PURPOSE AND SCOPE
The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

801.1.1 FCC COMPLIANCE
Napa Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

801.2 COMMUNICATION OPERATIONS
This department provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This department provides access to the 911 system for a single emergency telephone number. This department has two-way radio capability providing continuous communication between the Communications Center and officers.

801.2.1 COMMUNICATIONS LOG
It shall be the responsibility of the Communications Center to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Control number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Identification of officer(s) assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of officer's return to service
- Disposition or status of reported incident
801.3 RADIO COMMUNICATIONS
Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of officers, their locations and the nature of cases.

801.3.1 OFFICER IDENTIFICATION
Identification systems are based on factors such as beat assignment and officer identification numbers. Employees should use the entire call sign when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.
**Temporary Evidence Lockers**

**802.1 PURPOSE AND SCOPE**

It is the purpose of this policy to ensure the integrity and evidentiary value of items booked into evidence by way of Temporary Evidence Lockers.

**802.1.1 POLICY**

1. The submitting officer shall ensure that evidence is not kept in a temporary evidence locker for more than 72 hours. The shift supervisor may extend this requirement to a maximum of five (5) days. If the extension is granted, the supervisor's signature shall appear on the Temporary Evidence Locker Tracking Log.

2. The submitting officer shall complete a Temporary Evidence Tracking Log for each investigation in which evidence is stored in a temporary evidence locker. The submitting officer shall sign each log entry. Evidence from the previous investigation shall be transferred to the evidence custodian before storing evidence from another investigation. The Temporary Evidence Tracking Log shall be maintained on the exterior of the temporary evidence locker while the locker is in use and shall include the following information:
   a. Case number
   b. Submitting officer's name
   c. Description of items in the temporary locker
   d. Dates/times put in/taken out of locker
   e. Disposition of evidence items (NPD evidence or other)
   f. Submitting officer's signature.
   g. Lieutenant's signature for time extension, if applicable
   h. When use of the Temporary Evidence Locker is completed for that case, the officer shall route the Temporary Evidence Tracking Log to Records for inclusion in the case file.

3. The temporary evidence locker key shall be retained by the submitting officer in a secure place until he/she has secured the items in the NPD evidence lockers or otherwise securely transferred custody of the items to the NPD evidence custodian. The temporary evidence locker key will not be stored in a non-secured location (mailbox or follow-up box). Examples of acceptable areas to store a temporary evidence locker key include, but are not limited to, the employee's locked locker or in a locked desk drawer to which the employee retains exclusive control. Never, under any circumstances, shall the evidence custodian have a key to a temporary evidence locker. The master key(s) shall be kept in the Special Operations Administrative Captain's safe for emergency access.

4. The submitting officer is responsible for the integrity of the evidence until the items are accepted into the NPD evidence room or otherwise securely transferred to the NPD evidence custodian.
5. The evidence custodian is not responsible for evidence placed in a temporary evidence locker. His/her responsibility begins when the evidence items have been accepted into the NPD evidence room or otherwise securely transferred to the NPD evidence custodian.

6. The evidence custodian shall not accept any evidence item which has not been properly marked, packaged, and sealed as required by the evidence-related policy sections.

802.1.2 INTENT
It is the intent of this policy to ensure evidence booked by way of a Napa Police Department Police Department Temporary Evidence Locker withstands judicial scrutiny related to integrity and chain of custody.
Property and Evidence

803.1 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 those persons authorized to remove and/or destroy property.

803.2 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.

803.3 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.

803.3.1 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 in the upper right hand corner of the bag.

(e) The original property form shall be submitted with the case report. A copy shall be placed with the property in the temporary property locker or with the property if property is stored somewhere other than a property locker.

(f) When the property is too large to be placed in a locker, the item may be retained in the supply room. Submit the completed property record into a numbered locker indicating the location of the property.

803.3.2 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 accompanied by two copies of the form for the Records Bureau and detectives. The remaining copy will be detached and submitted with the case report.

803.3.3 EXPLOSIVES
Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Shift Sergeant. The Napa Police Department Sheriff's Office bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices will be booked into the bunker at the Napa Police Department Police Department's range. All flammable items shall be stored in the proper container located next to the carport in the south parking lot of the police department. The Property Officer is responsible for transporting to the Fire Department, on a regular basis, any fireworks or signaling devices that are not retained as evidence.

803.3.4 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, should be released directly to the Property Officer, or placed in the designated container for return to the Department of Motor Vehicles. No formal property booking process is required.

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame. The property may be released directly to
the Property Officer, or placed in the bicycle storage area until a Property Officer can log the property.

(d) All cash shall be counted in the presence of a supervisor and the envelope initialed by the booking officer and the supervisor. The Shift Sergeant shall be contacted for cash in excess of $1,000 for special handling procedures.

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.

803.4 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

803.4.1 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, and syringe tubes should be used to package syringes and needles.

A property tag shall be securely attached to the outside of all items or group of items packaged together.

803.4.2 PACKAGING NARCOTICS
The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated narcotics locker, accompanied by two copies of the property record. 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 report room. The booking officer shall initial the sealed envelope and the initials covered with cellophane tape. Narcotics and dangerous drugs shall not be packaged with other property.

A completed property tag shall be attached to the outside of the container. The chain of evidence shall be recorded on the back of this tag.
803.5 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 on the property control card.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property control card.

Any changes in the location of property held by the Napa Police Department shall be noted in the property logbook.

803.6 PROPERTY CONTROL
Each time the Property Officer receives property or releases property to another person, he/she shall enter this information on the property control card. Officers desiring property for court shall contact the Property Officer at least one day prior to the court day.

803.6.1 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 possession. No property or evidence is to be released without first receiving written authorization from a Property Clerk, or Investigations Supervisor.

Request for analysis, for items other than narcotics or drugs, shall be completed on the appropriate forms and submitted to the property officer and/or Police Forensic Specialist. This request may be filled out any time after the booking of property or evidence.

803.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY
The transporting employee will check the evidence out of property, indicating the date and time on the property control card and the request for laboratory analysis.

The Property Officer releasing the evidence must complete the required information on the property control card and the evidence. The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the officer will record the delivery time on both copies, and indicate the locker in which the item was placed or the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Bureau for filing with the case.

803.6.3 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 on the property control card, stating the date, time and to whom released.

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 on the property control card, indicating date, time, and the person who returned the property.

803.6.4 AUTHORITy TO RELEASE PROPERTY
The Investigations Sergeant or his/her designee shall authorize disposition or release of all evidence and property coming into the care and custody of the Department.

803.6.5 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. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

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 on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Bureau for filing with the case. If some items of property have not been released the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor 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 or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).
803.6.6 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)).

803.6.7 CONTROL OF NARCOTICS AND DANGEROUS DRUGS
The Investigative Bureau will be responsible for the storage, control and destruction of all narcotics and dangerous drugs coming into the custody of this department, including paraphernalia as described in Health & Safety Code § 11364.

803.6.8 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).

803.6.9 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 the weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the 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) which 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 weapon is not retained as evidence, the Department shall make the weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ which 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.
803.7 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. The Property Officer shall request a disposition or status on all property which has been held in excess of 120 days, and for which no disposition has been received from a supervisor or detective.

803.7.1 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; 18010; 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, etc.)
- Unclaimed, stolen or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)

803.7.2 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 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. Money representing restitution collected on behalf of victims shall either be deposited into the Restitution Fund or used for purposes of victim services.
803.7.3 RETENTION OF BIOLOGICAL EVIDENCE
The Property and Evidence Section Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant
(b) The defendant’s attorney
(c) The appropriate prosecutor and Attorney General
(d) Any sexual assault victim
(e) The Investigation Division supervisor

Biological evidence shall be retained for a minimum period established by law (Penal Code § 1417.9), the Property and Evidence Section Supervisor or the expiration of any sentence imposed 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 Division supervisor.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the head of the applicable prosecutor’s office.

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 Division supervisor should be consulted and the sexual assault victim should be notified.
Evidence Procedures - Film, Audio, Video and Digital Images

804.1 PURPOSE AND SCOPE
The purpose of this Policy is to establish standards for the use and control of film, audio, video and digital based images and recordings.

804.2 BLANK SECTION TITLE - NEED CHANGES FROM THE USER
It is the policy of this department to ensure that images utilized to document a crime scene or events are preserved to maintain their integrity as evidence.

Definitions:
(a) **Image** - An imitation or representation of a person or thing, drawn, painted, or photographed.
(b) **Digital Image** - An image that is stored in numerical form.
(c) **Image Enhancement** - Any process intended to improve the visual appearance of an image.
(d) **Storage** - The act of preserving an image.
(e) **Disk** - A device used to save stored computer generated data.
(f) **Memory Card** - A unique data information storage card in some digital cameras utilized to record and save digital images.
(g) **CD** - Compact Disc utilized for the storing of digital information.
(h) **DVD** - Digital Video Disk utilized for the storing of large quantity of video, audio, photographs or other information.
(i) **CD/RW Drive** - Computerized hardware used for storing digital information in a permanent manner.

804.3 PROCEDURES
(a) Taking of Photographs:
   1. The first digital image or photograph taken should document the date, case report number and officer ID.
   2. Subject matter should range from the general to specific.
      (a) Take overall photographs of the entire scene to show its relationship to the surrounding areas.
(b) Take mid-range photographs to show the relationship of the evidence in the scene.

(c) Take close-up photographs of the evidence with a measurement standard.

3. When photographing persons:
   (a) Overall photograph for identification purposes.
   (b) Mid-range photographs to show injuries and other body parts.
   (c) Close-up photographs (with and without scale) in regards to scars, marks, tattoos, and injuries.

4. Only one case per memory card and/or compact disc.

5. Document in the written case report the following:
   (a) Type of camera used.
   (b) Name of photographer.
   (c) Description of what photographs were taken.

(b) Memory Cards - Submission of photographic evidence:
   1. Submission and documentation of memory cards from Patrol Digital Cameras:
      (a) Remove the memory card with the primary images from the camera.
      (b) Return the memory card to its protective plastic case and package it in a small envelope labeled with the case number.
      (c) Assign an evidence number and complete a voucher. Submit the voucher along with the memory card to Evidence via the designated secure evidence locker.
      (d) The memory card will be booked into evidence and released to the Evidence Specialist. The digital images will be downloaded by the Evidence Specialist or designee, in their original, unaltered format from the memory card to:
         1. A file folder in the following City of Napa network directory for secure storage: Q:\IDUnit
         2. There will be one evidence item per folder, using the "Case Number, Officer, & Evidence Item" as the name for the directory/file folder.
      (e) The memory cards will be formatted and returned to the Officer that booked the memory card.
      (f) The chain of custody will be recorded in Ileads Property Management System.
2. Submission of Digital Photos from Crime Scene Specialists:

(a) CSS Officers will download their photographs from their digital cameras or memory cards to file folders in the following City of Napa network directory: G:\Police\CSS Photos

(b) The CSS Officers will use the Case Number and the Collecting Officer's Name to name the file folders and the individual file names will be changed to their corresponding evidence identifier.

(c) A Voucher will be completed indicating the number of digital photographs taken and the storage location of the photographs. The Voucher will be submitted to Evidence via the designated secure evidence locker.

(d) The information will be entered into the Evidence Room data base and the Voucher will be released to the Evidence Specialist's Unit.

(e) The Evidence Specialist, or designee, will transfer the photographs from the CSS's storage location to a file folder in the following City of Napa network directory for secure storage: Q:\IDUnit

(f) The Evidence Specialist, or designee, will return the Voucher to Evidence to complete the chain of custody.

(g) The ID unit will delete the photographic files from the CSS's storage location (G:\Police\CSS Photos) periodically.

(c) Film, audio/videotapes and digital audio recordings:

1. Submission of other media, such as, film, audio/video tapes, and/or digital audio recordings.

(a) Properly package the media using the Property Packaging Report and place in the secure evidence locker for booking into Evidence.

(b) The film will be returned to the Evidence Specialist for development, and then stored as evidence.

(c) The tape recordings and digital recordings on CD/ DVD will be booked as evidence and stored directly into the Evidence Room.

(d) Officers will download the digital recordings to the following City of Napa network directory:

1. Q:\Digital_Recordings

2. The Officer will name the file the Case Number, the Collecting Officer's Name, and the Evidence Item.

3. A Voucher will be completed, and submitted to Evidence via the designated secure evidence locker.
(e) The Property Clerk, will transfer the digital recordings from Q:\Digital_Recordings to a file folder in the following City of Napa network directory for secure storage: Q:\Property_Unit

(f) The digital audio and/or video files will be deleted from the Q:\Digital_Recordings location by the Property Clerk.

(d) Distribution of digital photographic and video images:

1. Photographs and video are deemed to be evidence and will only be released in accordance with law.

2. Emphasis will be placed on duplicating the images onto another CD for distribution to those who have lawful authorization to receive such items. Duplication will be the responsibility of the Police Forensic Specialist.

3. Other manners of appropriate distribution will be via electronic transfer/digital image transmission or printed if so required.

4. All requests for printed or duplicate images for the District Attorney's Office, private attorneys, insurance agencies, private citizens, and others will be determined on a case-by-case basis and handled through the Special Operations Bureau Lieutenant or his/her designee.

(e) Working with images:

1. Primary image files from digital cameras or other digital image files will be archived for back up storage and indexed under the original case report number.

2. No alterations or obliterations of primary images will be allowed.

3. Only duplicate images of the primary images will be transmitted. Processing to improve the image quality will be limited to those used with traditional negative based processing:
   
   (a) Correct contrast/Image sharpening
   (b) Brightness
   (c) Color balance correction
   (d) Cropping and enlarging
   (e) Red eye correction

4. Manipulation and/or actually altering properties of the image will only be performed on a copy of the original. This may involve, but is not limited to:
   
   (a) Removal/addition of objects/features.
   (b) Image manipulation at the request of the District Attorney.
5. Under no circumstances will a corrected or manipulated image be substituted for the original/primary image. All processed images will be saved as a separate file. They may be permanently stored on a CD with the original images, but will be specified as a copy and will not be saved in the native camera format.

6. If any manipulations are made on a copy of a photograph, a supplemental report must be written documenting the procedures utilized.
Records Bureau Procedures

805.1 PURPOSE AND SCOPE
The Records Supervisor shall maintain the Department Records Bureau Procedures Manual on a current basis to reflect the procedures being followed within the Records Bureau. Policies and procedures that apply to all employees of this department are contained in this chapter.

805.1.1 NUMERICAL FILING SYSTEM
Case reports are filed numerically within the Records Bureau by Records Bureau personnel.

Reports are numbered commencing with the last two digits of the current year followed by a sequential number beginning with 00001 starting at midnight on the first day of January of each year. As an example, case number YY-00001 would be the first new case beginning January 1 of a new year.

805.2 FILE ACCESS AND SECURITY
All reports maintained on the police department computer server including, but not limited to, initial, supplemental, follow-up, evidence, and all reports critical to a case shall be maintained in a secure area within the Records Bureau accessible only to authorized personnel. Access to report files after hours or when records personnel are otherwise not available may be obtained through the Shift Sergeant.

Napa Police Department employees shall not access, view or distribute, or allow anyone else to access, view or distribute any record, file or report, whether hard copy or electronic file format, except in accordance with department policy and with a legitimate law enforcement or business purpose or as otherwise permissible by law.

805.2.1 REQUESTING ORIGINAL REPORTS
Police reports or supplemental reports, or property sheets shall not be removed, copied or downloaded from the I-Leads records management system without notification and/or approval of the Records Supervisor and the offices immediate supervisor. No officer or NPD personnel may mail or send any portion of a Napa Police Report, supplemental report or property sheet without the approval of the NPD Records Supervisor.

805.3 DETERMINATION OF FACTUAL INNOCENCE
In any case where a person has been arrested by officers of the Napa 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 Records Supervisor. The Records Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Records Supervisor should forward the petition to the Special Operations Lieutenant and the
City Attorney for review. After such review and consultation with the City Attorney, the Special Operations Lieuthenant and the Records Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Records Supervisor 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 Records Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.
Restoration of Firearm Serial Numbers

806.1 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.

806.2 PROCEDURE
Any firearm coming into the possession of the Napa Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

806.2.1 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.

806.2.2 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 form that serial numbers have been removed or obliterated.
806.2.3 OFFICER RESPONSIBILITY
The property clerk 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.

806.2.4 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. This may appear on the request form or property form depending on the type of evidence.

806.2.5 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.

806.3 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

807.1 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.

807.2 POLICY
The Napa 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.).

807.3 CUSTODIAN OF RECORDS RESPONSIBILITIES
The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.
(b) Maintaining and updating the department records retention schedule including:
   1. Identifying the minimum length of time the Department must keep records.
   2. Identifying the department division responsible for the original record.
(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records.
(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 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.
(i) 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.

807.4 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.
807.4.1 REQUESTS FOR RECORDS
Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 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.
Records Maintenance and Release

(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.

807.5 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)).

(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 § 831).

807.6 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.

807.7 RELEASED RECORDS TO BE MARKED
Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

807.8 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.

807.9 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 or California identification card number
- 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

807.9.1 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 Napa 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 Napa 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 Napa 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.

807.9.2 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.
Protected Information

808.1 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 Napa 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.

808.1.1 DEFINITIONS
Definitions related to this policy include:

Protected information - Any information or data that is collected, stored or accessed by members of the Napa 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.

