

Introduction

In early September 2011 the Community Alliance newspaper, through a California Public Records Act request, asked for the Fresno Police Department (FPD) for their Policies and Procedures manuals. FPD Public Information Officer Donald Gross sent this response: “We will not be able to provide for this request due to officer safety issues and interference with ongoing investigations.” The next day, September 22, 2011, Gross reversed this decision, writing “The City will amend its previous response to your CPRA request and produce those portions of the Policy Manual that do not contain material that would endanger officers and/or compromise ongoing investigations and not reveal security and safety procedures. The City will need time to review the Policy Manual and will provide these records by October 4, 2011.”

Over the next year and three months, the FPD released their Policies and Procedures manuals, with significant sections redacted. Each release was accompanied by a letter detailing those redactions. The excerpts from that series of letters addressing the redacted sections are below.

The documents we received were all on CD’s and in a .pdf format that was password protected so they could not be printed or copy and pasted, making their usefulness greatly diminished. They also had a large watermark on each page identifying who they had been released to, even though once they are released, there are no restrictions on their distribution. The FPD also charged us \$30.50 for each of the six CD’s, an excessive fee we believe - given the current cost of transferring digital data.

The Policies and Procedures manuals we are providing (below) have been re-formatted to make them more useful to legal counsel and community activists who are interested in police accountability issues.

While the FPD has chosen to withhold significant portions of their Policies and Procedures manuals, you can get an idea of what (basic) information those sections contain by looking at other police departments manuals, some of which are available online.

The Banning California police department, for example, provides their Policy and Procedures manual on their website at: <http://www.banningpolice.org/policy.pdf> . The transparency in the Banning Police Department stands in stark contrast to the FPD,

There is also a company that specializes in selling boilerplate Policies and Procedures manuals to police departments. You can find them at: <http://www.lexipol.com/> which appears to be where much of the FPD manuals originally came from.

The Community Alliance’s purpose in requesting and now posting the Policies and Procedures manuals on our website is to make the information available to the public. When a person has a copy of the policy and procedure manual, they have a foundation to understand how the FPD operates. Once we know what the policies and procedures are, we can compare that with best practices and make needed changes.

I like to think of the release of this document as one more tool in our toolbox as we work to insure that the police do not work secretly. We are shining a light on local government with the goal of improving civil society and maintaining civilian control over law enforcement. After all, the people who work at the FPD are our employees. They work for us. We pay their salary. We have a right to know what they are doing.

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Here are the pertinent excerpts from the FPD letters accompanying the release of the Policy and Procedures manuals:

Letter from FPD dated October 19, 2011

Enclosed is the first installment of the Policies and Procedures Manuals of the Fresno Police Department that you requested pursuant to your Public Records Act request - which are being provided to you on CD. We have provided everything that will not compromise officer safety, security issues, impede investigations or other privileges as provided for in California Government Code Section 6254(f).

Below is a list of the sections that we have been able to review so far. Some sections in this list have been redacted or omitted and the reason for not being provided is set forth immediately following the item description .

Policy Manual:

Policies 100 through 300 have been given without redactions.

Policy 303 (Burglaries , Thefts and Alarms) has been redacted in its entirety due to officer safety and security reasons.

Policies 304 through 307 have been provided without redactions .

Policy 308 has been provided with the exception of section 308.21 (Weapons of Necessity) has been redacted due to officer safety and security reasons.

Policies 310 through 311 are provided without redaction.

Policy 312 is provided except for section 312.5 which has been redacted due to officer safety and security concerns.

Policies 313 and 315 are provided without redactions.

Procedures 208 through 221 are provided without redaction.

Procedure 225 is provided with section B redacted due to security and impeding investigations

concerns.

Procedure 300 is provided with sections F and G redacted due to security and impeding investigations concerns.

Procedure 303 (Burglaries , Thefts, and Alarms) is not provided due to officer safety and security concerns.

Procedure 304 is provided without redactions.

Procedure 305 is provided with sections B and C redacted -due to interference with investigations and security concerns.

Procedure 306 (Leg Restraint Device) is not being provided due to officer safety and security concerns.

Procedure 307 is provided without redaction.

Procedure 308 is provided with the section dealing with Authorized Force options redacted due to officer safety and security concerns.

Procedure 309 (Electronic Control Devices) is redacted in its entirety due to officer Safety and security concerns.

Procedure 310 is redacted in its entirety due to officer safety, security and impeding investigations concerns.

Procedure 311 is provided without redaction .

Procedure 312 (firearms) is redacted in its entirety due to officer safety and security concerns.

Procedure 313 is provided with sections B and C redacted due to impeding Investigation concerns.

Procedure 315 (Officer Response to Calls) is redacted in its entirety due to officer safety and security concerns.

Procedure 316 (Code 3) is redacted in its entirety due to officer safety, security and impeding investigations concerns .

Letter from FPD dated November 15, 2011

Enclosed is the second installment of the Policies and Procedures Manuals of the Fresno Police Department that you requested. I apologize for the extended time in getting my response out to you. We have provided everything that will not comprise officer safety, security issues, impede investigations or other privileges as provided for in California Government Code Section 6254(f). Below is a list of the sections that we have been able to review so far. We will continue to work on the remaining sections and will get the next group to you on or before December 1, 2011. Thank you for your patience.

Included in the list of section reviewed where items have been redacted portions is the reason that they have not been provided.

Policy Manual:

Policy 319 Robberies and Alarms was not provided due to officer safety and ongoing criminal investigation issues.

Policy 323.11 The last sentence has been withheld due to interference with investigations

concerns.

Policies 324.51 through 324.53 have not been provided due to security concerns and interference with investigations. Policy 321.2 has been withheld due to interference with investigations.

Procedure 320 E The last part has been redacted to prevent interference with investigations.

Procedure 320 K The middle paragraph has been redacted due to interference with investigations.

Procedure 320 L has been redacted due to security concerns and interference with investigations.

Procedure 321 B A portion has been redacted due to security and interference with investigations issues.

Procedure 323 has not been provided due to security and interference with investigations issues.

Procedure 324 F has been redacted due to security and interference with investigation issues.

Procedure 324 G A large portion has been redacted due to security concerns.

Procedure 326 D has been redacted due to security and interference with investigation concerns.

Procedures 329 A and 329 B have been redacted due to security and interference with investigation concerns.

Procedure 332 The last three pages has been redacted due security and interference with investigation concerns.

Letter from FPD dated December 22, 2011

Enclosed is the third installment of the Policies and Procedures Manuals of the Fresno Police Department that you requested. I apologize for the extended time in getting my response out to you. We have provided everything that will not comprise officer safety, security issues, impede investigations or other privileges as provided for in California Government Code Section 6254(t). Below is a list of the sections that we have been able to review so far. We will continue to work on the remaining sections and will get the next group to you on or before January 20, 2012. Thank you for your patience.

Included in the list of section reviewed where items have been redacted portions is the reason that they have not been provided.

Policy Manual:

Policy 337.2 Animal Problems was not provided due to officer safety issues. Policy 343 has been withheld due to interference with investigations.

Policy 347.1 has been withheld due to interference with investigations concerns.

Policy 348.1 has not been provided due to security concerns and interference with investigations.

Policy 353 has been withheld due to interference with investigations.

Procedure 333 A the fourth and fifth paragraphs of section A have been redacted to prevent interference with investigations.

Procedure 335 has been redacted due to interference with investigations and security concerns.

Procedures 337 A and G have been redacted due to security concerns and interference with investigations.

Procedure 343 has been redacted due to security and interference with investigations issues.

Procedure 345 A has not been provided due to security and interference with investigations Issues.

Procedure 347 has been redacted due to interference with investigation issues.

Procedure 348 has been redacted due to security concerns and interference with investigations.

Procedures 349 B and C have been redacted due to security and interference with investigation concerns.

Procedure 353 has been withheld due to interference with investigation concerns.

Procedure 354 has been withheld due security and interference with investigation concerns.

Procedure 355 A, D, & G have been redacted due to security issues and interference with investigations. The last sentence of N has been redacted due to interference with investigation issues.

Procedure 357 A the last paragraph, B and the last paragraph of E and all of H have been redacted due to interference with investigations and security issues.

Procedure 358 C has been redacted due to security and interference with investigations Issues.

Letter from FPD dated April 26, 2012

Enclosed are the fourth and fifth installments of the Policies and Procedures Manuals of the Fresno Police Department which you requested. I apologize for the extended time in getting my response out to you. We have provided everything that will not comprise officer safety, security issues, impede investigations or other privileges as provided for in California Government Code Section 6254(±). Enclosed is a CD with the sections of the Manuals for your information.