808.2 POLICY
Members of the Napa 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.

808.3 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.
808.4 ACCESS TO PROTECTED INFORMATION
Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Napa 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.

808.4.1 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).

808.5 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).

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should generally not be transmitted by radio, cellular telephone or any other type of wireless transmission to members in the field or in vehicles through any computer or electronic device, except in cases where there is an immediate need for the information to further an investigation or where circumstances reasonably indicate that the immediate safety of officers, other department members or the public is at risk.

Nothing in this policy is intended to prohibit broadcasting warrant information.

808.5.1 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).

**808.6 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:

(a) Developing and maintaining security practices, procedures and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis and containment of security incidents including computer attacks.

(d) Tracking, documenting and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

**808.6.1 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).

**808.7 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.

**808.8 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).
Computers and Digital Evidence

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

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

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
   1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
   2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery).

(e) Label each item with case number, evidence sheet number, and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:
   1. Where the computer was located and whether or not it was in operation.
   2. Who was using it at the time.
   3. Who claimed ownership.
4. If it can be determined, how it was being used.

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

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

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

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

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

(a) If the media has a write-protection tab or switch, it should be activated.
(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Section to copy the contents to an appropriate form of storage media.
(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
Computers and Digital Evidence

(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.

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

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

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

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

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

809.5.2 SUBMISSION OF DIGITAL MEDIA
The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be brought to the Property and Evidence Section as soon as possible for submission into evidence.

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

(d) Evidence technicians will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.

(e) Officers requiring a copy of the digital files must request a copy on the evidence form when submitted to evidence.

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

(a) Files should not be opened or reviewed prior to downloading and storage.

(b) Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.

809.5.4 PRESERVATION OF DIGITAL EVIDENCE

(a) Only evidence technicians are authorized to copy original digital media that is held as evidence. The original digital media shall remain in evidence and shall remain unaltered.

(b) Digital images that are enhanced to provide a better quality photograph for identification and investigative purposes must only be made from a copy of the original media.

(c) If any enhancement is done to the copy of the original, it shall be noted in the corresponding incident report.
Chapter 9 - Custody
Custodial Searches

900.1 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 Napa 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.

900.1.1 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.

900.2 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.

900.3 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.
Custodial Searches

900.4 SEARCHES AT POLICE FACILITIES
Custody searches shall be conducted on all individuals in custody, upon entry to the Napa 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.

900.4.1 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 Napa Police Department identification number and information regarding how and when the property may be released.

900.4.2 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.

900.5 STRIP SEARCHES
No individual in temporary custody at any Napa 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).

900.5.1 STRIP SEARCH PROCEDURES
Strip searches at Napa Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

(a) Written authorization from the Shift Sergeant 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 Shift Sergeant.
Custodial Searches

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 Shift Sergeant 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.

900.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES
A strip search may be conducted in the field only with Shift Sergeant 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 Shift Sergeant authorization does not need to be in writing.
900.6 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 Shift Sergeant 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 Shift Sergeant'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.
900.7 PAROLE/PROBATION SEARCH
Subjects on probation or parole will be searched thoroughly in accordance with their probation orders and current case law. Not all subjects search conditions are the same. In general an adult or juvenile who is on searchable probation permits you to search their person without any particularized suspicion.

900.8 TRAINING
The Training Manager shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.
(b) Conducting searches of transgender and intersex individuals.
(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

900.9 CONSENT SEARCH
Officers may obtain consent to search a subject either verbally and/or in writing for evidence and/or contraband.

(a) Consent must be voluntary, not coerced by force, threats, tricks, promises or exertion of authority.
(b) Do not exceed the scope for the consent given.

900.10 FULL SEARCH
The full search is completed as the aforementioned definition describes.

When an officer conducts a full search, his/her primary purpose is to protect his/her own safety by assuring himself/herself that the subject is not armed with a concealed weapon. The discovery of evidence or contraband during a full search is admissible in the courts, but is, in terms of your safety, obviously of less immediate importance that the discovery of weapons.

900.11 SEARCHING OF PERSONS OF THE OPPOSITE GENDER
Laws governing search and seizure make no distinction between the treatment of men and women, and you may conduct a search of a person of either gender when necessary. However, the search of the opposite gender presents special problems and the usual procedure when a person of the opposite gender must be searched should be is as follows:

(a) Officers should never search a person of the opposite gender when they are alone. Always have a cover officer present. Officer safety will not be jeopardized if no witness is available.
(b) Search a the person of opposite gender while standing behind him/her.
Custodial Searches

(c) Before searching the front of the subject's body explain what you intend to do and that it will be done in a manner which is designed to cause him/her a minimum amount of embarrassment.

(d) For your own protection, use the back of your hand when searching the sides of the person's body.

900.12 BODY SCANNER SEARCH
If a body scanner is available, a body scan search should be performed on all inmates/arrestees upon entering the secure booking area of the facility. Members ( Penal Code § 4030):

(a) Within sight of the visual display of a body scanner that is depicting the body during a scan shall be of the same sex as the person being scanned, except for physicians or licensed medical personnel.

(b) Should ask female inmates if they are pregnant prior to a body scan and should not knowingly use a body scanner on a woman who is pregnant.
Temporary Holding Facility

901.1 PURPOSE AND SCOPE
The purpose of this General Order is to establish a policy for the Napa Police Department regarding the temporary detention of custody of minors within the police facility.

901.1.1 PROCEDURE
Definitions:

Lockup - Any locked room or secure enclosure primarily for the temporary confinement of adults upon arrest.

Temporarily Detained - The minor is not at liberty to leave the Police Department. 602W&I Minors may be held up to six (6) hours.

Secure Status - The minor being temporarily detained is locked in a room or enclosure and/or is physically secured to a cuffing rail or other stationary object and is under constant supervision by an employee of the Police Department.

Non-Secure Status - The minor is placed is an unlocked room and not secured to a cuffing rail and is under constant supervision by an employee of the Police Department. The Napa Police Department has cuffing rails, secure and non-secure interview rooms. The appropriate area will be used in conformance with the following procedure:

Secure Detention - Minors may be held in secure detention in the Police Department only if the minor is in custody for an offense described by 602 WIC, is at least 14 years of age, and presents a serious security risk or harm to self or others. Factors to be considered when determining if the minor should be held in secure detention are:

- Age, maturity and delinquent history
- Severity of offense for which taken into custody
- Minor’s behavior
- Availability of staff to provide adequate supervision or protection of the minor
- Age, type and number of other individuals detained at the department

Once a decision is made to securely detain the minor, the following procedures and conditions will be adhered to:

- While minors may be restrained for transport, the use of restraints for holding minors in secure rooms shall normally not be permitted.
- The minor is not to be detained for a period to exceed six (6) hours.
- The minor will be under constant and direct supervision of a police department employee.
Temporary Holding Facility

- There will be no contact or communication between the minor and any adult that is in custody.
- Males and females will not be placed in the same locked room unless they are under direct supervision of an employee.

**Secure Detention Outside of a Locked Room** - Minors held in secure detention outside of a locked room may not be secured to a stationary object (cuffing rail) for more than 30 minutes. A minor secured to a cuffing rail must be under constant and direct supervision, and continued securing to the cuffing rail in excess of 30 minutes and for each additional 30 minute period must be approved by the supervisor and the reasons documented. At such time a locked room becomes available, the minor will be transferred to the room.

**Non-Secure Custody** - Any minor who is under the age of fourteen (14) years may not be detained in secure detention or lockup at any time, but may be detained in an unlocked area under constant supervision. If a minor over the age of fourteen (14) is not a serious security risk of harm to self or others, then, non-secure custody is mandatory when:

- The minor is being held for the purpose of investigating the case, facilitating release to parent or guardian or arranging transfer to juvenile hall or other appropriate facility.
- The minor is held in an unlocked room and not secured to a cuffing rail.
- The minor is under constant supervision and no contact with adults in custody is permitted.

**Care of Minors in Temporary Custody** - The following shall be made available to all minors held in temporary custody:

- Access to toilets and washing facilities
- One snack upon request during the term of temporary custody if the minor has not eaten within the past four (4 hours) or is otherwise in need of nourishment.
- Access to drinking water
- Privacy during consultations with family, guardian or lawyer
- Minors placed in locked rooms will be provided blankets and clothing, as necessary, to assure the comfort of the minor; and permitted to retain and wear his or her personal clothing unless the clothing is inadequate, presents a health or safety problem, or is required to be utilized as evidence.

**Reporting Requirements** - In the event of a death while in temporary custody, the department is required to provide the Board of Corrections a copy of the "death in custody" report submitted to the Attorney General under government code 12525 within 10 days.

Anytime a minor is held in either secure or non-secure custody, a monthly log for the confinement of juveniles which is placed in the lock-up area in the basement of the police building will be
completed in its entirety by the officer. The Records Bureau will collect these logs on a monthly basis and be responsible for the reporting requirements to the Department of Youth Authority.
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 Napa Police Department and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY
In accordance with applicable federal, state, and local law, the Napa 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, or any other protected class or status. 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 Administration Division Captain 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 Administration Division Captain 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 Napa 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 Administration Division Captain shall not require candidates to provide passwords, account information, or access to password-protected social media accounts (Labor Code § 980).

The Administration Division Captain 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 Administration Division Captain 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.
within 180 days of voluntary separation from the Napa Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

1000.6 DISQUALIFICATION GUIDELINES
As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate’s qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

1000.7 EMPLOYMENT STANDARDS
All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position’s essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain validated standards for all positions.

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
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(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 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 Napa 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 sex, race, color, national origin, religion, age, disability or other protected classes.

1001.3 FULL TIME PROBATIONARY PERSONNEL
Civilian (non-dispatch and Community Service Officers) personnel are on probation for six months before being eligible for certification as permanent employees. During the training phase employees are evaluated based on the program that is in use by the agency.

Communications Center personnel are on probation for twelve months before being eligible for certification as permanent employees. During the training phase, daily, weekly and monthly evaluations are completed for all personnel based on the program that is in use by the agency.

Community Service Officer personnel are on probation for twelve months before being eligible for certification as permanent employees. During the training phase, daily, weekly and monthly evaluations are completed for all personnel based on the program that is in use by the agency.

Sworn personnel are on probation for twelve months before being eligible for certification as permanent employees. Probationary officers are evaluated weekly and monthly during the probationary period.

1001.4 FULL-TIME PERMANENT STATUS PERSONNEL
Permanent employees are subject to two types of performance evaluations:

Regular - For sworn personnel an evaluation form designated by Personnel shall be completed once a year in conjunction with the employee’s anniversary date, or if employee is at top step in pay scale, then evaluation is completed by the end of January. For non-sworn personnel an evaluation form designated by Personnel shall be completed in conjunction with the employee's anniversary date and as mandated by the employee’s MOU.
Special - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

Raters who are required to evaluate their personnel annually will complete the "Employee Performance Evaluation" and the "Employee Performance Summary." When completing the Employee Performance Summary, the rater will place a check mark in the column that best describes the employee's performance based on the City of Napa's guidelines.

Space for written comments is provided at the end of the evaluation 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 unsatisfactory or outstanding shall be substantiated in the rater comments section.

1001.4.1 RATINGS
When the supervisor has completed the preliminary evaluation, arrangements shall be made for a private discussion of the evaluation with the employee. If the employee has valid and reasonable protests of any of the ratings, the employee may write a rebuttal in accordance with Personnel rules and regulations. The supervisor and employee will sign and date the evaluation. Permanent employees may seek an interview with superiors within their chain of command, up to and including the Chief of Police, to contest the performance evaluation by checking the appropriate box. Permanent employees may also write comments in the EMPLOYEE COMMENTS section of the performance evaluation report.

1001.5 EVALUATION INTERVIEW

1001.5.1 DISCRIMINATORY HARASSMENT FORM
At the time of each employee's annual evaluation, the reviewing supervisor shall require the employee to read the City and Department use of force, vehicle pursuit, harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form to be completed and returned by the employee certifying the following:

(a) That the employee understands the harassment and discrimination policies.
(b) Whether any questions the employee has have been sufficiently addressed.
(c) That the employee knows how and where to report harassment policy violations.
(d) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

The completed form should be returned to the supervisor (or other authorized individual if the employee is uncomfortable returning the form to the presenting supervisor) within one week.
The employee's completed answers shall be attached to the evaluation. If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall insure that appropriate follow up action is taken.

1001.6 EVALUATION REVIEW
Once an evaluation is prepared by the Supervisor, it is forwarded to the appropriate bureau Captain, via that bureau's Lieutenant(s), for review and comments. The Captain will then forward it to the Chief of Police for review and comments. The evaluation will then be returned to the Supervisor and/or PTO for review with the employee. After employee review and comments the evaluation is returned to the Chief's office for processing.

1001.7 EVALUATION DISTRIBUTION
The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Personnel Department.
Specialty and Ancillary Assignments

1002.1 PURPOSE AND SCOPE
This policy describes the application, selection process and tenure for personnel assigned to specialty and ancillary assignments.

1002.1.1 GENERAL REQUIREMENTS
The following conditions will be used in evaluating employees for promotion and transfer:

(a) Presents a professional, neat appearance;
(b) The member maintains a physical condition which aids in their performance;
(c) Demonstrates:
   1. Emotional stability and maturity
   2. Sound judgment and decision making
   3. Personal integrity
   4. Honesty
   5. Leadership
   6. Initiative
   7. Ability to confront and/or deal with issues both positive and/or negative
   8. Ability to conform to organizational goals and objectives

1002.2 GENERAL POLICY
It is the policy of the department to assign, as needed, personnel to specialty and ancillary assignments to enhance the overall efficiency and effectiveness of the organization in accomplishing its mission. The department recognizes that it has the responsibility to develop a well-rounded and widely experienced work force. At the same time, where exceptional experience or extensive training are required in a specialized area, the maximum length of time an individual can stay in that specialty or ancillary assignment may be extended based on the needs of the department and a review of the individual's performance.

1002.2.1 DESIRABLE QUALIFICATIONS
The following qualifications apply to consideration for transfer:

(a) Years experience (with this agency): Two years for Ancillary and three years for Specialty.
(b) Off probation
(c) Has shown an expressed interest in the position applied for
Specialty and Ancillary Assignments

(d) Education, training and demonstrated abilities in related areas; such as, enforcement activities, investigative techniques, report writing, public relations, etc.

(e) Complete any training required by POST or law

1002.3 DEFINITION
Specialty Assignment - Any position worked by a police officer or police sergeant other than patrol or by a civilian other defined in the affected job class. Specialty assignments are not promotions, and include the following assignments:

- Investigator
- Investigations Sergeant
- Motor Officer
- Traffic Sergeant
- Acting Sergeant
- Diversion Officer
- School Resource Officer
- Youth Service Bureau Sergeant
- Special Enforcement Unit Officer (SEU)
- Special Enforcement Unit Sergeant
- N.S.I.B. Agent
- Downtown Beat Officer

Ancillary Assignment - Ancillary assignments are part-time, highly skilled assignments performed in addition to an employee’s regular duties. Application and selection to an ancillary assignment shall follow the same procedures as outlined for specialty assignments. Ancillary assignments are not promotions, and include the following assignments:

- SWAT
- SWAT Coordinator
- Hostage Negotiation Team (HNT) Officer
- HNT Coordinator
- Crime Scene Specialist (CSS)
- CSS Coordinator
Specialty and Ancillary Assignments

- Traffic Accident Reconstruction Specialist
- Traffic Accident Reconstruction Coordinator
- Range Master
- Range Master Coordinator
- Dispatch Training Officer (DTO)
- DTO Coordinator
- Tactical Dispatcher
- Tactical Dispatch Coordinator
- Fire Incident Dispatcher Team
- Fire Incident Dispatcher Coordinator
- Bike team
- Bike Team Coordinator
- K-9 Coordinator
- Homeless Outreach Coordinator
- Police Training Officer (PTO)
- PTO Coordinator

1002.4 MINIMUM QUALIFICATIONS
The minimum qualifications apply to consideration for specialty and ancillary assignments.

(a) Sworn: Specialty Assignment - Minimum three years of experience in the field as a uniformed patrol peace officer prior to the date of appointment. Ancillary Assignment - Minimum two years of experience as an uniformed patrol peace officer prior to the date of appointment.

(b) Civilian - Minimum of one-year experience within respective classification prior to the date of appointment.

(c) A probationary employee may retain any previous ancillary assignment, but he/she will not be eligible for any new specialty or ancillary assignment. Nothing in this policy will prevent a probationary employee from applying, testing and being placed on the list for a new specialty and/or ancillary assignment, so long as he/she meets all other minimum qualifications. If an assignment becomes available during the term of an established list for which the probationary employee tested, he/she may be considered for appointment if they have successfully probation and meet all other requirements.
Specialty and Ancillary Assignments

(d) Applications for a specialty and ancillary assignment will not be processed for consideration from employees who have received serious discipline within the previous twelve (12) months from the application closing date. Serious discipline under this policy is defined as suspension of the three or more days, an involuntary demotion or reduction in pay.

(e) Applicants must have attained an overall pattern of "satisfactory" or meets expectations" performance evaluations consistently for two years prior to application closing date.

(f) Applicants must have demonstrated effective communication skills and high quality teamwork skills.

(g) Coordinators of ancillary assignments will be filled at the level or sergeant of higher. The coordinator position, when paid in accordance with the MOU, will count towards the total number of allotted positions of an ancillary assignment.