We will continue to work on the remaining sections and will get the next group to you on or before May 31, 2012. Thank you for your patience.

Included in the list of sections reviewed where items that have been redacted or partially redacted, those items have not been provided.

Policy Manual:

Policy 373.3 Urine Evidence has been redacted due to interference with investigations. Policy 374.3.1 has been withheld due to officer safety and interference with investigations.

Policy 406.3 has been withheld due to officer safety and interference with investigations concerns.

Policy 407.8 a portion of this section has been redacted due to security concerns and interference with investigations .

Policy 408.12 through 408.41 SWAT Operations have been withheld due to officer safety, security and interference with investigations.

Policy 409 .11 and following have been withheld due to officer safety and •interference with investigations issues.

Policy 413 (except 413.1) has been withheld due to officer safety and interference with investigations issues.

Policy 414 Hostages & Barricaded Suspects has been withheld due to officer safety, security and interference with investigations concerns.

Policy 421.2 a portion of this section has been redacted due to interference with investigations concerns.

Policy 432 Patrol Rifles has been withheld due to officer safety and security concerns.

Policy 436.5 has been withheld due to officer safety and security concerns.

Policy 438 Air Support has been withheld due to officer safety, security and interference with investigation concerns.

Policy 440 Field Detainees has been withheld due to officer safety, security and interference with investigation concerns.

Policy 442 Criminal Street Gangs has been withheld due to officer safety, security and interference

with investigation concerns.

Policy 450.2 and 450.3 have been withheld due to interference with investigation concerns.

Procedures Manual :

Procedure 360 D, E and G have been redacted to prevent interference with investigations.

Procedure 364 A the last part of this section has been redacted due to interference with investigations and security concerns.

Procedure 368 A the Department telephone contact information has been redacted due to interference with investigations concerns

Procedure 373 B a portion of this section has been redacted due to interference with investigations Issues.

Procedure 374 B Buccal Swabs; the note under this section has not been provided due to interference with investigations issues.

Procedure 374 C Sample Collection Refusals has been withheld due to officer safety, security and interference with investigation concerns.

Procedure 400 A, C and a portion of B have been withheld due to officer safety, security and interference with investigation issues.

Procedure 402 has been withheld due to security concerns and interference with investigations.

Procedure 406, Crime Scene and Major Incidents; Procedure 407 Mass Arrest; Procedure 408 S.W.A.T. and Procedure 409 Special Events/Operations have been withheld due to officer safety, security and interference with investigation concerns.

Procedure 410 the last paragraph of section F has been redacted due to officer safety, security and interference with investigation concerns.

Procedure 412 Hazardous Material Responses; Procedure 413 School Safety Readiness:

Procedure

414 Hostages and Barricaded Subjects; Procedure 416 Response to Bomb Calls; and Procedure 418 Mental Illness have been withheld due officer safety, security and interference with investigation concerns.

Procedure 420 I, J, K, L, M, N, O, P, and Q have been redacted due to security issues and interference with investigations.

Procedure 421 The last four paragraphs of section A have been redacted due to interference with Investigations concerns, officer safety and security issues.

Procedure 422 Arrest or Detention of Foreign Nationals has been withheld due to officer safety, security and interference with investigations issues.

Procedure 426 Reporting Police Activity Outside of jurisdiction has been withheld due to officer safety, security and interference with investigation concerns.

Procedure 428 D the second paragraph has been redacted due to officer safety, security and interference with investigation concerning.

Procedure 432 Patrol Rifles has been withheld due to officer safety and security concerns.

Procedure 438 Obtaining/Requesting Air Support; and Procedure 440 have been withheld due to officer safety, security and interference with investigation concerns.

Procedure 442 Criminal Street Gangs has been withheld due to officer safety, security and interference with investigations concerns.

Procedure 448 Radio & Mobile Data System Use has been withheld due to officer safety, security and interference with investigation concerns.

Procedure 450 Use of Recording Devices has been withheld due to security and interference with investigation concerns.

Procedure 500 D, E, and F have been withheld due to officer safety, security and interference with investigation concerns.

Procedure 514 A and the second paragraph of D have been withheld due to officer safety, security and interference with investigation concerns.

Procedure 516 A two paragraphs have been redacted due to security and interference with investigation concerns.

Procedure 524 B has been withheld due to interference with investigation concerns.

Letter from FPD dated August 24, 2012

Enclosed is the sixth installment of the Policies and Procedures Manuals of the Fresno Police Department which you requested. I apologize for the extended time in getting my response out to you. We have provided everything that will not comprise officer safety, security issues, impede investigations or other privileges as provided for in California Government Code Section 6254(t). Enclosed is a CD with the sections of the Manuals for your information.

We are still in the process of reviewing Section 10 and will provide that to you within the next two or three weeks. Section 10 is the final portion which will complete our response to your request. We thank you for your patience.

Below is a list of the modified sections and those that were withheld.

Policy Manual:

Policy 600.3 and 600.3.1 have been removed due to interference with criminal investigation concerns.

Policy 604 There is no such Policy.

Policy 608 Informants (Confidential) has been removed since its release would comprise criminal investigations and endanger officers and informants.

Policy 701.21 has been redacted in part since the information would compromise criminal investigations.

Policy 800.2 has been redacted since the release of that information would compromise criminal

investigations.

Policy 801 There is no such Policy. Policy 802 There is no such Policy . Policy 803 There is no such Policy. Policy 807 There is no such Policy . Policy 808 There is no such Policy. Policy 809 There is no such Policy. Policy 811 There is no such Policy .

Policy 812 (Criminal Offender Record Information) has not been eliminated in its entirety since the information is confidential under state and federal law.

Policy 901.1.5 The second half of that section was redacted because the release would compromise criminal investigations and endanger officer safety.

Procedures Manual :

Procedure 600 The last three lines of subsection F have been redacted since to release the information would comprise criminal investigation.

Procedure 601 There is no such Procedure.

Procedure 602 There is no such Procedure. Procedure 603 There is no such Procedure. Procedure 604 There is no such Procedure.

Procedure 605 The second paragraph of subsection A was redacted and subsection C in its entirety because the information would comprise officer safety.

Procedure 606 subsection F and the last half of subsection A were redacted since the information would comprise criminal investigations .

Procedure 608 (Informants Confidential) has been withheld since the information in that procedure is confidential under federal and state law and would compromise criminal investigations and endanger officer and CI safety.

Procedure 609 subsection C bullet point 11 (Confidential Informant) has been redacted since the information in that procedure is confidential under federal and state law and would • compromise criminal investigations and endanger officer and CI safety.

Procedure 701 subsection D Weapons has been redacted since the information would comprise officer safety.

Procedure 702 There is no such Procedure.

Procedure 703 subsection A bullet point dealing with Pro-net and bullet point dealing with prisoner transport have been redacted since the information in them would comprise officer safety and interfere with criminal investigations.

Procedure 704 subsection A "Unmarked Vehicles " was redacted since the information would comprise criminal investigations and endanger officer safety.

Procedure 800 There is no such Procedure.

Procedure 801 There is no such Procedure. Procedure 802 There is no such Procedure. Procedure 803 There is no such Procedure.

Procedure 804 was withheld since the information would comprise the security of the Department, comprise criminal investigations and endanger officer safety.

Procedure 900 The last one third of subsection C, with the exception of "Emergency First Aid" was

redacted since the information would comprise officer safety and comprise criminal investigations.

Procedure 901 "Exceptions" under subsection D was since the information would

comprise criminal investigations and endanger officer safety. Subsection G, subsection L, and subsection P were redacted since the information would comprise officer safety and comprise criminal investigations.

Letter from FPD dated December 18, 2012

Enclosed is the final installment of the Policies and Procedures Manuals of the Fresno Police Department that you requested. Thank you again for your patience in the lengthy amount of time it has taken to complete our response to your request. It has been a very large project. We have provided everything that will not comprise officer safety, security issues, impede investigations or other privileges as provided for in California Government Code Section 6254(f). Below is a list of the sections for the last chapter in the Policy and Procedures Manual.

Included in the list of sections reviewed where items that have been redacted or partially redacted, those items set forth the reason they have not been provided .

Policy Manual:

Policies Sections 1001, 1003, 1004, 1005, 1007, 1009, 1011, 1015, 1017, 1019, 1021, 1023, 1027, 1029, 1033, 1034, 1035, 1037, 1039, 1041, 1043, 1045, and 1049 are reserved for future sections and there are no policies for these numbers. Policy 1024 has been withheld due to officer safety concerns.