1002.5 PROCEDURE FOR CREATING A SPECIALTY AND ANCILLARY ASSIGNMENT LIST

There will be annual testing for all specialty assignments, regardless if a there is an opening or not. Testing for specialty assignments held by sergeants and ancillary assignments will be done on an as needed basis. Requests to conduct a test for a specialty or ancillary assignment will be made by the Captain of the affected unit to the Special Operation/Communications Captain. A notice of the process requesting memos of interest will be published via e-mail for a minimum of ten (10) days. The announcement will specify the necessary details and requirements of the position. The announcement shall also contain the closing date and time for applications and a brief description of the selection process to be used.

Applicants shall submit their memo of interest to their current supervisor. The supervisor shall attach his/her input, with regards to the applicant's readiness for such assignment, to the memo of interest. In the event the applicant is absent during the time of application, a supervisor may submit the individual's name for inclusion in the application process at the applicant's request. It is the responsibility of the applicant to make themselves reasonably available for any test component scheduled by the department.

The memo will be forwarded via chain of command to the Special Operation/Communications Captain who shall verify the applicant's eligibility. Applicants who meet the minimum qualifications will be eligible to test and will be notified of the testing requirements and date. Applicants who do not meet the minimum qualifications will be notified by their respective Bureau Captain or their designee. Appeals concerning the minimum qualifications requirements shall be made to the Chief of Police via chain of command.
1002.6 TESTING PROCESS AND SCORING
The Special Operation/Communications Captain is responsible for the development of the test elements and scoring and may enlist the assistance of the affected Bureau Captain, or his or her designee as necessary. In the event less than four qualified applicants apply for a specialty assignment, the affected Bureau Captain may direct an interview and make his or her selection.

The testing process to be used shall be identified prior to the commencement of testing so as to notify all eligible candidates. The minimum passing score for each testing component is seventy (70%) percent. The testing process may include any or all of the following components:

**Oral Boards** - Oral Boards are structured panel interviews held with each candidate. This option allows candidates an opportunity to apply their knowledge and provides the selection authority greater range of input into the decision making process. Composition of an oral board shall be determined by the Special Operation/Communications Captain. Persons with particular expertise from an outside agency may serve on the oral board panel. Oral boards may be offered to all applicants for an assignment or be restricted by predetermined criteria, such as highest score on a written test, top number candidates, etc.

**Written Examination** - A written exam is generally used to test a candidate's technical knowledge of a job. The Special Operation/Communications Captain or designee shall score written examinations and calculate the results. Challenges to any portion of the written test shall be made to the Special Operation/Communications Captain within five (5) days following the scoring of the exam.

**Practical Exercise** - A practical exercise is an opportunity for the candidate to perform one or more components of the actual job, demonstrating their ability to apply their knowledge, and skills. A practical exercise can also include physical qualification tests for assignments to SWAT or Range Master. A practical exercise may be scored on a pass/fail basis.

**Assessment Center** - A method of assessing aptitude and performance; applied to a group of participants by internal or external assessors using various aptitude diagnostic processes in order to obtain information about applicant's abilities or development potential.

1002.7 ELIGIBILITY LIST
A candidate's overall score determines placement on an eligibility list. The minimum overall score to be considered for placement on the final eligibility list is seventy (70%) percent.

Based on the results of their test, candidates will be placed in one of three scoring bands as follows:

- **Band "A"** - Score results between 90-100 points.
- **Band "B"** - Score results between 80 - 89.9 points.
- **Band "C"** - Score results between 70 - 79.9 points.

All candidates scoring in the 'A' band will be given consideration for appointment to a specialty or ancillary assignment. If the total number of candidates in the 'A' band does not exceed the number of vacancies in a specialty or ancillary assignment by five (5), then all of the candidates in the 'B'
band will be included for consideration toward appointment. If the total number of candidates in the 'A' and 'B' bands does not exceed the number of vacancies in a specialty or ancillary assignment by five (5), then all of the applicants in the 'C' band will be included for the consideration toward appointment.

1002.8 SELECTION PROCESS
Upon completion of the testing process, the Special Operation/Communications Captain will notify each candidate of their score. Eligibility lists for specialty assignment and ancillary assignment shall be established and remain in effect for a period of one (1) year from its effective date, unless exhausted or extended at the discretion of the Chief of Police. The list of eligible candidates will be forwarded to Command Staff for review and recommendation for final selection. The Bureau Captain or their designee will be responsible for notifying the selected candidate as well as providing feedback to those candidates not selected. The Special Operation/Communications Captain will be responsible for issuing the department announcement regarding the selection.

Where applicable, the selected candidate shall attend and successfully complete any departmentally required training specific to the assignment. Failure to attend and successfully complete required departmental training will result in the candidate being removed from that position.

In a case where no candidates applies for a specialty and/or ancillary assignment opening, or where no qualified applicants exist to fill a specialty and/or ancillary assignment, the Chief may either retain individual(s) already within the unit or appoint a qualified person to fill the position for up to one year.

When a vacancy occurs in a special and/or ancillary assignment for which a current list exists, the Special Operation/Communications Captain will provide the eligibility list to Command Staff for review and recommendation.

1002.9 ASSIGNMENT LENGTH
The intent behind assignment lengths within a specialty or ancillary assignment are three fold. First; it is the interest of the Department to provide employees with the highest level of training to perform tasks of the job with the utmost effectiveness and efficiency. Secondly; the Department is interested in the growth and development of all employees. One way to accomplish development and growth is through placement in various types of assignments where the employee receives specialized training and is given the time to enhance these newly acquired skills. Third; it is in the best interest of the department and the community to have a core group of highly trained and qualified personnel to handle situations at the greatest level of effectiveness.

1002.10 TENURE-SPECIALTY ASSIGNMENTS
In order to meet the interests of the Department and the development of its employees, the department will assign qualified individuals to a specialty assignment for a period of three (3) years. At the end of the three (3) year period the employee may be extended by one (1) year
Specialty and Ancillary Assignments

on an annual basis, based upon the recommendation of Command Staff. There is no limit as to the number of annual extensions an employee may be granted. The primary considerations for an annual extension(s) shall be based on the needs of the department, community and a review of the employee’s performance. In the event a sworn employee is not extended, the employee shall be reassigned to patrol or to another specialty assignment, provided the employee is on that specialty assignment list. Civilian employees not extended shall be reassigned to the appropriate division or specialty assignment, provided the employee is on that specialty assignment list. Early removal from a specialty assignment positions would be for cause, promotion, voluntary transfers upon approval, or the needs of the department.

Rotation Periods for Supervisory Positions In order to allow for a variety of opportunities and experience at the supervisory level, the tenure for Supervisors in specialty assignments shall be three (3) years. At the end of the three (3) year period the Supervisor may be extended by one (1) year on an annual basis, based upon recommendation of Command Staff. There is no limit as to the number of extensions a Supervisor may be granted. The primary considerations for an annual extension(s) shall be based on the needs of the department, community and a review of the employee’s performance. Early removal for a supervisor in a specialty positions would be for cause, promotion, voluntary transfers upon approval, or the needs of the department.

Specialty Assignments - Completion of Assignment:

- Nothing in this policy shall preclude an employee from applying and testing for a specialty assignment they are vacating; however, should their name, after testing appear on the eligibility list, their name will be set aside for a period of two (2) months from the effective date of the eligibility list. After this two (2) month period is over, the candidate's name may be considered for selection. The term "set aside" means that the name cannot be considered for the selection while in this status.
- Once a person a person is selected from an eligibility list, that name is removed from that eligibility list.
- Nothing in this policy shall preclude an employee from applying, testing and being considered for additional, same titled specialty assignment, added to the affected bureau, which has never been filled.
- An employee currently assigned to a specialty assignment may apply for an opening in a different specialty assignment.
- Nothing in the policy shall preclude an employee from simultaneously holding a specialty assignment and an ancillary assignment.

Specialty Assignments - Position Distribution
Specialty and Ancillary Assignments

<table>
<thead>
<tr>
<th>Specialty Assignment</th>
<th>Allocated Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Investigations</td>
<td>7</td>
</tr>
<tr>
<td>Motor Officers</td>
<td>4</td>
</tr>
<tr>
<td>SRO</td>
<td>3</td>
</tr>
<tr>
<td>NSIB</td>
<td>2</td>
</tr>
<tr>
<td>SEU</td>
<td>4</td>
</tr>
<tr>
<td>Acting Sergeant</td>
<td>8</td>
</tr>
<tr>
<td>Downton Beat Officer</td>
<td>2</td>
</tr>
</tbody>
</table>

1002.11 TENURE - ANCILLARY ASSIGNMENTS
Assignment

Allocated Tenure for ancillary assignments shall be five (5) years. Ancillary assignments may be extended in one (1) year intervals upon the approval of Command Staff.

Ancillary Assignments - Completion of Assignment

- Nothing in this policy shall preclude an employee from applying and testing for the ancillary assignment they are vacating; however, should their name, after testing appear on the eligibility list, their name will be set aside for a period of six (60 months from the effective date of the eligibility list. After this six (6) month period is over, the employee may be considered for selection. The term "set aside" means that name cannot be considered for selection while in this status.
- Nothing in this policy shall preclude an employee from applying, testing and being considered for additional, same titled ancillary assignments, added to the affected bureau, which have never been filled.
- An employee currently assigned to an ancillary assignment position may apply for an opening in a different ancillary assignment.
- An employee may hold more than one (1) ancillary assignment.

Ancillary Assignment - Allocation

<table>
<thead>
<tr>
<th>Ancillary Assignment</th>
<th>Allocated Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>SWAT</td>
<td>12</td>
</tr>
<tr>
<td>Hostage Negotiation Team</td>
<td>6</td>
</tr>
<tr>
<td>Crime Scene Specialist</td>
<td>7</td>
</tr>
<tr>
<td>Traffic Accident Reconstruction</td>
<td>10</td>
</tr>
<tr>
<td>Range Master</td>
<td>5</td>
</tr>
<tr>
<td>Dispatch Training Officer (DTO)</td>
<td>8</td>
</tr>
<tr>
<td>Tactical Dispatcher</td>
<td>5</td>
</tr>
<tr>
<td>Fire Incident Dispatcher</td>
<td>4</td>
</tr>
<tr>
<td>Bicycle Team</td>
<td>6</td>
</tr>
<tr>
<td>K-9 Coordinator</td>
<td>1</td>
</tr>
</tbody>
</table>
Specialty and Ancillary Assignments

| DTO Coordinator | 1 |
| Outreach Coordinator | 1 |

1002.12 COMPENSATION
Personnel assigned to specialty and ancillary assignments shall be compensated pursuant to current law and the affected employee’s M.O.U.; however, assignment to and compensation for performance of specialty duties does not constitute a promotion as defined by the Civil Service Rules.

1002.13 APPEALS
Appeals to the interpretation or implementation of any portion of this order shall be made directly to the Chief of Police via chain of command.

1002.14 CHIEF’S DISCRETION
The Police Chief reserves the right to make decisions for the good of the Department relative to specialty and ancillary assignments. This includes, but is not limited to the approval, removal, extension of appointments or appointments to temporary or provisional assignments.
Grievance Procedure

1003.1 PURPOSE AND SCOPE
It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department’s philosophy is to promote a free verbal communication between employees and supervisors.

1003.1.1 GRIEVANCE 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)
- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

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.

1003.2 PROCEDURE
Grievance procedures are outlined in the individual employees' MOUs.

1003.3 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.

1003.4 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 City Manager’s office to monitor the grievance process.

1003.5 GRIEVANCE AUDITS
The Administrative Captain 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
Grievance Procedure

appropriate to avoid future filings of grievances. The Administrative Captain 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 Administrative Captain should promptly notify the Chief of Police.
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 Napa 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 Director of Human Services.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member’s identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

1004.5 SUPERVISOR RESPONSIBILITIES
Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.
(b) Receiving all complaints in a fair and impartial manner.
(c) Documenting the complaint and any steps taken to resolve the problem.
(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.
(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.
(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 Internal Affairs Investigator 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).
**Anti-Retaliation**

1004.8   RECORDS RETENTION AND RELEASE
The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

1004.9   TRAINING
The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.
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.

The Administration Supervisor shall submit in a timely manner a notice to the Commission on Peace Officer Standards and Training (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).

The Administration Supervisor shall submit in a timely manner a notice to 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).

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 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.
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 Shift Sergeant 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 or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.
Drug- and Alcohol-Free Workplace

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).

With the approval of the Chief of Police and/or his/her designee, members can openly and temporarily store alcohol for departmental events, so long as the container holding the alcohol has never been opened and it remains sealed while in temporary storage on the premises.

1006.5 EMPLOYEE ASSISTANCE PROGRAM
There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1006.6 WORK RESTRICTIONS
If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

1006.7 REQUESTING SCREENING TESTS
The supervisor may request an employee to submit to a screening test under the following circumstances:

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.
- (b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.
- (c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.
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.

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.
1007.1 PURPOSE AND SCOPE
The purpose of this policy is to establish procedures for vacation leave and compensatory time off for sworn officers assigned to Operations Bureau or Special Operations Bureau of the Napa Police Department.

1007.2 POLICY
It is the policy of the Napa Police Department to allow sworn officers time off for vacation or compensatory time off, in accordance with the existing MOU. It is the responsibility of each Supervisor to schedule time off in accordance with this policy, and in consideration of departmental staffing needs.

1007.2.1 OPERATIONS BUREAU PERSONNEL
Operations Bureau's personnel will request leave in the following manner:

(a) Prescheduled vacation at twelve (12) month shift cycle selection

1. Officers can preschedule vacation that is based upon the twelve-month shift cycle in use by the Department. Requests for prescheduled vacation that will occur in the upcoming twelve-month shift cycle must be submitted to the Operations Bureau Lieutenant within fifteen (15) days after the date of the memo by the Operations Bureau Lieutenant formally announcing the team shift assignments. This memo, pursuant to Section 11 of the MOU gives the required thirty (30) day notice of team assignments.

2. Requests can only be made for the period covered by the upcoming twelve (12) month shift cycle. However, vacations that begin near the end of a twelve-month cycle and continue into the next twelve-month cycle are allowed.

3. Selections will be made by seniority. Seniority is based first upon rank, and then on time of service in that rank with the Napa Police Department, as outlined in this manual.

4. Requests for Prescheduled Vacation will be as follows:
   (a) Minimum: the minimum amount of time for prescheduled vacation will be that amount of time the officer normally works in a week.
   (b) Maximum: the maximum amount of time allowed will be the number of hours the requesting officer accrues in a one (1) year period, as specified by the MOU. "Carry over" leave shall not be counted toward yearly accrual.
   (c) Increments: time off to be taken as prescheduled vacation (that is beyond the minimum described above) must be in full-day increments of the officer's regularly scheduled workday.
Vacation Leave, Compensatory Time Off

5. The request must be on the Leave Request form and marked "Prescheduled Vacation."

6. Prescheduled shift cycle vacations may be canceled by an employee, in writing, no less than fourteen (14) days in advance.

7. No more than two (2) members, per shift, may be on any type of leave, excluding sick leave, workers compensation.

(b) Random leave selection

(a) Random leave requests such as Vacation, Compensatory Time off (CTO) and Adjusted Days Off should be submitted to the affected team sergeant, no more than thirty (30) working days ahead of time, and preferably no less than two (2) working days ahead of time. Leaves will be granted on a first come, first serve basis. Random leave will only be granted so long as the request does not exceed the maximum of two (2) officers off on any other type of leave, per shift, excluding sick leave and workers compensation. In cases of simultaneous (same day) requests, seniority will be the determining factor. There may be circumstances, at the discretion of the Bureau Captain or his/her designee, where more than two officers may be granted random leave. This decision will be considered on a case by case basis, and a this approval will not be construed as a precedent for similar circumstances in the future.

(b) Personnel may select random leave in no less than one (1) hour blocks.

(c) If the allowance of two officers away on random leave creates a staffing shortage, overtime will be hired to meet minimum staffing levels.

(d) Leave must be canceled at least twenty-four (24) hours prior to the beginning of the affected tour of duty, in writing, to the affected Team Sergeant.

(c) Departmental Training Days/Payback Days

(a) Departmental training days are an important element in the development of a well-qualified and efficient work force. Therefore, vacation leave of less than one full workweek will not be approved if it interferes with the training day of either team.

1007.2.2 SPECIAL OPERATIONS PERSONNEL

Special Operations personnel shall select vacation leave as follows:

(a) Prescheduled leave

1. Special Operations personnel may schedule leave based upon their one (1) year shift cycle, now in use by the department. Prescheduled vacation leave must be submitted to the affected Supervisor no later than the 15th day of February of each year.
2. Requests can be made for no more than one (1) year ahead of time.

3. Selections will be made by seniority. Seniority is based upon first rank and then time of service in that rank with the Napa Police Department, as outlined in this manual.

4. Requests will be for no less than blocks of forty (40) hours, up to a maximum of the number of hours the submitting officer can accrue in a one (1) year period. "Carry over" leave shall not be counted toward accrual.

5. The request must be on the Leave Request Form.

6. Prescheduled vacations under this section may be canceled by an employee, in writing, no less than fourteen (14) days in advance.

7. The number of personnel allowed to be on prescheduled leave shall be determined by the affected Division Supervisor and/or Lieutenant who will evaluate projected case load and resources available.