Policy 1046.2.1 has been withheld due to officer safety and interference with investigations concerns.

Procedures Manuals:

In addition to the Policy sections listed above that are reserved for future use, the following Procedure Sections are reserved for future use and contain no information: 1013, 1018, 1022, 1031, 1034, 1046, and 1050.

Procedure 1034 has been redacted due to interference with investigations and security concerns.

Training PolicyCorresponding Policy 208: Training Policy**A. Training Attendance**

Department members assigned to attend training, whether it is in house or being offered at another agency or organization, are required to attend the entire course. *Exceptions may only be made by the member's Division Commander and only for a compelling reason. When an exception is granted by a Division Commander, a replacement to attend the training shall be provided from within the member's division. The replacement shall be approved by the Training Bureau to ensure that no conflict exists (e.g., he/she has already attended the training; he/she will exceed the 40-hour POST reimbursement cap, etc.).*

Members may be excused from class for the following reasons:

1. To attend mandatory court appearances;
2. Unforeseen illness or family emergency; or
3. *With the approval of the member's Division Commander.*

Members missing class time at a course that is offered by our agency can attend a subsequent course to make up that portion missed. The Training Bureau should make reasonable attempts to accommodate the Department member in the next available course. Members missing class time on a course offered out of town will not be able to make up the class time and shall only be sent to the course again if it is a requirement for their current assignment. Members scheduled for training in which they fail to attend, will be reported to their immediate supervisor, commander or district commander, unless authorized release is obtained prior to the training by the Training Bureau.

B. Training Attire**Range and Physical Training**

Members attending range or physical training may wear jeans, tennis shoes and other leisure/recreational attire. However, members shall change into regular duty attire prior to returning to duty.

Other Training

Members attending training, other than range or physical training, shall wear slacks, button front shirts, or polo type dress shirts with collar, unless notified by the Training Bureau that another attire is permitted for that training session.

Electronic Mail (e-mail)

Corresponding Policy 212: Electronic Mail (e-mail)

A. Rules of Email Use

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, and harassing or any other inappropriate messages on the e-mail system is prohibited.

All members assigned *an* e-mail *account* shall review their e-mail messages a minimum of once during each duty shift they work. Duty related messages received by members via e-mail shall be acted upon as soon as practical or as circumstances dictate.

E-mail 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 Commander. 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 prevent the misuse of an individual's e-mail, name and/or password by others.

Because the e-mail system is not designed for long-term retention of messages, e-mail that the employee desires to save or that becomes part of an official record should be printed. Users of e-mail are solely responsible for the management of their mailboxes. Messages should be purged manually by the user at least once per week. All messages in excess of one month will be deleted at regular intervals from the server computer.

B. Confidentiality Message

E-Mail has been assessed to be public information. However, under some circumstances, to insure the confidentiality of e-mail messages, the sender should include some type of clear written notification to the recipient within the sent e-mail, that such mail should not be forwarded or altered without the express consent of the original author of said e-mail text.

This text might appear as follows:

This electronic transmission is intended for the addressee(s) named above. It contains information that is privileged, confidential, or otherwise protected from use and disclosure. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, or dissemination of this transmission or the taking of any action in reliance in its contents, or other use is strictly prohibited. If you have received this transmission in error, please notify the sender that this message was received in error and then delete this message.

Administrative CorrespondenceCorresponding Policy 214 : Administrative Correspondence**A. Announcements****Department Bulletin Boards**

Department bulletin boards are to be used for the posting of official Department communications and other information of official interest to members. Members shall not post any material on Department bulletin boards without the express permission of the commanding member of the bureau, section, or unit where the board is located.

Member Bulletin Boards

Items posted on member bulletin boards must be dated and may remain posted for a maximum of 30 days. These items need not be cleared prior to posting.

DCB Notices

Requests for permission to publish notices of a non-official nature on the DCB must be approved by a Records supervisor.

Office of the Chief of Police

The Office of the Chief of Police will handle all announcements regarding deaths and funerals of active members, their relatives, and inactive members. Members wishing an announcement to be made should contact the Office of the Chief of Police.

Briefing

Members who wish to address all members of a particular bureau, section, unit, or who wish a notice read to all members of a bureau, section, or unit must obtain the permission of the affected bureau, section, or unit commander/supervisor. Any supervisor receiving a notice for reading at briefing or other general dissemination shall first ensure that it has been cleared through the proper commanding member.

B. Written Communications**Confidentiality**

Any piece of mail or other written communication that is addressed to a member by name shall be considered confidential and shall not be opened or read by any other member without the permission of the addressee.

Responsibility to Deliver

Supervisors and commanders shall ensure that all mail and communications are promptly delivered to the personnel under their command. When the member addressed is off duty, on days off, or on vacation, delivery may be postponed until the member returns to duty, except that members shall be advised of any matters that have a limited time reference that are received while they are absent when the member can be reached with reasonable effort.

Responsibility to Pick Up Mail

Members are responsible for picking up their mail from their supervisors or at an established mail distribution point at the beginning of each duty shift. Members on extended leaves of absence shall make arrangements with their supervisor for the receipt of their mail during their absence.

Chain of Command

Supervisory and management personnel should not send written instructions or directives directly to subordinate personnel who are not under their immediate command. These documents shall be sent to a supervisor or manager of equal rank to the sender, who is in the chain of command of the member addressed in the document. The receiving supervisor or manager shall then forward the document

down the chain of command to the addressed member. Likewise, superiors should not send such matters directly to subordinates within their command without routing them through intermediate supervisors in the chain of command.

Subordinate members should not send written communications or requests directly to a superior not in their chain of command. These documents shall be sent up the member's chain where they can be forwarded laterally between equal ranks. Likewise, subordinates should not skip levels in their chain of command when sending written matters upward to superiors. Responses to specific requests, however, may be returned directly to the requesting member.

These regulations may be disregarded in cases of emergencies or when specifically excepted in other procedures. Nothing in these regulations shall be construed as prohibiting lateral communications between members of different commands.

Signatures

All written communications within the Department shall be legibly signed by the sender or shall be signed or initialed over typewritten or printed identification. All signatures shall include name, rank, assignment and, for sworn personnel, badge number.

Verbal Communications

Verbal communications shall be regulated as described in Section B, Chain of Command.

Use of the Department Address

Members shall not use the address of the Department for any personal correspondence.

Members shall not use the address of the Department for CDL, vehicle registration, or ID cards. Members who desire DMV address confidentiality shall respond to the Personnel Bureau to obtain the necessary form and instructions.

Staffing Levels

Corresponding Policy 216: Staffing Levels

A. Daily Assignment Schedules

District supervisors shall ensure contact is made with the Duty Office immediately after briefing for the completion of a city wide assignment detail.

B. Order Back(OB)

When vacancies cannot be filled by cross district loaning or volunteers, personnel may be ordered back. The Assistant District/Field Commander shall decide whether to operate below minimum staffing or OB members. When OB is required, the Duty Office shall determine how the vacancies will be filled. As such, the Duty Office reserves the right to approve or cancel any OB as appropriate.

Preferences for OB

Preferences have been established to determine which officers and sergeants will receive priority in working vacancies in a specified District, in the following order:

1. District and Shift: First priority shall be given to Patrol Matrix Officers and Sergeants assigned to the District and shift where the vacancy occurs;
2. District: Second priority shall be given to Patrol Matrix Officers and Sergeants assigned to the District where the vacancy occurs;
3. All Districts: Third priority shall be given to all Patrol Matrix Officers and Sergeants from any District; and
4. Citywide: When no Patrol Matrix Officers or Sergeants express interest in working voluntary OB, then any officer or sergeant on a citywide basis will be considered.

Voluntary OB

Officers and sergeants expressing an interest in working OB must be eligible as established by the following criteria:

- Eligible officers and sergeants are those who are on scheduled time off when accepting the OB.
 - This includes those officers and sergeants who are off on scheduled annual vacation.
 - Additionally, all members must take at least one of their regularly scheduled days off to be eligible; and
- Ineligible officers and sergeants are those who are already scheduled to work per the Matrix, those who will have worked more than 15 hours in a 24 hour period if the OB was accepted, and those who are out for administrative purposes, sick, or injured.
 - Ineligible members shall not bid or state they are available to work in violation of this order.

Eligible personnel who desire to work Voluntary OB shall call the Last Minute OB Line and express their availability.