(b) Random Vacation Leave Selection

1. Random leave requests such as Vacation, Compensatory Time Off (CTO) and adjusted days off should be submitted to the affected Bureau Supervisor no more than thirty (30) days ahead of time and preferably no less than two (2) days ahead of time. Leaves will be granted on first come, first serve basis. In instances of simultaneous (same day) submittal, seniority will be the determining factor.

2. Personnel may select random leave in no less than one (1) hour blocks.

3. Leave under this section can be canceled at any time prior to the beginning of the affected tour of duty, in writing, to the affected Division Supervisor and/or Special Operations Lieutenant.

4. The number of personnel on leave shall be determined by the affected Division Supervisor and/or Special Operations Lieutenant.

(c) Departmental Training Days/Payback Days

1. Departmental teams training days are an important element in the development of a well-qualified and efficient work force. Therefore, vacation leave of less than forty (40) consecutive hours will not be approved if it interferes with the training day on which the member is to attend training.

1007.3 DEPARTMENT AUTHORITY TO MANAGE LEAVE

(a) Nothing in this policy shall preclude the supervisory staff of this department from exercising the management rights of the Civil Service Rule 9 governing leave or the management rights of the MOU in denial or cancellation of leave of any officer in any bureau or assignment, which is mandated or warranted because of severe
staffing problems or for unforeseen or unexpected emergencies, contingencies, or law enforcement mission needs.

(b) Should any member of this department be denied vacation which would otherwise be granted under this policy or have scheduled vacation canceled, the officer, at his/her request, may request the reasons for such an action, in writing through their supervisor or, from the officer's Bureau Lieutenant. Upon receipt of the request, the officer's Bureau Lieutenant will respond to the officer within five (5) working days.

1007.4 COMPENSATORY TIME OFF POLICY (CTO)
The granting of compensatory time off is governed substantially by the MOU as outlined below:

(a) Requests for CTO should be submitted to the individual's supervisor on the Leave Request form three (3) days in advance, except in such emergencies in which the officer has less than three (3) days warning of the necessity of taking CTO.

(b) CTO will not be approved for the extension of vacation, if the CTO will prevent another officer from taking Random Vacation Leave, and shall not be approved if the result will be interference with minimum staffing levels.

(c) CTO shall be permitted at the discretion of the Police Department and the exercise of such discretion shall not be subject to the grievance procedure, unless the action of the department in denying CTO is arbitrary or capricious.
Sick Leave

1008.1 PURPOSE AND SCOPE
This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.) and the California Family Rights Act, 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).

1008.2 POLICY
It is the policy of the Napa Police Department to provide eligible employees with a sick leave benefit.

1008.3 USE OF SICK LEAVE
Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees 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.

1008.3.1 NOTIFICATION
All members should notify the Shift Sergeant or appropriate supervisor 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).

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, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.
**Sick Leave**

1008.4 **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.

1008.5 **SICK LEAVE USAGE**
Employees shall notify the on-duty supervisor within one hour of the beginning of their shift, whenever practical or as soon as they are aware they will not be able to report to work due to personal or family illness.

The on-duty supervisor or employee shall complete a blue slip describing the nature of sick leave usage and the amount of time taken.

1008.6 **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 four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.

- (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.

1008.7 **REQUIRED NOTICES**
The Director of Human Services shall ensure:

- (a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.

- (b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.
Communicable Diseases

1009.1 PURPOSE AND SCOPE
This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

1009.1.1 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 Napa Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

1009.2 POLICY
The Napa 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.

1009.3 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):
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(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).

1009.4 EXPOSURE PREVENTION AND MITIGATION

1009.4.1 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.
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(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.

1009.4.2 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).

1009.5 POST EXPOSURE

1009.5.1 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.
(c) Notify a supervisor as soon as practicable.

1009.5.2 REPORTING REQUIREMENTS
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
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(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)

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).

1009.5.3 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 (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.

1009.5.4 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).

1009.5.5 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.
(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.
(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).
(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status
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of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1009.6 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.

1009.7 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.
Seniority

1010.1 PURPOSE AND SCOPE
The purpose of this policy is to define seniority as it pertains to the Police Department. Departmental seniority is defined as the amount of time as expressed in years, months, weeks, or days which an individual has been employed in a regular, full-time basis.

1010.2 PROCEDURE
(a) Departmental seniority shall be determined in the following descending order:
1. By time in grade (rank)
2. By time in the department (tenure)
3. By total city time
4. By rank on the original eligibility list
5. By lottery

(b) Authorized leaves of absence or other approves leaves shall not affect time for seniority purposes.

(c) Previous service shall not be considered if interrupted by an actual break in service form the city (termination, retirement, resignation).
Smoking and Tobacco Use

1011.1 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 Napa 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.

1011.2 POLICY
The Napa 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).

1011.3 SMOKING AND TOBACCO USE
Smoking and tobacco use by members is prohibited anytime members are in public view representing the Napa 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.

1011.4 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.).

1011.4.1 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

1012.1 PURPOSE AND SCOPE
This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Napa 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.

1012.2 POLICY
The Napa Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

1012.3 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.

1012.3.1 COMPLAINT CLASSIFICATIONS
Personnel complaints shall be classified in one of the following categories:

Informal - A matter in which the Shift Sergeant 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 Internal Affairs Investigator, depending on the seriousness and complexity of the investigation.

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 the Internal Affairs Investigator, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.
Personnel Complaints

1012.3.2 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.

1012.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1012.4.1 COMPLAINT FORMS
Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

1012.4.2 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.

If requested, 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).

1012.5 DOCUMENTATION
Supervisors shall ensure that all formal and informal complaints are documented on a complaint form. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

All complaints and inquiries should also be documented in a log that records and tracks complaints. The log shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Department should audit the log and send an audit report to the Chief of Police or the authorized designee.
Personnel Complaints

1012.6 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows

1012.6.1 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 Shift Sergeant 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 Division Captain or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complaints 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 Shift Sergeant.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Shift Sergeant and Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Department of Human Resources and the Shift Sergeant 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 Shift Sergeant, 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:
Personnel Complaints

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.

1012.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Internal Affairs Investigator, 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 Napa Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should 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 should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. 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.

(g) 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.

(h) 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.

(i) All members shall provide complete and truthful responses to questions posed during interviews.
Personnel Complaints

(j) 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).

1012.6.3 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.

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 - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

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.

1012.6.4 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.

The assigned investigator or supervisor shall ensure that within 30 days of the final disposition of the complaint, the complainant is provided written notification of the disposition (Penal Code § 832.7(e)).

1012.7 ADMINISTRATIVE SEARCHES
Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.
Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

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).

1012.7.1 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

1012.8 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.

1012.9 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.

No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.
The Napa 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.

1012.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES
Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review and include their comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

1012.10.1 DIVISION COMMANDER RESPONSIBILITIES
Upon receipt of any completed personnel investigation, the Division Captain of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Division Captain may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Division Captain may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Division Captain shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

1012.10.2 CHIEF OF POLICE RESPONSIBILITIES
Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Division Captain for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary 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.
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2. If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

1012.11 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.

1012.12 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.

1012.13 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).

1012.14 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 Peace Officer Bill of Rights (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.

1012.15 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 Files Policy.
Seat Belts

1013.1 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).

1013.1.1 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.

1013.2 POLICY
It is the policy of the Napa Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

1013.3 WEARING OF SAFETY RESTRAINTS
All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1013.4 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.

1013.5 INOPERABLE SEAT BELTS
Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.
1013.6 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).

1013.7 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.

1013.8 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

1014.1 PURPOSE AND SCOPE
The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1014.2 POLICY
It is the policy of the Napa 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.

1014.3 ISSUANCE OF BODY ARMOR
The Administration supervisor shall ensure that body armor is issued to all officers when the officer begins service at the Napa Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administration supervisor 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.

1014.3.1 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.
(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.
(f) Body armor should be worn when an officer is taking part in Department range training.

1014.3.2 INSPECTIONS OF BODY ARMOR
Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness, and signs of damage, abuse and wear.
1014.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR
Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

1014.4 RANGEMASTER RESPONSIBILITIES
The Rangemaster should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.
Personnel Files

1015.1 PURPOSE AND SCOPE
This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1015.2 PERSONNEL FILES DEFINED
Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer's name relating to:

(a) Personal data, including marital status, family members, educational and employment history, or similar information.

(b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee’s past, current or anticipated future medical conditions.

(c) Election of employee benefits.

(d) Employee advancement, appraisal, or discipline.

(e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.

(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1015.3 EMPLOYEE RECORD LOCATIONS
Employee records will generally be maintained in any of the following:

Department File - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer's employment with this department.

Division File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations.

Supervisor Log Entries - Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this department.

Training File - Any file which documents the training records of an employee.

Internal Affairs Files - Those files that contain complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition.

Medical File - That file which is maintained separately that exclusively contains material relating to an employee’s medical history.
1015.4 CONFIDENTIALITY OF ALL PERSONNEL FILES
Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. 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.

1015.5 REQUESTS FOR DISCLOSURE
Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the Shift Sergeant, 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 employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

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 will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee’s personnel file(s), shall be logged in the corresponding file.

1015.5.1 RELEASE OF CONFIDENTIAL INFORMATION
Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the express consent of the involved officer or written authorization of the Chief of Police or his or her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew 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(d)).
1015.6  EMPLOYEE ACCESS TO OWN FILE
Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to the Chief of Police through the chain of command. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code § 3306.5). If the contested item is not removed from the file, the employee’s request and the department’s written response shall be retained with the contested item in the employee’s personnel file.

Employees may be restricted from accessing files containing any of the following information:

   (a) Ongoing Internal affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

   (b) Confidential portions of Internal Affairs files which have not been sustained against the employee

1015.7  TYPES OF PERSONNEL FILES
Peace officer personnel files can be located in any of the following places:

1015.7.1  DEPARTMENT FILE
The Department file should contain, but is not limited to, the following:

   (a) Performance evaluation reports regularly completed by appropriate supervisor and signed by the affected employee shall be permanently maintained.

   (b) Records of all training (original or photocopies of available certificates, transcripts, diplomas and other documentation) and education shall be maintained.

       1. It shall be the responsibility of the involved employee to provide the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.

       2. The Training Manager or supervisor shall ensure that copies of such training records are placed in the employee's department file.

   (c) Disciplinary action:

       1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained in the individual employee's department file at least two years (Government Code § 34090).

       2. Disciplinary action resulting from a sustained citizen's complaint shall be maintained in the individual employee's department file at least five years (Penal Code § 832.5).
3. Investigations of complaints which result in a finding of not-sustained, unfounded or exonerated shall not be placed in the employee’s department file, but will be separately maintained for the appropriate retention period in the internal affairs file.

(d) Adverse comments such as supervisor log entries may be retained in the department file or division file after the employee has had the opportunity to read and initial the comment and for a period up to two years (Government Code § 3305).

1. Once an employee has had the opportunity to read and initial any adverse comment prior to entry into a file, the employee shall be given the opportunity to respond in writing to such adverse comment within 30 days (Government Code § 3306).

2. Any such employee response shall be attached to and retained with the original adverse comment.

3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment. Such a refusal, however, shall not be deemed insubordination nor shall it prohibit the entry of the adverse comment into the employee’s file.

(e) Commendations shall be retained in the employee’s department file, with a copy provided to the involved employee.

(f) Personnel Action Reports reflecting assignments, promotions and other changes in the employee’s employment status shall be permanently retained.

(g) A photograph of the employee shall be permanently retained.

1015.7.2 DIVISION FILE

The Division File should contain, but is not limited to, the following:

(a) Supervisor log entries, notices to correct and other materials intended to serve as a foundation for the completion of timely Performance Evaluations

1. 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 3306.

2. Duplicate copies of items that will also be included in the employee's department file may be placed in this interim file in anticipation of completing any upcoming performance evaluation.

3. Once the permanent performance evaluation form has been made final, the underlying foundational material(s) and/or duplicate copies may be purged in accordance with this policy.

(b) All rules of confidentiality and disclosure shall apply equally to the division file.
Personnel Files

1015.7.3 INTERNAL AFFAIRS FILE
Internal affairs files shall be maintained under the exclusive control of the Internal Affairs Investigator 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 supervisor of the Internal Affairs Investigator. These files shall contain:

(a) The complete investigation of all formal complaints of employee misconduct, regardless of disposition

1. Each investigation file shall be sequentially numbered within a calendar year (e.g., yy-001, yy-002).

2. Each investigation file arising out of a formal citizen’s complaint or a complaint involving a discriminatory harassment or hostile work environment shall be maintained no less than five years (Penal Code § 832.5(b)). Investigation files arising out of other internally generated complaints shall be maintained no less than two years (Government Code § 34090).

(b) Investigations that result in other than a sustained finding shall be maintained for the minimum statutory period but may not be used by the Department to adversely affect an employee’s career (Penal Code § 832.5 (c)).

1015.7.4 TRAINING FILES
An individual training file shall be maintained by the Training Section for each employee. Training files will contain records of all training and education mandated by law or the Department, including firearms qualifications and mandated annual proficiency requalification.

(a) It shall be the responsibility of the involved employee to provide the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the employee’s training file.

1015.7.5 MEDICAL FILE
A medical file shall be maintained separately from all other files and shall contain all documents relating to the employee’s medical condition and history, including but not limited to the following:

(a) Materials relating to medical leaves of absence.

(b) Documents relating to workers compensation claims or receipt of short or long term disability benefits.

(c) Fitness for duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor’s slips and attendance records which reveal an employee’s medical condition.
(e) Any other documents or material which reveals the employee’s medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

1015.8 PURGING OF FILES
Formal citizen complaints and all related files not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than two years from the underlying complaint date (Government Code § 34090; Government Code § 26202).

(a) Each supervisor responsible for completing the employee’s performance evaluation shall also determine whether any prior sustained disciplinary file should be retained beyond the statutory 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 applicable statutory period, approval for such retention shall be obtained through the chain of command from the Chief of Police.

(c) During the preparation of each employee’s performance evaluation, all complaints and discipline should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. If, in the opinion of the Chief of Police, a complaint or disciplinary action beyond the statutory retention period is no longer relevant, all records of such matter may be destroyed pursuant to resolution.
Request for Change of Assignment

1016.1 PURPOSE AND SCOPE
It is the intent of the Department that all requests for change of assignment are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1016.2 REQUEST FOR CHANGE OF ASSIGNMENT
Personnel wishing a change of assignment are to complete a memorandum. The memo should then be forwarded through the chain of command to their Bureau Captain.

Requests for reassignment from a specialty assignment (short of the normal tenure) may be made by the employee assigned, by the supervisory or command staff in case of the following:

(a) Unsatisfactory performance
(b) Staffing needs in other areas
(c) Emergencies

All requests for reassignment shall be reviewed by the Chief of Police, or his or her designee, and shall not take effect unless approved.

1016.3 SUPERVISOR’S COMMENTARY
The officer’s immediate supervisor shall make appropriate written comments, related to the employee’s request to change assignment. Both the supervisor’s written comments and the employee’s memo of interest will then be forwarded to the affected Bureau Captain, via chain of command.
Employee Commendations

1017.1  PURPOSE AND SCOPE
Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. This procedure provides general guidelines for the commending of exceptional employee performance.

1017.2  WHO MAY MAKE COMMENDATIONS
A written commendation may be made by any supervisor regarding any other employee of the Department, provided the reporting person is superior in rank or is the person-in-charge of the individual being commended. Additionally, investigating officers may commend uniformed officers for exceptional assistance in investigative functions, with approval from the investigator’s supervisor. Any employee may recommend a commendation to the supervisor of the employee subject to commendation.

1017.3  COMMENDABLE ACTIONS
A meritorious or commendable act by an employee of this department may include, but is not limited to, the following:

• Superior handling of a difficult situation by an employee
• Conspicuous bravery or outstanding performance by any employee of the Department
• Any action or performance that is above and beyond the typical duties of an employee

1017.3.1  EMPLOYEE ACTION REPORT
The Employee Action Report shall be used to document the commendation of the employee and shall contain the following:

(a) Employee name, bureau, and assignment at the date and time of the commendation
(b) A brief account of the commendable action shall be documented on the form with report numbers, as appropriate
(c) Signature of the commending supervisor

Completed reports shall be forwarded to the appropriate Bureau Captain for his/her review. The Bureau Captain shall sign and forward the report to the Chief of Police for his/her review.

The Chief of Police will return the commendation to the employee for his/her signature. The report will then be returned to the Bureau Lieutenant for for inclusion in the next employee evaluation.
Fitness for Duty

1018.1 PURPOSE AND SCOPE
All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1018.2 EMPLOYEE RESPONSIBILITIES
(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.
(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.
(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1018.3 SUPERVISOR RESPONSIBILITIES
(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
(d) The supervisor will make a determination whether or not the employee should be temporarily relieved from their duties. The supervisor shall direct the employee to telephone the Chief of Police or his/her designee at a designated time deemed by his/her supervisor.
(e) The Chief of Police via the chain of command, shall be promptly notified in the event that any employee is relieved from duty.
1018.4 NON-WORK RELATED CONDITIONS
Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other "paid" leave in order to obtain medical treatment or other reasonable rest period.