- This excludes availability for half shifts, which will not be accepted nor recorded.
- The OB Log will be compiled from these messages left not more than fourteen days in advance, beginning at midnight.
- Any messages sent by the "future delivery" option, or marked "urgent" will not be accepted.
- A separate list will be kept for officers and sergeants.
- All vacancies for officers and sergeants will be filled from the compiled lists, in accordance with the above stated.
- Any OB accepted by officers and sergeants is to be worked in its entirety by the accepting member.
- When unable to work the OB for any reason, the member shall notify the Duty Office immediately.

- The OB shall not be given away, sold, or redistributed in any fashion by the accepting member.
- The Duty Office will determine who is next to be awarded the OB, utilizing the preference guide and list(s).

Any disputes regarding the issuance of OB by Duty Officers are to be directed through the chain of command to the Duty Office Sergeant. The Duty Office Sergeant shall direct unresolved disputes to the Communications Bureau Commander.

Mandatory OB

When the Duty Office is unable to satisfy minimum staffing needs through voluntary OB, they shall notify the Field Commander or commander with Public Information Officer responsibility, who will decide how to proceed. Based on Departmental need, the commander may elect to go short, or have the vacancy filled by the sergeant experiencing the shortage. This may be accomplished by directing an officer be ordered to work the last half of a shift, or by members being contacted at home.

Personnel ordered back in this fashion shall work the additional time. When a conflict occurs, the member experiencing the conflict may notify the supervisor issuing the order. Unresolved conflicts may be brought to the attention of the Field Commander whose decision is final.

Additional Staffing for Other Than Normal Service

When it is necessary to hire additional staffing for:

1. An emergency situation, such staffing will be at the direction of the Chief of Police; or
2. A situation which is known to exist prior to the actual need (i.e., planned events, park crowd control, etc.), attempts will be made to solicit volunteers.
 - a. When all vacancies cannot be filled by volunteers, personnel will be ordered back to fill the remaining vacancies.
 - b. When both volunteers and ordering back of personnel does not satisfy the additional staffing required, because of insufficient members or the time frame of the situation, personnel will be ordered back from their days off with a minimum of 48 hours prior notice when possible.

D. Operations Sergeants

Operations Sergeants may cover a patrol shift on Watch 1 when the Operations Sergeant is previously scheduled to be at work on the day coverage is needed, and only in the District that the Operations Sergeant is currently assigned. Operations Sergeants will not cover patrol shifts on Watch 2 or 3.

When a Watch 1 Patrol Sergeant calls into the Duty Office sick or otherwise unable to work prior to their scheduled shift, the Duty Office will contact the District's Operations Sergeant scheduled to work that day. The Operations Sergeant will be informed that they will be assigned to work as a Watch 1 Patrol Supervisor to cover that shift in their District. The Duty Office will ensure that the shift detail reflects this change.

When a District Operations Sergeant is not scheduled to work that day, then the Order Back rules stated in Section B above will apply.

Concealed Weapons License

Corresponding Policy 218: Concealed Weapons License

A. License Restrictions

If a person in possession of a CCW and a weapon violates any of the restrictions outlined within the application for the CCW, the officer has the right to confiscate the weapon and license for safe keeping.

In general, these restrictions will prohibit the licensee from any of the following:

- Have alcohol or drugs in system while carrying the weapon;
- Represent self as a peace officer at any time;
- Violate any law of the State or County;
- Be under the influence of any medication which is labeled with a warning not to operate a motor vehicle or other machinery;
- Impede any law enforcement officer in the performance of their duties;
- Refuse to display or surrender their permit and weapon when requested to do so by a peace officer;
- Unjustifiably display a deadly weapon;
- Carry weapon on any public school, private school, college, or university;
- Carry weapon into any courthouse;
- Carry weapon where alcoholic beverages are being served;
- Carry weapon while attending any social or public function;
- Carry weapon into controlled access area of any airport or fly on any commercial airplane; and
- Shall immediately notify a peace officer, with whom the licensee comes in contact, that the licensee is armed and has a permit in their possession.

B. Documentation

When a concealed weapons license and/or weapon is confiscated, and no crime has taken place, a GI will be written including the reason for confiscation.

C. Confirmation of License

A concealed weapons license can be checked through dispatch. The following information should be obtained:

- Expiration date, and
- Restrictions (e.g. during business functions, only while at a specified location, etc.)