1018.5 WORK RELATED CONDITIONS
Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

1018.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS
(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10 (c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1018.7 LIMITATION ON HOURS WORKED
Absent emergency operations members should not work more than:

- 16 hours in one day (24 hour) period or
Fitness for Duty

- 30 hours in any 2 day (48 hour) period or
- 84 hours in any 7 day (168 hour) period

Except in very limited circumstances members should have a minimum of 8 hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines. Limitations on the number of hours worked apply to shift changes, shift trades, rotation, holdover, training, general overtime and any other work assignments.

1018.8 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.
Meal Periods and Breaks

1019.1 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.

1019.1.1 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 notify Communications prior to taking a meal period. There should be no more than two beat units on a meal break unless otherwise authorized by a supervisor. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1019.1.2 15 MINUTE BREAKS
Each employee is entitled to a 15 minute break, near the mid point, 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.

This would not prohibit them from taking a break outside the facility if on official business.

Field officers should take their breaks in their assigned areas, subject to call and shall monitor their radios.
Lactation Break Policy

1020.1 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 (29 USC § 207 and Labor Code §§ 1030-1032).

1020.2 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 and Labor Code § 1030).

1020.3 LACTATION BREAK TIME
A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). 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.

1020.4 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 and 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

1020.5 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.
Time Sheets Procedures

1021.1 PURPOSE AND SCOPE
Payroll records are submitted to Administration on a bi-weekly basis for the payment of wages.

1021.1.1 RESPONSIBILITY FOR COMPLETION OF TIME SHEETS
The supervisor is responsible for the accurate and timely submission of time sheets for the payment of wages.

1021.1.2 TIME REQUIREMENTS
All employees are paid every two weeks (26 pay periods within a year). Time cards shall be completed and submitted by the employee’s supervisor no later than the end of shift on a daily basis.
Overtime Compensation Requests

1022.1 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.

1022.1.1 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.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment; however, the employee may not exceed those hours as stated in their individual MOU.

1022.2 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 Administration Division.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

1022.2.1 EMPLOYEES RESPONSIBILITY
Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Shift Sergeant. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Shift Sergeant the first day after returning for work.

1022.2.2 SUPERVISOR'S RESPONSIBILITY
The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee’s time card, the overtime payment request form is forwarded to the employee's Division Captain or authorized designee for final approval.
Overtime Compensation Requests

1022.2.3 DIVISION CAPTAIN'S RESPONSIBILITY
Division Captains or authorized designees, after approving payment, will then forward the form to the office of Chief of Police for review and processing.

1022.3 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). The supervisor will enter the actual time worked.

1022.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR
Overtime worked are to be accounted for by rounding off in the nearest half hour.

1022.3.2 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 approving supervisor may require each employee to include the reason for the variation on the front of the overtime payment request.
Outside Employment

1023.1 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.

1023.1.1 DEFINITIONS
Outside Employment - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

Outside Overtime - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

1023.2 OBTAINING APPROVAL
No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee’s immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

1023.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT
If an employee’s Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.
Outside Employment

If the employee’s appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1023.2.2 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

1023.3 PROHIBITED OUTSIDE EMPLOYMENT
Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee’s use of 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

(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
1023.3.1 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.

1023.3.2 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.

1023.3.3 SPECIAL RESTRICTIONS
Except for emergency situations or with prior authorization from the Bureau Captain, 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.
Outside Employment

1023.4 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.

1023.4.1 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.

1023.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS
If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

1023.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY
Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor’s orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:
Outside Employment

(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 Napa Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.
Occupational Disease and Work-Related Injury Reporting

1024.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, psychiatric injuries, and work-related injuries.

1024.1.1 DEFINITIONS
Definitions related to this policy include:

Occupational disease or work-related injury - An injury, disease or psychiatric injury arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

1024.2 POLICY
The Napa Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers’ compensation requirements (Labor Code § 3200 et seq.).

1024.3 RESPONSIBILITIES

1024.3.1 MEMBER RESPONSIBILITIES
Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

1024.3.2 SUPERVISOR RESPONSIBILITIES
A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers’ compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

1024.3.3 DIVISION CAPTAIN RESPONSIBILITIES
The Division Captain who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City’s risk management entity, and the Administration Division Captain to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.
1024.3.4 CHIEF OF POLICE RESPONSIBILITIES
The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member’s confidential medical file.

1024.4 OTHER DISEASE OR INJURY
Diseases and injuries caused or occurring on-duty that do not qualify for workers’ compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Division Captain through the chain of command and a copy sent to the Administration Division Captain.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

1024.5 SETTLEMENT OFFERS
When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

1024.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City’s right of subrogation, while ensuring that the member’s right to receive compensation is not affected.
Personal Appearance Standards

1025.1 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.

1025.2 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.

1025.2.1 HAIR
Hairstyles of all members shall be conservative, neat, clean, trimmed and well-groomed in appearance.

For male members, hair must not extend below the top edge of the uniform/dress shirt collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform patch when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

1025.2.2 MUSTACHES
A short and neatly trimmed mustache may be worn. Mustaches shall not extend more than 1/4 inch beyond the corners of the mouth and may not connect with the sideburns.

1025.2.3 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and nor more than 1 1/2 inches wide. Sideburn shall be neat, trimmed and the ends shaved to a horizontal line.

1025.2.4 FACIAL HAIR
While on duty, men shall be clean shaven and not wear facial hair except for sideburns and mustaches unless authorized by the Chief of Police or his or her designee.

Officers working undercover assignments may make adjustments to facial hair to suit the requirements of their assignment.

1025.2.5 FINGERNAILS
Fingernails shall be maintained at a length that does not interfere with the performance of duties nor exceed a 1/2 inch beyond the finger tip. Women are allowed to wear nail polish that is conservative and subdued. For field personnel or those who could be assigned to the field, 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 no point of the nail extends beyond the tip of the finger.

1025.2.6 JEWELRY AND ACCESSORIES
Jewelry worn by both men and women shall be minimal and conservative. Women shall not wear decorations in their hair, but inconspicuous hair clips or hairpins are permitted.

No jewelry or personal ornaments shall be worn by officers 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.

Earrings shall not be worn by uniformed sworn members, detectives or special assignment personnel without permission of the Chief of Police or his/her designee. Only one ring may be worn on each hand of the employee while on-duty.

1025.3 TATTOOS
While on-duty or representing the Department in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the Department in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related, or obscene language.

1025.4 BODY PIERCING OR ALTERATION
Except for a single stud pierced earring worn in the lobe of each ear, no body piercing shall be visible while any employee is on duty or representing the department in any official capacity without prior authorization from the Chief.
Uniform Regulations

1026.1 PURPOSE AND SCOPE
The uniform policy of the Napa Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated Policy Manual sections:

Section 700 - Department Owned and Personal Property
Section 1024 - Body Armor
Section 1044 - Grooming Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications.

The Napa 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.

1026.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT
Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment.

(d) The uniform is to be worn in compliance with the specifications set forth in the department’s uniform specifications that are maintained separately from this policy.

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.
Uniform Regulations

(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Department uniform.

(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.

1. Wrist watch
2. Wedding ring(s), class ring, or other ring of tasteful design. A maximum of one ring/set may be worn on each hand
3. Medical alert bracelet

1026.2.1 DEPARTMENT ISSUED IDENTIFICATION
The Department issues each employee an official department identification card bearing the employee’s name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Captain.

1026.3 UNIFORM CLASSES

1026.3.1 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. The Class A uniform includes the standard issue uniform with:

(a) Cap with shield, uniform jacket with shoulder patches, trousers, belt, long-sleeved shirt with shoulder patches, tie, badge, nameplate, indicia of rank, white gloves (when directed), shoes, black socks, and basic equipment. Boots with pointed toes are not permitted.

(b) For ceremonial occasions, including, but not limited to, inspections, ceremonies, official events, funerals, and appropriate formal activities, members shall wear the uniform cap, and equipment may be limited to duty belt, holster, loaded handgun, magazines cases, loaded magazines, handcuff case, and handcuffs.

(c) Motorcycle officers, while attending functions requiring a Class A uniform, will substitute the straight tie with a black bow tie and make the necessary substitutions (i.e. Motorcycle helmet, breeches and motor officer boots.).
1026.3.2   CLASS B UNIFORM
All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform
with the following exceptions:

(a) Wearing of the cap with shield is optional. Members may substitute LAPD blue utility
cap bearing an approved embroidered department insignia. In cold weather, members
may wearing a solid black beanie that bears no insignia or bears an approved
embroidered department insignia. Members may wear a short-sleeved uniform shirt
instead of the long-sleeved shirt. A black crew neck t-shirt must be worn with the
uniform.

(b) A black undershirt must be worn and visible at the neck if a tie, Dickie, or mock
turtleneck is not worn. Dickies and mock turtlenecks are to be black in color with no
logos or insignias visible. Shoes for the Class B uniform may be as described in the
Class A uniform.

(c) Wearing of the Class A uniform jacket or utility jacket, is optional. Provided, however,
that a long-sleeved shirt and tie must be worn when a Class A jacket is worn. Objects
in the outer pockets of jackets shall not be visible. Boots with pointed toes are not
permitted.

(d) Motorcycle officers will make the necessary substitutions (i.e. motorcycle helmet,
breeches, motor boots, gloves and black leather jacket when appropriate.).

(e) A protective vest shall be worn at any time the officer is wearing the Class B uniform
and assigned to field duties.

1026.3.3   CLASS C UNIFORM
The Class C "utility" may be worn while performing patrol and related field functions.

(a) The Class C uniform shall not be worn for court appearances.

(b) The Class C uniform consists of the utility cap (optional) with department approved
embroidered insignia or during cold weather a solid black beanie (optional) that bears
no insignia or bears an approved embroidered department insignia, a utility shirt with
department patches, cloth rank insignia, and department approved embroidered star
and name, utility trousers, black socks, utility uniform boots and basic equipment.

(c) The Class C uniform shall properly fit as to present a professional image, laundered
and pressed with a military crease.

(d) A protective vest shall be worn at any time the officer is wearing the Class C uniform.

The Class C uniform may be modified in the following manner:

• The sleeves of the utility shirt may be cut and hemmed to the length of standard uniform
short-sleeved shirts from the beginning of May through the end of October.
Uniform Regulations

- Utility uniform shorts may be substituted for utility pants as optional attire, when authorized for special events. Short-sleeved utility shirts will be worn while wearing utility shorts.
- Utility shorts or the utility trousers converted to "walking shorts" must be loose fitting and hemmed at knee length.
- When utility shorts are worn, low or three-quartered height black running shoes, with all black ankle-length athletic socks, will be substituted for uniform shoes or uniform boots.

1026.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

1026.3.5 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1026.3.6 REQUIRED AND OPTIONAL EQUIPMENT
Officer " Uniformed Assignments Required and Optional Equipment - The following items of equipment shall be maintained in good, clean working condition and worn or carried by all uniformed members:

- Duty Belt with the following equipment:
  - approved firearm
  - magazine pouch
  - ammunition
  - holster
  - handcuffs and case
  - impact weapon and appropriate holder
  - portable radio
  - Taser (optional)
  - key strap and key ring with:
    - handcuff key
    - whistle (optional)
  - flashlight
  - aerosol OC canister and holder
  - protective gloves and pouch
Uniform Regulations

- folding knife and holder (optional)
- e-device and holder (optional)
- duty belt suspenders (optional-if approved or directed)
  - Bullet resistant vest and carrier (when assigned to field duties)
  - Back-up firearm (optional, must have approval of range staff)

Officer in Plain Clothes Assignment Required and Optional Equipment - Members assigned to plainclothes duty shall wear or carry the following items. Additional equipment appropriate to an assignment may be worn or carried as permitted by Captains.

- Badge
- Fully loaded firearm
- Extra magazine
- Identification card
- Handcuffs and handcuff keys
- Bullet-resistant vest (as needed)
- Tactical expandable baton with holder (optional)
- Aerosol canister of OC spray

Bureau Captains may authorize or require members to wear clothing or carry equipment which does not meet the foregoing standards when such alternative attire or equipment is needed to accomplish a specific police purpose (i.e. load bearing vest, "raid gear", etc).

Officer and CSO Required and Optional Equipment - As an alternative to the issued-leather duty gear, personally owned black basket weave leather may be worn with the uniform. The holster is a strong secured type 2 or better holster made for police service. All visible snaps on synthetic leather duty gear shall be silver-colored for Officers, Corporals, and Sergeants or gold-colored for Lieutenant and above, hidden black snaps or Velcro closures may also be worn.

Officer’s Required and Optional Equipment Items Description:

**Duty belt** - Issued item, the duty belt is 2- inches wide polished black basket weave synthetic leather. The belt buckle and trimmings are flat, Colonial-style with silver plating for officers, corporals, and sergeants and brass plating for lieutenants and above.

**Firearms and Ammunition** - Issued items as described in these general orders relating to - "Firearms and Ammunition"; Privately owned firearm, as approved by the range master may be worn.

**Holster** - Issued item, as approved by range master; privately owned holster (type 2 or higher security), as approved by range master.
**Magazine Pouch** - Issued item, the magazine pouch is polished black basket weave synthetic leather material designed to accommodate at least two magazines positioned side by side, aligned horizontally or vertically with retention features. Open top tactical magazine pouches.

**Handcuffs and Keys** - Issued item, the handcuffs are Peerless standard 10-ounce tempered steel, with connecting links. Privately owned Peerless, ASP or Smith & Wesson handcuffs meeting the above specifications also may be used. Privately owned keys: members may obtain and use handcuff keys, which have "heavy duty" shanks. The keys must be chrome or black metal, have a double-locking tip and be no longer than 4 inches, similar to the Safari Land Model HD-10 or the Bianchi "heavy duty."

**Handcuff Case** - Issued item, the case is polished black basket weave synthetic leather with a snap. It is constructed to permit unhindered insertion and removal of one pair of Peerless, ASP or Smith & Wesson handcuffs in the fully closed position. No more than two single handcuff cases maybe worn and they must match. Open-style handcuff cases are not permitted for uniformed assignment.

**Double Handcuff Case** - Members may wear a double handcuff case in lieu of the single cuff case. The specifications are the same, except that it has a black leather partition and will accommodate two pairs of handcuffs. Uniformed members shall not carry handcuffs tucked into their duty belt or in any other unauthorized case. Extra cuffs maybe carried in a pocket or other covered secured location.

**Straight Baton** €” Issued item, straight baton should be made of a high quality wood with a close, straight grain. The baton length may range from 26 inches to 29 inches in length. The baton diameter should be no less than 1 1/8 inches and no more than 1 1/4 inches. A black grommet will be placed on the baton to permit carrying in a baton ring unless the baton is equipped with a built-in grommet. Officers have the option of carrying either the department issued straight baton or an equivalent baton following the same guidelines.

**Riot Baton (optional)** €” Officers may carry a riot baton during crowd control or similar type situations. The riot baton should be made of a high quality wood with a close, straight grain. The baton length should be no less than 36 inches and no more than 42 inches. The baton diameter should be no less than 1 1/8 inches and no more than 1 1/4 inches.

**Alternate Impact Weapon** - Issued item, either the side handle baton, or Orcutt Police Nunchaku may be worn, along with the appropriate holder, after the employee has received department approved training for the device.

**Baton Strap and Ring** - Issued item, the strap is polished black basket weave synthetic leather, -inch wide, approximately 10-3/4 inches in length, with a loop at one end, approximately 3-11/16 inches in length, a black or silver ring (brass of Lieutenants and above) -inch thick with a 1--inch inside diameter permanently riveted inside this strap loop. Other baton carrying devices approved by the Chief of Police may be substituted for the issued item. The baton strap and ring shall be worn when ever the duty belt is worn, whether or not the long baton is carried.
Tactical Expandable Baton (TEB) and Holder (optional) - Tactical expandable baton may be carried upon successful completion of department approved training. Members may carry a TEB in a holder, which matches their duty belt. TEBs may range from 12 inches to 29 inches in length. Authorized brands of TEBs are ASP, Monadnock, and Peacekeeper Products International. Uniformed members choosing to carry a TEB are required to have a straight baton immediately available at all times. Immediately available by definition is being on the member's person or in the member's patrol unit.

Aerosol Canister and Holster - Issued item, an (OC) canister in polished black basket weave synthetic leather is worn on the duty belt. Plain clothes optional: Plain clothes members who opt to carry their canister need not carry it in a holster, but shall carry it in a secured fashion.

Protective Glove Pouch - Issued item, the pouch is polished black basket weave synthetic leather with a snap.

Key Strap and Ring - Issued item, the department approved strap is made of basket weave, black polished leather that matches the duty belt.

Whistle - Issued item, the whistle is silver-plated for officers, corporals, and sergeants, and brass-plated for lieutenants and above, American Classic or similar with a -inch wide mouthpiece, and a removable metal key ring 5/8-inch in diameter.

Bullet-Resistant Vest and Carrier - Regulations

- Officers shall wear an approved bullet resistant vest whenever they are in uniform and assigned to field duties. Plainclothes Officers shall wear a bullet resistant vest whenever they are assigned to duties which involve the likelihood of a violent confrontation.
- Bureau Captains have the authority to approve optional wearing of vests when unique assignment conditions exist and the likelihood of a violent confrontation is minimal.
- Officers assigned to work inside the Police Station or any other police or City facility are not required to wear protective vests.
- Each vest shall meet the minimum body armor standards specified in the National Institute of Justice (NIJ) Standards. Ballistic panels shall be manufactured of high quality Kevlar or equivalent and meet, at minimum, Type II (Higher Velocity .357 Magnum; 9 mm) standards for resistance to ballistic penetration and resultant back-face deformation.
- The vest may have an approved "wraparound" configuration and have waterproofed front and rear panels. Ballistic panels shall be contained in a durable, removable, and washable carrier, which will accommodate the vest shoulder and side straps. The vest may include a removable ballistic front insert. Panel carriers are made of high quality material and have adjustable Velcro straps at the shoulders and on both sides. The ballistic insert, if provided, shall fit securely in a carrier pocket.
Uniform Regulations

- Privately owned protective vest and protective carrier - Personnel may substitute any protective vest and carrier that provides similar protection. A full "wraparound" vest is not required.

Flashlight - Issued item, the flashlight is carried in the flashlight pocket or in a suitable carrier on the belt. Officers have the choice of carrying either the department issued flashlight or a 5.6-inch long Streamlight Stinger or equivalent flashlight.

- Privately-owned flashlight: Black plastic or metal flashlight, which is not more than 13 inches long and 1-5/8 inches in diameter.

Folding Knife and Holster (optional) - Officers may carry a folding knife, the blade of which is less than 3 inches in length. The knife must be carried in an appropriate holder on the belt.

Portable Radio and Holder - Issued equipment, members shall wear their issued portable radio when working field assignments. Members are responsible for charging and replacing their portable radio batteries as needed. Radio holders will match the material of the other items on the duty belt.

Taser - Issued equipment but optional for members, the Taser will be worn in a "weak side" carry in an approved holder only after the member has completed the approved training and been authorized to carry the device. Additional Taser cartridges may be worn by the member either on the duty belt or in a cargo pocket. The Taser holder and cartridge holders will match the material of the other items on the duty belt.

E-Device Holder - Optional equipment, E-devices (cell phones, pagers, PDA, etc.) may be worn on the duty belt. E-Device holders will match the material of the other items on the duty belt.

Back-up Firearms - Optional equipment, back-up firearms may be carried by the members after receiving approval of the range staff and qualifying with the weapon. Back-up weapons will be secured on the members person in a manner that renders the firearm safe and accessible.

1026.4 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, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(b) Service stripes, stars, etc. - Service stripes and other indicators for length of service may be worn on long sleeved shirts and jackets. 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 nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first and last name. If an employee's first and last names are too long to fit on the nameplate,
then the initial of the first name will accompany the last name. If the employee desires other than the legal first name, the employee must receive approval from the Chief of Police. 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.

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

(e) Assignment Insignias - Assignment insignias, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.

(f) Flag Pin - A flag pin may be worn, centered above the nameplate.

(g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(h) 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.

1026.4.1 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. The mourning band should be diagonal, going from right to left, with the high point on the right. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

1026.4.2 MEDALS, RIBBONS AND AWARDS

Medals are worn only with a Class A uniform. Only one of each type of award is worn. Oak leaf clusters installed on a ribbon bar (enamel bar) are used for additional awards.

Ribbon bars may only be worn on the Class A or Class B uniform of the day and are worn on the right breast pocket. Medals are worn centered above the left breast pocket, below the badge.

Uniformed members may wear ribbon bars, representing medals issued by the department, centered 1/16-inch above the nameplate on the uniform jacket or the Class A or Class B uniform shirt. Members who have more than one award shall wear them centered side by side, on occasions specified by the Chief of Police. Uniformed members may wear the actual medals centered on the left pocket flap.
Other Pins and Badges - Only the pins mentioned herein shall be worn on the Class A or Class B uniform.

10851 Pin - The pin is in the form of a miniature California license plate, containing the Numerals "10851." It is worn centered on the flap of the Class A or Class B right shirt pocket as part of the official uniform while on duty. Officers who receive a 10851 pin while serving with another agency may wear the insignia. When worn in conjunction with another pin, the 10851 pin will be centered between the button and right edge of the flap of the right shirt pocket. This pin may only be worn for one (1) year after it is presented to the employee. (The 10851 pin will be awarded per established CHP criteria. 6 "Rolling stolen vehicles; recover 12 stolen vehicles—including three "rolling stolen" vehicles; or identify a theft ring and arrest at least two suspects and recover at least 10 vehicles.)

12025 Pin - The pin is in the form of an enamel bar, containing the numerals "12025." It is to be worn centered on the flap of the right shirt pocket as part of the official uniform while on duty. When worn in conjunction with the 10851 pin, the 12025 pin will be centered between the button and left edge on the flap of the right shirt pocket. This pin may only be worn for one (1) year after it is presented to the employee. (The 12025 pin will be awarded for the recovery of five loaded firearms during a twelve consecutive month period. Only one firearm will be counted per incident.)

Motor Pin - Currently assigned Motor officers, who have been certified by the Department, shall wear the "winged wheel" insignia as part of their uniform. The "winged wheel" insignia shall be worn 1/16-inch above the name plate or any other authorized insignia. The improved "winged wheel" insignia is silver for officers, corporals, and sergeants and gold for lieutenants and above, 1 inch in height and 7/8-inch in width. Members who have completed an improved police motorcycle training course of instruction but are not currently assigned to the traffic division as motorcycle officers may wear the improved "winged wheel" insignia as part of their uniform.

23152 Pin - The pin is in the form of an enamel bar, containing the letters "DUI". It is to be worn centered on the flap of the right shirt pocket as part of the official uniform while on duty. When worn in conjunction with another pin, the DUI pin will be centered between the button and left edge on the flap of the right shirt pocket. This pin may only be worn for one (1) year after it is presented to the employee. (The DUI pin will be awarded by MADD to officers who meet their established criteria.)

Tactical Operations Pin - Personnel currently assigned to the SWAT, CNT, and Tactical Dispatcher team may wear the tactical operations pin, in addition to the pertinent nameplate attachment. It is to be worn alone, 1/16-inch above the nameplate or any other authorized insignia. The pin is silver for officers, corporals, sergeants, and communications operators, and gold for lieutenants and above.

- Communications - Public Safety Dispatchers must complete a POST -approved tactical dispatcher training program and be currently assigned to the team in order to be eligible to wear the pin.
Members - Personnel assigned to SWAT or CNT must complete the applicable basic POST approved training for the assignment and be currently assigned to the team in order to be eligible to wear the pin.

The tactical operations pin shall not be worn by active traffic-division motorcycle officers.

American Flag Pin - The American flag pin may be worn centered on the flap of the right shirt pocket. If the employee is also entitled to wear a 10851 or a 12025 pin, that pin shall be worn as described above. The American flag pin shall be worn on the side opposite the 10851 or 12025 pin. If the member is entitled to wear all three pins, the American flag pin shall be centered on the flap and the 10851 and 12025 pin worn as directed above.

1026.5 CIVILIAN ATTIRE
There are assignments within the Department that do not require the wearing of a uniform because recognition and authority are not essential to their function. There are also assignments in which the wearing of civilian attire is necessary.

(a) All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

(b) All male administrative, investigative and support personnel who elect to wear civilian clothing to work shall wear button style shirts with a collar or polo style shirt, slacks or suits that are moderate in style.

(c) All female administrative, investigative, and support personnel who elect to wear civilian clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style.

(d) The following items shall not be worn on duty:
   1. T-shirt alone
   2. Open toed sandals or thongs
   3. Swimsuit, tube tops, or halter-tops
   4. Spandex type pants or see-through clothing
   5. Distasteful printed slogans, buttons or pins

(e) Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

(f) No item of civilian attire may be worn on duty that would adversely affect the reputation of the Napa Police Department or the morale of the employees.
Uniform Regulations

1026.5.1 UNIFORM - COMMUNITY SERVICE OFFICER (CSO)
Uniformed CSO shall wear either a Class A, Class B, or Class C uniform while assigned to field duties, depending on the nature of their assignment and direction they may receive. CSO permanently assigned to office duties shall follow the office attire requirements.

The components of each class of uniform are set forth below:

CSO Class A Uniform - Trousers, belt, long-sleeved shirt with shoulder patches, tie, tie bar, department approved patch (in place of a badge), nameplate, black shoes, black socks, and basic equipment. The Class A uniform is worn for ceremonial occasions, including, but not limited to, inspections, ceremonies, official events, funerals, and appropriate formal activities.

CSO Class A Uniform and Equipment Description and Specifications - Descriptions and specifications of uniform items authorized for use by members and employees are set forth in Appendix IX.

CSO Class B Uniform - The Class B uniform may be worn as daily shift wear, for court appearances, community presentations or during special details. The Class B uniform is the same as the Class A uniform, described above, except that:

• May wear a short-sleeved uniform shirt instead of the long-sleeved shirt.
• A white undershirt must be worn and visible at the neck. Dickies and mock turtlenecks are to be white in color with no logos or insignias visible.
• The Class B uniform shall properly fit as to present a professional image, laundered and pressed with a military crease.
• A protective vest may be worn at any time the employee is wearing the Class C uniform.

CSO Class B Uniform and Equipment Description and Specifications - Descriptions and specifications of uniform items authorized for use by members and employees are set forth in Appendix X.

CSO Class C Uniform (Utility) - The Class C “utility” uniform may be worn while performing patrol and related field functions but it shall not be worn for court appearances.

• The Class C uniform consists of the utility cap (optional) with department approved embroidered insignia, a utility shirt with department patches, white undershirt, and department approved patch (in place of badge) and name, utility trousers, black socks, utility uniform boots, protective vest, and basic equipment.
• The Class C uniform shall properly fit as to present a professional image, laundered and pressed with a military crease.
• A protective vest may be worn at any time the employee is wearing the Class C uniform.

The Class C uniform may be modified in the following manner:
Uniform Regulations

- The sleeves of the utility shirt may be cut and hemmed to the length of standard uniform short-sleeved shirts for wear from the beginning of May through the end of October.
- Utility uniform shorts may be substituted for utility pants as optional attire, when authorized for special events. Short-sleeved utility shirts will be worn while wearing utility shorts.
- Utility shorts or the utility trousers converted to "walking shorts" must be loose fitting and hemmed at knee length.
- When utility shorts are worn, low or three-quartered height black running shoes, with all black ankle-length athletic socks, will be substituted for uniform shoes or uniform boots.
- Rain gear specified in this order may be worn with any uniform combination during inclement weather.

CSO Class C Uniform (Utility) and Equipment Description and Specifications - Descriptions and specifications of uniform items authorized for use by members and employees are set forth in Appendix XI.

CSO Training Uniform - Is worn while CSO's are attending in-service training courses at the Napa Police Department, at City facilities or while assigned to modified duty status. Personnel will wear the designated training uniform unless notified in advance of alternative attire.

Training Uniform and Equipment Description and Specifications - Descriptions and specifications of uniform and equipment items authorized for use by members and employees are set forth below.

- The training uniform consists of a short-sleeved black polo shirt with embroidered department insignia, khaki trousers, black tee shirt, black socks, black boot or equivalent patrol shoes, and black belt.

1026.5.2 CSO REQUIRED AND OPTIONAL EQUIPMENT ITEMS DESCRIPTIONS:
Polished black basket weave synthetic leather may be worn with the Class B or Utility Uniform. All visible snaps on synthetic leather duty gear shall be silver-colored for Community Service Officers and Parking Enforcement Officers hidden black snaps or Velcro closures may be worn with the synthetic leather gear.

Duty Belt - Issued item, the duty belt is 2- inches wide polished black basket weave synthetic leather. The belt buckle and trimmings are flat, Colonial-style with silver plating for Community Service Officers.

Handcuffs and Keys - Issued item, the handcuffs are Peerless standard 10-ounce tempered steel, with connecting links. Privately owned Peerless, ASP or Smith & Wesson handcuffs meeting the above specifications also may be used. Privately owned keys: members may obtain and use handcuff keys, which have "heavy duty" shanks. The keys must be chrome or black metal, have
Uniform Regulations

a double-locking tip and be no longer than 4 inches, similar to the Safari Land Model HD-10 or the Bianchi "heavy duty."

Handcuff Case - Issued Item, the case is polished black basket weave synthetic leather with a snap. It is constructed to permit unhindered insertion and removal of one pair of Peerless, ASP or Smith & Wesson handcuffs in the fully closed position. No more than two single handcuff cases may be worn and they must match. Open-style handcuff cases are not permitted.

Aerosol Canister and Holster - Issued item, an (OC) canister in polished black basket weave synthetic leather holder are worn on the duty belt. Plain clothes optional: Plain clothes members who opt to carry their canister need not carry it in a holster, but shall carry it in a secured fashion.

Protective Glove Pouch - Issued item, the pouch is polished black basket weave synthetic leather with a snap.

Key Strap and Ring - Issued item, the strap is made of polished black basket weave synthetic leather that matches the duty belt.

Whistle - Issued item, the whistle is silver-plated for CSO with a 1-inch wide mouthpiece, and a removable metal key ring 5/8-inch in diameter.

Bullet-resistant Vest and Carrier - CSO may wear an approved bullet resistant vest whenever they are in uniform and assigned to field duties. Plainclothes members shall wear a bullet resistant vest whenever they are assigned to duties which involve the likelihood of a violent confrontation.

- Bureau Captains have the authority to approve optional wearing of vests when unique assignment conditions exist.
- CSO assigned to work inside the Police Station or any other police or City facility are not required to wear protective vests.
- Each vest shall meet the minimum body armor standards specified in the National Institute of Justice (NIJ) Standards. Ballistic panels shall be manufactured of high quality Kevlar or equivalent and meet, at minimum, Type II (Higher Velocity .357 Magnum; 9 mm) standards for resistance to ballistic penetration and resultant back-face deformation.
- The vest may have an approved "wraparound" configuration and have waterproofed front and rear panels. Ballistic panels shall be contained in a durable, removable, and washable carrier, which will accommodate the vest shoulder and side straps. The vest may include a removable ballistic front insert. Panel carriers are made of high quality material and have adjustable Velcro straps at the shoulders and on both sides. The ballistic insert, if provided, shall fit securely in a carrier pocket.
- Personnel may substitute any protective vest and carrier that provides similar protection. A full "wraparound" vest is not required.

Flashlight - Issued Item: The flashlight is carried in the flashlight pocket or in a suitable carrier on the belt.
Uniform Regulations

- CSO’s have the choice of carrying either the department issued flashlight or 5.6-inch long Streamlight Stinger or equivalent flashlight will be worn on the duty belt in an appropriate holder.

- Privately-owned flashlight: Black plastic or metal flashlight, which is not more than 13-inch long and 1-5/8-inch in diameter.

Folding Knife and Holster (optional) - CSO may carry a folding knife, the blade of which is less than 3 inches in length. The knife must be carried in an appropriate holder on the belt.

Portable Radio and Holder - Issued equipment, members shall wear their issued portable radio when working field assignments. Members are responsible for charging and replacing their portable radio batteries as needed. Radio holders will match the material of the other items on the duty belt.

E-Device Holder - Optional equipment, E-devices (cell phones, pagers, PDA, etc.) may be worn on the duty belt. E-Device holders will match the material of the other items on the duty belt.

Bureau Captains may authorize or require members to wear clothing or carry equipment which does not meet the foregoing standards which such alternative attire or equipment is needed to accomplish a specific purpose.

1026.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Napa 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 Napa 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.

1026.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(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:
Uniform Regulations

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

1026.7.1 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 Napa Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words “Honorably Retired” clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Napa Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).

1026.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES
Napa Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Napa Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.
Police Cadets

1027.1 PURPOSE AND SCOPE
Cadets work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

1027.2 EDUCATION REQUIREMENTS
Cadets are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Cadets shall complete six semester units of college course work per semester and senior cadets shall complete 12 units per semester.

1027.3 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.

1027.3.1 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.

1027.4 ORIENTATION AND TRAINING
Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. In addition to job-specific training, information will be offered to prepare cadets to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

1027.5 CADET UNIFORMS
Each cadet will be provided two uniforms meeting the specifications described in the Uniform Manual for non-sworn employees.
1027.6 ROTATION OF ASSIGNMENTS
Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Program Coordinator.

In general, senior cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

1027.7 RIDE-ALONG PROCEDURES
All cadets are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Shift Sergeant. Applicable waivers must be signed in advance of the ride-along. Cadets shall wear their uniform while participating on a ride-along.

1027.8 PERFORMANCE EVALUATIONS
Performance evaluations for all cadets shall be completed monthly during their first year on probation. Upon successful completion of probation, cadets and senior cadets will be evaluated on a yearly basis to assess their current job performance and their potential as police officers.
Nepotism and Conflicting Relationships

1028.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1028.1.1 DEFINITIONS
Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee’s annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee’s action, inaction or decisions are or may be influenced by the employee’s personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Relative - An employee’s parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

1028.2 RESTRICTED DUTIES AND ASSIGNMENTS
The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
Nepotism and Conflicting Relationships

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.

2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

1028.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.
1028.2.2 SUPERVISOR'S RESPONSIBILITY
Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

1028.2.3 EXCEPTIONS
Exceptions to the Nepotism and Conflicting Relationships Policy may be appropriate based upon merit principles and/or recruitment difficulty. When consideration is being given to the employment of an individual, in a position that would create a violation of the Nepotism and Conflicting Relationship Policy, a written justification and request for exception must be prepared by the impacted Bureau manager and submitted to the Chief of Police for review. The Chief of Police may consult with the City Attorney's Office and/or the Human Resources Department when appropriate.
Department Badges

1029.1 PURPOSE AND SCOPE
The Napa Police Department badge and uniform patch as well as the likeness of these items and the name of the Napa Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1029.2 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.

1029.2.1 FLAT BADGE
Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of 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 Napa Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer’s control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for non-sworn personnel.

1029.2.2 CIVILIAN 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.
1029.2.3 RETIREE UNIFORM BADGE
Upon honorable retirement employees may purchase his/her assigned duty badge for display purposes. It is intended that the duty badge be used only as private memorabilia as other uses of the badge may be unlawful or in violation of this policy.

1029.3 UNAUTHORIZED USE
Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and civilian uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1029.4 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 Napa 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.
Temporary Modified-Duty Assignments

1030.1 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.

1030.2 POLICY
Subject to operational considerations, the Napa 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.

1030.3 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 Napa 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 1,040 hours in any one-year period.

1030.4 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 Captains 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 Captain 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 Department of Human Resources or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Shift Sergeant or Division Captain, with notice to the Chief of Police.

1030.5 ACCOUNTABILITY
Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors (See attachment: Light Duty Memo Final 2 22 16.pdf). Those assignments and schedules may be adjusted to accommodate department operations and the employee’s medical appointments, as mutually agreed upon with the Division Captain.

1030.5.1 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.
(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 Captain that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.
Temporary Modified-Duty Assignments

1030.5.2 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 Captain of the status and performance of employees assigned to temporary modified duty.
(b) Notifying the Division Captain 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.

1030.6 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.

1030.7 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.

1030.7.1 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.

1030.8 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.

1030.9 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
Temporary Modified-Duty Assignments

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

1031.1 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.

1031.1.1 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.

1031.2 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 Napa 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.

1031.3 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 Napa 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:
• 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.

1031.4 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 Napa 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 Napa Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Napa 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 transportsations 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 Napa 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.
Employee Speech, Expression and Social Networking

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Napa Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(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 practicable 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).

1031.4.1 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 Napa Police Department or identify themselves in any way that could be reasonably perceived as representing the Napa 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 Napa 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).

1031.5 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).

1031.6 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.

1031.7 TRAINING
Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.
Attachments
Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf
ACKNOWLEDGMENT OF MANDATED REPORTER STATUS AND LEGAL DUTY TO REPORT CHILD ABUSE OR NEGLECT

California law requires certain persons who work with children to report known or suspected child abuse and neglect. These individuals are known under the law as "mandated reporters" and include childcare workers, teachers, law enforcement officials and coaches. California Penal Code §11166.5(a) requires that all mandated reporters of child abuse and neglect to sign an acknowledgment of their legal duties and that the City retain the signed acknowledgment as part of your personnel record. Refer also to Napa Police Department General Order 322- Child Abuse for additional.

When Reporting Abuse is Required:
As a mandated reporter, whenever you, in your professional capacity or within the scope of your employment, reasonably suspect a child to be the victim of child abuse or neglect, you must report the suspected abuse and neglect. Abuse and neglect include observations of:
- Physical abuse
- Sexual abuse
- Child exploitation, child pornography and child prostitution
- Neglect, such as in the failure to provide adequate nutrition, clothing, shelter or medical care
- Extreme corporal punishment resulting in injury
- Willful cruelty or unjustifiable punishment

A mandated reporter may make, but is not legally required to make, a report of suspected emotional damage.

How to Make the Report:
There are two steps in the reporting process. First, a telephone call, fax or electronic transmission must be made immediately or as soon as practical. Second, a written report, made on the approved form, must be sent within 36 hours after the telephone report has been made.

To Whom Do You Report:
Napa County Child Welfare Services or Napa County Adult Protective Services.

Individual Responsibility:
A mandated reporter is individually responsible to report suspected child abuse and neglect. Two or more mandated reporters may, by mutual agreement, designate one of themselves to make the report. However, if the mandated reporter becomes aware that the other designated individual

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failed to report, (even if the other designated individual is a supervisor), then he or she must make the report.

Confidentiality:
Mandated reports are to remain confidential and shall only be disclosed to appropriate investigating agencies. All mandated reporters are required to disclose their names in the report. However, child protective agencies are required to keep the mandated reporter's name confidential, unless a court orders the information disclosed.

Mandated reporters are not required to but may share information regarding suspected abuse and neglect with the supervisor, manager or Department Director of the mandated reporter.

Immunity:
All mandated reporters are civilly and criminally immune from liability as a result of making a report. No individual may be dismissed, disciplined or harassed for making a report of suspect child abuse and neglect.

Criminal Liability:
A mandated reporter may be held criminally liable for failing to comply with the mandated reporting laws and reporting requirements and in failing to report suspected abuse and neglect. The penalty for failing to report is up to six months in County jail, a fine of no more than $1,000, or both. Mandated reporters may also be held civilly liable for damages for a failure to report suspect abuse and neglect.

Acknowledgement:
By signing below, I acknowledge the following:
- I am a mandated reporter of child, dependent adult or elder abuse and neglect. As a mandated reporter, I understand that I have a legal obligation to report abuse and neglect and will comply with the law.
- I have been provided copies of California Penal Code Sections 11165.7, 11166 and 11167.
- I understand that this signed Acknowledgment will be retained in my employment file.

_________________________________________  __________________________
Signature                                      Date

_________________________________________
Print Name

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State of California

PENAL CODE

Section 11165.7

11165.7. (a) As used in this article, "mandated reporter" is defined as any of the following:
   (1) A teacher.
   (2) An instructional aide.
   (3) A teacher's aide or teacher's assistant employed by a public or private school.
   (4) A classified employee of a public school.
   (5) An administrative officer or supervisor of child welfare and attendance, or a
certificated pupil personnel employee of a public or private school.
   (6) An administrator of a public or private day camp.
   (7) An administrator or employee of a public or private youth center, youth
recreation program, or youth organization.
   (8) An administrator, board member, or employee of a public or private organization
whose duties require direct contact and supervision of children, including a foster
family agency.
   (9) An employee of a county office of education or the State Department of
Education whose duties bring the employee into contact with children on a regular
basis.
   (10) A licensee, an administrator, or an employee of a licensed community care
or child day care facility.
   (11) A Head Start program teacher.
   (12) A licensing worker or licensing evaluator employed by a licensing agency,
as defined in Section 11165.11.
   (13) A public assistance worker.
   (14) An employee of a child care institution, including, but not limited to, foster
parents, group home personnel, and personnel of residential care facilities.
   (15) A social worker, probation officer, or parole officer.
   (16) An employee of a school district police or security department.
   (17) A person who is an administrator or presenter of, or a counselor in, a child
abuse prevention program in a public or private school.
   (18) A district attorney investigator, inspector, or local child support agency
caseworker, unless the investigator, inspector, or caseworker is working with an
attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to
represent a minor.
   (19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830)
of Title 3 of Part 2, who is not otherwise described in this section.
   (20) A firefighter, except for volunteer firefighters.
(21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

(22) An emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.

(24) A marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.

(25) An unlicensed associate marriage and family therapist registered under Section 4980.44 of the Business and Professions Code.

(26) A state or county public health employee who treats a minor for venereal disease or any other condition.

(27) A coroner.

(28) A medical examiner or other person who performs autopsies.

(29) A commercial film and photographic print or image processor as specified in subdivision (e) of Section 11166. As used in this article, “commercial film and photographic print or image processor” means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, or who prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.

(30) A child visitation monitor. As used in this article, “child visitation monitor” means a person who, for financial compensation, acts as a monitor of a visit between a child and another person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) “Animal control officer” means a person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) “Humane society officer” means a person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, “clergy member” means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.
(33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.

(34) An employee of any police department, county sheriff’s department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 5.655 of the California Rules of Court.

(36) A custodial officer, as defined in Section 831.5.

(37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

(38) An alcohol and drug counselor. As used in this article, an “alcohol and drug counselor” is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

(39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.

(40) An associate professional clinical counselor registered under Section 4999.42 of the Business and Professions Code.

(41) An employee or administrator of a public or private postsecondary educational institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution’s premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.

(43) (A) A commercial computer technician as specified in subdivision (e) of Section 11166. As used in this article, “commercial computer technician” means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, including, but not limited to, a computer part, device, memory storage or recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a computer or computer network system, for a fee. An employer who provides an electronic communications service or a remote computing service to the public shall be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code.

(B) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this article. These procedures may direct employees who are mandated reporters under this paragraph to report materials described in subdivision (e) of Section 11166 to an employee who is designated by the employer to receive the reports. An employee who is designated
to receive reports under this subparagraph shall be a commercial computer technician for purposes of this article. A commercial computer technician who makes a report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this article and shall be subject to the protections afforded to mandated reporters, including, but not limited to, those protections afforded by Section 11172.

(44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary educational institutions.

(45) An individual certified by a licensed foster family agency as a certified family home, as defined in Section 1506 of the Health and Safety Code.

(46) An individual approved as a resource family, as defined in Section 1517 of the Health and Safety Code and Section 16519.5 of the Welfare and Institutions Code.

(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) Except as provided in subdivision (d), employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(d) Pursuant to Section 44691 of the Education Code, school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools shall annually train their employees and persons working on their behalf specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(e) (1) On and after January 1, 2018, pursuant to Section 1596.8662 of the Health and Safety Code, a child care licensee applicant shall take training in the duties of mandated reporters under the child abuse reporting laws as a condition of licensure, and a child care administrator or an employee of a licensed child day care facility shall take training in the duties of mandated reporters during the first 90 days when he or she is employed by the facility.

(2) A person specified in paragraph (1) who becomes a licensee, administrator, or employee of a licensed child day care facility shall take renewal mandated reporter training every two years following the date on which he or she completed the initial mandated reporter training. The training shall include, but not necessarily be limited
to, training in child abuse and neglect identification and child abuse and neglect reporting.

(f) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(g) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

(Amended by Stats. 2017, Ch. 573, Sec. 77. (SB 800) Effective January 1, 2018.)
State of California

PENAL CODE

Section 11166

11166. (a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in the mandated reporter’s professional capacity or within the scope of the mandated reporter’s employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written followup report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For purposes of this article, “reasonable suspicion” means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on the person’s training and experience, to suspect child abuse or neglect. “Reasonable suspicion” does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any “reasonable suspicion” is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) If, after reasonable efforts, a mandated reporter is unable to submit an initial report by telephone, the mandated reporter shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone followup call by the agency with which the mandated reporter filed the report. A mandated reporter who files a one-time automated written report because the mandated reporter was unable to submit an initial report by telephone is not required to submit a written followup report.

(1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written followup report. In addition, the automated one-time report shall contain a section
that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the Child Welfare Services/Case Management System (CWS/CMS). The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions.

(2) This subdivision shall not become operative until the CWS/CMS is updated to capture the information prescribed in this subdivision.

(3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first.

(4) This section does not supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.

(e) A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars ($1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals the mandated reporter’s failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.

(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, “penitential communication” means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of the clergy member’s church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of the clergy member’s church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member’s duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in the clergy member’s professional capacity or within the scope of the clergy member’s employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse and that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.
(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

(e) (1) A commercial film, photographic print, or image processor who has knowledge of or observes, within the scope of that person’s professional capacity or employment, any film, photograph, videotape, negative, slide, or any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video tape, videolaser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image depicting a child under 16 years of age engaged in an act of sexual conduct, shall, immediately or as soon as practically possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images are seen. Within 36 hours of receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a copy of the image or material attached.

(2) A commercial computer technician who has knowledge of or observes, within the scope of the technician’s professional capacity or employment, any representation of information, data, or an image, including, but not limited to, any computer hardware, computer software, computer file, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium, depicting a child under 16 years of age engaged in an act of sexual conduct, shall immediately, or as soon as practically possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images or materials are seen. As soon as practically possible after receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a brief description of the images or materials.

(3) For purposes of this article, “commercial computer technician” includes an employee designated by an employer to receive reports pursuant to an established reporting process authorized by subparagraph (B) of paragraph (43) of subdivision (a) of Section 11165.7.

(4) As used in this subdivision, “electronic medium” includes, but is not limited to, a recording, CD-ROM, magnetic disk memory, magnetic tape memory, CD, DVD, thumbdrive, or any other computer hardware or media.

(5) As used in this subdivision, “sexual conduct” means any of the following:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(B) Penetration of the vagina or rectum by any object.

(C) Masturbation for the purpose of sexual stimulation of the viewer.
(D) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(E) Exhibition of the genitals, pubic, or rectal areas of a person for the purpose of sexual stimulation of the viewer.

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, the mandated reporter makes a report of the abuse or neglect pursuant to subdivision (a).

(g) Any other person who has knowledge of or observes a child whom the person knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9. For purposes of this section, “any other person” includes a mandated reporter who acts in the person’s private capacity and not in the person’s professional capacity or within the scope of the person’s employment.

(h) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(i) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article. An internal policy shall not direct an employee to allow the employee’s supervisor to file or process a mandated report under any circumstances.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose the employee’s identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(j) (1) A county probation or welfare department shall immediately, or as soon as practically possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney’s office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child that relates solely to the inability of the parent to provide the child with regular care due to the parent’s substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a
written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(2) A county probation or welfare department shall immediately, and in no case in more than 24 hours, report to the law enforcement agency having jurisdiction over the case after receiving information that a child or youth who is receiving child welfare services has been identified as the victim of commercial sexual exploitation, as defined in subdivision (d) of Section 11165.1.

(3) When a child or youth who is receiving child welfare services and who is reasonably believed to be the victim of, or is at risk of being the victim of, commercial sexual exploitation, as defined in Section 11165.1, is missing or has been abducted, the county probation or welfare department shall immediately, or in no case later than 24 hours from receipt of the information, report the incident to the appropriate law enforcement authority for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney’s office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child’s welfare, or as the result of the failure of a person responsible for the child’s welfare to adequately protect the minor from abuse when the person responsible for the child’s welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(Amended by Stats. 2019, Ch. 27, Sec. 16. (SB 80) Effective June 27, 2019.)
State of California

PENAL CODE

Section 11167

11167. (a) Reports of suspected child abuse or neglect pursuant to Section 11166 or Section 11166.05 shall include the name, business address, and telephone number of the mandated reporter; the capacity that makes the person a mandated reporter; and the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information. If a report is made, the following information, if known, shall also be included in the report: the child’s name, the child’s address, present location, and, if applicable, school, grade, and class; the names, addresses, and telephone numbers of the child’s parents or guardians; and the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child. The mandated reporter shall make a report even if some of this information is not known or is uncertain to him or her.

(b) Information relevant to the incident of child abuse or neglect and information relevant to a report made pursuant to Section 11166.05 may be given to an investigator from an agency that is investigating the known or suspected case of child abuse or neglect.

(c) Information relevant to the incident of child abuse or neglect, including the investigation report and other pertinent materials, and information relevant to a report made pursuant to Section 11166.05 may be given to the licensing agency when it is investigating a known or suspected case of child abuse or neglect.

(d) (1) The identity of all persons who report under this article shall be confidential and disclosed only among agencies receiving or investigating mandated reports, to the prosecutor in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to subdivision (c) of Section 317 of the Welfare and Institutions Code, or to the county counsel or prosecutor in a proceeding under Part 4 (commencing with Section 7800) of Division 12 of the Family Code or Section 300 of the Welfare and Institutions Code, or to a licensing agency where abuse or neglect in out-of-home care is reasonably suspected, or when those persons waive confidentiality, or by court order.

(2) No agency or person listed in this subdivision shall disclose the identity of any person who reports under this article to that person’s employer, except with the employee’s consent or by court order.

(e) Notwithstanding the confidentiality requirements of this section, a representative of a child protective services agency performing an investigation that results from a report of suspected child abuse or neglect made pursuant to Section 11166 or Section
11166.05, at the time of the initial contact with the individual who is subject to the investigation, shall advise the individual of the complaints or allegations against him or her, in a manner that is consistent with laws protecting the identity of the reporter under this article.

(f) Persons who may report pursuant to subdivision (g) of Section 11166 are not required to include their names.

(Amended by Stats. 2010, Ch. 95, Sec. 1. (AB 2339) Effective January 1, 2011.)
State of California

PENAL CODE

Section 11165.7

11165.7. (a) As used in this article, "mandated reporter" is defined as any of the following:

(1) A teacher.
(2) An instructional aide.
(3) A teacher's aide or teacher's assistant employed by a public or private school.
(4) A classified employee of a public school.
(5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school.
(6) An administrator of a public or private day camp.
(7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.
(8) An administrator, board member, or employee of a public or private organization whose duties require direct contact and supervision of children, including a foster family agency.
(9) An employee of a county office of education or the State Department of Education whose duties bring the employee into contact with children on a regular basis.
(10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.
(11) A Head Start program teacher.
(12) A licensing worker or licensing evaluator employed by a licensing agency, as defined in Section 11165.11.
(13) A public assistance worker.
(14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.
(15) A social worker, probation officer, or parole officer.
(16) An employee of a school district police or security department.
(17) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a public or private school.
(18) A district attorney investigator, inspector, or local child support agency caseworker, unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
(19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
(20) A firefighter, except for volunteer firefighters.
(21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.

(22) An emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.

(23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.

(24) A marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.

(25) An unlicensed associate marriage and family therapist registered under Section 4980.44 of the Business and Professions Code.

(26) A state or county public health employee who treats a minor for venereal disease or any other condition.

(27) A coroner.

(28) A medical examiner or other person who performs autopsies.

(29) A commercial film and photographic print or image processor as specified in subdivision (e) of Section 11166. As used in this article, "commercial film and photographic print or image processor" means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, or who prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.

(30) A child visitation monitor. As used in this article, "child visitation monitor" means a person who, for financial compensation, acts as a monitor of a visit between a child and another person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) "Animal control officer" means a person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) "Humane society officer" means a person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, "clergy member" means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.
(33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.

(34) An employee of any police department, county sheriff’s department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 5.655 of the California Rules of Court.

(36) A custodial officer, as defined in Section 831.5.

(37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

(38) An alcohol and drug counselor. As used in this article, an “alcohol and drug counselor” is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

(39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.

(40) An associate professional clinical counselor registered under Section 4999.42 of the Business and Professions Code.

(41) An employee or administrator of a public or private postsecondary educational institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution’s premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.

(43) (A) A commercial computer technician as specified in subdivision (e) of Section 11166. As used in this article, “commercial computer technician” means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, including, but not limited to, a computer part, device, memory storage or recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a computer or computer network system, for a fee. An employer who provides an electronic communications service or a remote computing service to the public shall be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code.

(B) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this article. These procedures may direct employees who are mandated reporters under this paragraph to report materials described in subdivision (e) of Section 11166 to an employee who is designated by the employer to receive the reports. An employee who is designated
to receive reports under this subparagraph shall be a commercial computer technician for purposes of this article. A commercial computer technician who makes a report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this article and shall be subject to the protections afforded to mandated reporters, including, but not limited to, those protections afforded by Section 11172.

(44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary educational institutions.

(45) An individual certified by a licensed foster family agency as a certified family home, as defined in Section 1506 of the Health and Safety Code.

(46) An individual approved as a resource family, as defined in Section 1517 of the Health and Safety Code and Section 16519.5 of the Welfare and Institutions Code.

(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) Except as provided in subdivision (d), employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(d) Pursuant to Section 44691 of the Education Code, school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools shall annually train their employees and persons working on their behalf specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(e) (1) On and after January 1, 2018, pursuant to Section 1596.8662 of the Health and Safety Code, a child care licensee applicant shall take training in the duties of mandated reporters under the child abuse reporting laws as a condition of licensure, and a child care administrator or an employee of a licensed child day care facility shall take training in the duties of mandated reporters during the first 90 days when he or she is employed by the facility.

(2) A person specified in paragraph (1) who becomes a licensee, administrator, or employee of a licensed child day care facility shall take renewal mandated reporter training every two years following the date on which he or she completed the initial mandated reporter training. The training shall include, but not necessarily be limited
to, training in child abuse and neglect identification and child abuse and neglect reporting.

(f) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(g) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

(Amended by Stats. 2017, Ch. 573, Sec. 77. (SB 800) Effective January 1, 2018.)
11166. (a) Except as provided in subdivision (d), and in Section 11166.05, a mandated reporter shall make a report to an agency specified in Section 11165.9 whenever the mandated reporter, in the mandated reporter’s professional capacity or within the scope of the mandated reporter’s employment, has knowledge of or observes a child whom the mandated reporter knows or reasonably suspects has been the victim of child abuse or neglect. The mandated reporter shall make an initial report by telephone to the agency immediately or as soon as is practicably possible, and shall prepare and send, fax, or electronically transmit a written followup report within 36 hours of receiving the information concerning the incident. The mandated reporter may include with the report any nonprivileged documentary evidence the mandated reporter possesses relating to the incident.

(1) For purposes of this article, “reasonable suspicion” means that it is objectively reasonable for a person to entertain a suspicion, based upon facts that could cause a reasonable person in a like position, drawing, when appropriate, on the person’s training and experience, to suspect child abuse or neglect. “Reasonable suspicion” does not require certainty that child abuse or neglect has occurred nor does it require a specific medical indication of child abuse or neglect; any “reasonable suspicion” is sufficient. For purposes of this article, the pregnancy of a minor does not, in and of itself, constitute a basis for a reasonable suspicion of sexual abuse.

(2) The agency shall be notified and a report shall be prepared and sent, faxed, or electronically transmitted even if the child has expired, regardless of whether or not the possible abuse was a factor contributing to the death, and even if suspected child abuse was discovered during an autopsy.

(3) A report made by a mandated reporter pursuant to this section shall be known as a mandated report.

(b) If, after reasonable efforts, a mandated reporter is unable to submit an initial report by telephone, the mandated reporter shall immediately or as soon as is practicably possible, by fax or electronic transmission, make a one-time automated written report on the form prescribed by the Department of Justice, and shall also be available to respond to a telephone followup call by the agency with which the mandated reporter filed the report. A mandated reporter who files a one-time automated written report because the mandated reporter was unable to submit an initial report by telephone is not required to submit a written followup report.

(1) The one-time automated written report form prescribed by the Department of Justice shall be clearly identifiable so that it is not mistaken for a standard written followup report. In addition, the automated one-time report shall contain a section
that allows the mandated reporter to state the reason the initial telephone call was not able to be completed. The reason for the submission of the one-time automated written report in lieu of the procedure prescribed in subdivision (a) shall be captured in the Child Welfare Services/Case Management System (CWS/CMS). The department shall work with stakeholders to modify reporting forms and the CWS/CMS as is necessary to accommodate the changes enacted by these provisions.

(2) This subdivision shall not become operative until the CWS/CMS is updated to capture the information prescribed in this subdivision.

(3) This subdivision shall become inoperative three years after this subdivision becomes operative or on January 1, 2009, whichever occurs first.

(4) This section does not supersede the requirement that a mandated reporter first attempt to make a report via telephone, or that agencies specified in Section 11165.9 accept reports from mandated reporters and other persons as required.

(c) A mandated reporter who fails to report an incident of known or reasonably suspected child abuse or neglect as required by this section is guilty of a misdemeanor punishable by up to six months confinement in a county jail or by a fine of one thousand dollars ($1,000) or by both that imprisonment and fine. If a mandated reporter intentionally conceals the mandated reporter’s failure to report an incident known by the mandated reporter to be abuse or severe neglect under this section, the failure to report is a continuing offense until an agency specified in Section 11165.9 discovers the offense.

(d) (1) A clergy member who acquires knowledge or a reasonable suspicion of child abuse or neglect during a penitential communication is not subject to subdivision (a). For the purposes of this subdivision, “penitential communication” means a communication, intended to be in confidence, including, but not limited to, a sacramental confession, made to a clergy member who, in the course of the discipline or practice of the clergy member’s church, denomination, or organization, is authorized or accustomed to hear those communications, and under the discipline, tenets, customs, or practices of the clergy member’s church, denomination, or organization, has a duty to keep those communications secret.

(2) Nothing in this subdivision shall be construed to modify or limit a clergy member’s duty to report known or suspected child abuse or neglect when the clergy member is acting in some other capacity that would otherwise make the clergy member a mandated reporter.

(3) (A) On or before January 1, 2004, a clergy member or any custodian of records for the clergy member may report to an agency specified in Section 11165.9 that the clergy member or any custodian of records for the clergy member, prior to January 1, 1997, in the clergy member’s professional capacity or within the scope of the clergy member’s employment, other than during a penitential communication, acquired knowledge or had a reasonable suspicion that a child had been the victim of sexual abuse and that the clergy member or any custodian of records for the clergy member did not previously report the abuse to an agency specified in Section 11165.9. The provisions of Section 11172 shall apply to all reports made pursuant to this paragraph.
(B) This paragraph shall apply even if the victim of the known or suspected abuse has reached the age of majority by the time the required report is made.

(C) The local law enforcement agency shall have jurisdiction to investigate any report of child abuse made pursuant to this paragraph even if the report is made after the victim has reached the age of majority.

(e) (1) A commercial film, photographic print, or image processor who has knowledge of or observes, within the scope of that person's professional capacity or employment, any film, photograph, videotape, negative, slide, or any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image depicting a child under 16 years of age engaged in an act of sexual conduct, shall, immediately or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images are seen. Within 36 hours of receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a copy of the image or material attached.

(2) A commercial computer technician who has knowledge of or observes, within the scope of the technician's professional capacity or employment, any representation of information, data, or an image, including, but not limited to, any computer hardware, computer software, computer file, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image that is retrievable in perceivable form and that is intentionally saved, transmitted, or organized on an electronic medium, depicting a child under 16 years of age engaged in an act of sexual conduct, shall immediately, or as soon as practicably possible, telephonically report the instance of suspected abuse to the law enforcement agency located in the county in which the images or materials are seen. As soon as practicably possible after receiving the information concerning the incident, the reporter shall prepare and send, fax, or electronically transmit a written followup report of the incident with a brief description of the images or materials.

(3) For purposes of this article, "commercial computer technician" includes an employee designated by an employer to receive reports pursuant to an established reporting process authorized by subparagraph (B) of paragraph (43) of subdivision (a) of Section 11165.7.

(4) As used in this subdivision, "electronic medium" includes, but is not limited to, a recording, CD-ROM, magnetic disk memory, magnetic tape memory, CD, DVD, thumbdrive, or any other computer hardware or media.

(5) As used in this subdivision, "sexual conduct" means any of the following:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex or between humans and animals.

(B) Penetration of the vagina or rectum by any object.

(C) Masturbation for the purpose of sexual stimulation of the viewer.
(D) Sadomasochistic abuse for the purpose of sexual stimulation of the viewer.

(E) Exhibition of the genitals, pubic, or rectal areas of a person for the purpose of sexual stimulation of the viewer.

(f) Any mandated reporter who knows or reasonably suspects that the home or institution in which a child resides is unsuitable for the child because of abuse or neglect of the child shall bring the condition to the attention of the agency to which, and at the same time as, the mandated reporter makes a report of the abuse or neglect pursuant to subdivision (a).

(g) Any other person who has knowledge of or observes a child whom the person knows or reasonably suspects has been a victim of child abuse or neglect may report the known or suspected instance of child abuse or neglect to an agency specified in Section 11165.9. For purposes of this section, "any other person" includes a mandated reporter who acts in the person's private capacity and not in the person's professional capacity or within the scope of the person's employment.

(h) When two or more persons, who are required to report, jointly have knowledge of a known or suspected instance of child abuse or neglect, and when there is agreement among them, the telephone report may be made by a member of the team selected by mutual agreement and a single report may be made and signed by the selected member of the reporting team. Any member who has knowledge that the member designated to report has failed to do so shall thereafter make the report.

(i) (1) The reporting duties under this section are individual, and no supervisor or administrator may impede or inhibit the reporting duties, and no person making a report shall be subject to any sanction for making the report. However, internal procedures to facilitate reporting and apprise supervisors and administrators of reports may be established provided that they are not inconsistent with this article. An internal policy shall not direct an employee to allow the employee's supervisor to file or process a mandated report under any circumstances.

(2) The internal procedures shall not require any employee required to make reports pursuant to this article to disclose the employee's identity to the employer.

(3) Reporting the information regarding a case of possible child abuse or neglect to an employer, supervisor, school principal, school counselor, coworker, or other person shall not be a substitute for making a mandated report to an agency specified in Section 11165.9.

(j) (1) A county probation or welfare department shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code, and to the district attorney's office every known or suspected instance of child abuse or neglect, as defined in Section 11165.6, except acts or omissions coming within subdivision (b) of Section 11165.2, or reports made pursuant to Section 11165.13 based on risk to a child that relates solely to the inability of the parent to provide the child with regular care due to the parent's substance abuse, which shall be reported only to the county welfare or probation department. A county probation or welfare department also shall send, fax, or electronically transmit a
written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(2) A county probation or welfare department shall immediately, and in no case in more than 24 hours, report to the law enforcement agency having jurisdiction over the case after receiving information that a child or youth who is receiving child welfare services has been identified as the victim of commercial sexual exploitation, as defined in subdivision (d) of Section 11165.1.

(3) When a child or youth who is receiving child welfare services and who is reasonably believed to be the victim of, or is at risk of being the victim of, commercial sexual exploitation, as defined in Section 11165.1, is missing or has been abducted, the county probation or welfare department shall immediately, or in no case later than 24 hours from receipt of the information, report the incident to the appropriate law enforcement authority for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children.

(k) A law enforcement agency shall immediately, or as soon as practicably possible, report by telephone, fax, or electronic transmission to the agency given responsibility for investigation of cases under Section 300 of the Welfare and Institutions Code and to the district attorney's office every known or suspected instance of child abuse or neglect reported to it, except acts or omissions coming within subdivision (b) of Section 11165.2, which shall be reported only to the county welfare or probation department. A law enforcement agency shall report to the county welfare or probation department every known or suspected instance of child abuse or neglect reported to it which is alleged to have occurred as a result of the action of a person responsible for the child’s welfare, or as the result of the failure of a person responsible for the child’s welfare to adequately protect the minor from abuse when the person responsible for the child’s welfare knew or reasonably should have known that the minor was in danger of abuse. A law enforcement agency also shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident to any agency to which it makes a telephone report under this subdivision.

(Amended by Stats. 2019, Ch. 27, Sec. 16. (SB 80) Effective June 27, 2019.)
State of California

PENAL CODE

Section 11167

11167. (a) Reports of suspected child abuse or neglect pursuant to Section 11166 or Section 11166.05 shall include the name, business address, and telephone number of the mandated reporter; the capacity that makes the person a mandated reporter; and the information that gave rise to the reasonable suspicion of child abuse or neglect and the source or sources of that information. If a report is made, the following information, if known, shall also be included in the report: the child’s name, the child’s address, present location, and, if applicable, school, grade, and class; the names, addresses, and telephone numbers of the child’s parents or guardians; and the name, address, telephone number, and other relevant personal information about the person or persons who might have abused or neglected the child. The mandated reporter shall make a report even if some of this information is not known or is uncertain to him or her.

(b) Information relevant to the incident of child abuse or neglect and information relevant to a report made pursuant to Section 11166.05 may be given to an investigator from an agency that is investigating the known or suspected case of child abuse or neglect.

(c) Information relevant to the incident of child abuse or neglect, including the investigation report and other pertinent materials, and information relevant to a report made pursuant to Section 11166.05 may be given to the licensing agency when it is investigating a known or suspected case of child abuse or neglect.

(d) (1) The identity of all persons who report under this article shall be confidential and disclosed only among agencies receiving or investigating mandated reports, to the prosecutor in a criminal prosecution or in an action initiated under Section 602 of the Welfare and Institutions Code arising from alleged child abuse, or to counsel appointed pursuant to subdivision (c) of Section 317 of the Welfare and Institutions Code, or to the county counsel or prosecutor in a proceeding under Part 4 (commencing with Section 7800) of Division 12 of the Family Code or Section 300 of the Welfare and Institutions Code, or to a licensing agency when abuse or neglect in out-of-home care is reasonably suspected, or when those persons waive confidentiality, or by court order.

(2) No agency or person listed in this subdivision shall disclose the identity of any person who reports under this article to that person’s employer, except with the employee’s consent or by court order.

(e) Notwithstanding the confidentiality requirements of this section, a representative of a child protective services agency performing an investigation that results from a report of suspected child abuse or neglect made pursuant to Section 11166 or Section
11166.05, at the time of the initial contact with the individual who is subject to the investigation, shall advise the individual of the complaints or allegations against him or her, in a manner that is consistent with laws protecting the identity of the reporter under this article.

(f) Persons who may report pursuant to subdivision (g) of Section 11166 are not required to include their names.

(Amended by Stats. 2010, Ch. 95, Sec. 1. (AB 2339) Effective January 1, 2011.)
Light Duty Memo Final 2 22 16.pdf
MEMO

TO: XXX
FROM: XXX
CC: XXX
DATE: XXX
SUBJECT: Short-term Modified Duty Assignment

As a result of your work related (OR PERSONAL) injury, and upon the recommendation of your physician, you are assigned to a short-term modified duty, effective XX-XX-20XX. Your work schedule will be modified to Monday through Friday, 0800-1600 hours. This change of schedule is not punitive, but is intended to meet the work needs of the Department with consideration being given to the restrictions provided by a medical doctor. You will report directly to Lt. ____________.

Until you are released by your physician to return to a full-duty capacity, you must follow your physician’s instructions at all times. You must keep the Department advised of changes in your medical condition or status and provide updated physician’s letters. Each time you take time off because of your medical condition, your timecard must reflect the leave. (Refer Policy section 1054.5, Employee Responsibilities)

While you are assigned to light duty, you are not authorized to work any overtime, and you may not engage in any routine police duties related to arrests, searches, or suspect contacts unless an emergency condition exists which, without your immediate intervention, would threaten the eminent health or safety of an employee or the public. You may interview and communicate with cooperative victims, witnesses and other individuals in a nonhazardous environment.
Based on the restrictions identified by your physician, additional restrictions include:

_____ No use of a Napa Police Department uniform

_____ No public display of a Napa Police Department badge

_____ No use of a firearm

_____ No operation of a Napa Police Department vehicle

_____ No engagement of outside employment, as allowed by City policies.

_____ Other:

_________________________________________________________________

If you have any questions please contact Lt. XXXXXX

_________________________________________________________________

Acknowledgement and Accept Date

Date
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