Fresno Police Department Procedures Manual
Retired Officer CCW Endorsements
Corresponding Policy 220: Retired Officer CCW Endorsements

A. Maintaining a CCW Endorsement

In order to maintain a "CCW Approved" endorsement on an identification card, the retired officer shall:

- Qualify annually with the authorized firearm at a course approved by the Department at the retired officer's expense. Upon verification by the Department that all annual requirements have been met by an otherwise qualified retired officer, the "CCW Approved" endorsement shall be re-stamped and dated (18 United States Code 926c);
- Remain subject to any departmental rule, or state or federal law that, if violated by an officer on active duty, would result in that officer's arrest, suspension, or removal from the agency [Penal Code §12027.1(a)(2)]; and
- Only be authorized to carry a concealed firearm inspected and approved by the Department.

C. Retired FPD Officers Living Outside of Fresno County

Those officers living outside the City of Fresno, who wish to maintain a CCW endorsement, must meet the same requirements as those officers who live within our jurisdiction. The retired officer must:

- Contact the Personnel Bureau and request a CCW packet;
- Contact local law enforcement agency of residence and schedule a range qualification date; and
- Have the local agency of residence return the required paperwork to the Department by mail.

The CCW packet contains the following forms:

- Range Qualification Request Letter - This letter should be presented to the local law enforcement agency, by the retired officer, as a formal request to allow range qualifications per HR 218. The local agency should gather a photograph and fingerprints, and conduct a local criminal history check.
- Affidavit of Compliance - As required by HR 218, the retired officer must present an affidavit to the local agency, declaring that the officer is "honorably retired" and qualified to carry a concealed weapon in compliance with HR 218. The Personnel Bureau will complete the top portion of the form, checking the appropriate boxes, prior to including the form in the packet. The retired officer will sign the form and have it notarized. This form should be kept by the local agency with the range qualification records.
- Range Form - The range form should be presented to the local agency as a way to document the identification of the retired officer and show successful range qualification. This form shall be completed by the agency and returned, along with photograph and fingerprints, by mail, to the Fresno Police Department, Personnel Bureau. These must be mailed by the local agency, not mailed by the retired officer.

D. Out-of-Town Agency Retired Officers

It shall be the policy of this agency to provide reciprocal services to retired law enforcement officers from other *jurisdictions* who reside within the city limits, and seek to renew a CCW endorsement issued by the law enforcement agency from which they retired in good standing. Only those officers who qualify under HR 218, the Law Enforcement Officers Safety Act (LEOSA), who present this agency with a signed affidavit of compliance, shall be provided the services outlined in Procedure §220, to include:

- Verification of identification;
- Range qualification; and
- Completion of a Liability Waiver.

E. Range Qualification:

The Fresno Police Department Rangemaster will schedule *triannual (every four months)* range qualification times. Range times for the retiree qualifications will coincide with regularly scheduled *triannual training/*qualifications.

Qualified retired officers will be allowed to qualify with not more than two concealable firearms, as time and scheduling permits. Such number shall be the decision of the Rangemaster. Retired officers must:

- Bring their own handgun(s), either a revolver or a semi-automatic capable of being loaded with 5 or more rounds;
- Bring 50 rounds of factory-issued ammunition for the weapon for qualification;
- Bring their own cleaning supplies;
- Have a safe and secure holster; and
- Present all handguns and holsters for inspection by the Rangemaster.

Pass/Fail Qualifications

The Fresno Police Department Rangemaster shall keep a database of qualified retired officers, qualification dates, qualification course fired, pass/fail score, and the make, model, type and serial number of the firearms used to qualify.

Qualified retired officers will be required to sign a Liability Waiver and Release Form of the Fresno Police Department for all acts taken related to carrying a concealed firearm, acknowledging their personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by the LEOSA and not as an employee or former employee of the Fresno Police Department or as a current law enforcement officer (unless currently employed as a law enforcement officer of another agency). Such disclaimer shall also release the Fresno Police Department from any claim resulting from any injury or accident during the described firearms qualification activities.

Failure to Qualify and Remedial Training

Qualified retired officers will be given a reasonable number of attempts, but not less than three, at qualifying during the scheduled qualification dates, subject to range availability and the Rangemaster's time constraints. Any number beyond three attempts will be the decision of the Rangemaster, appealable only to the Chief of Police, whose decision is final.

- Should the retired officer fail to qualify, he or she will be allowed to attempt to qualify at the next scheduled range qualification or at a date scheduled by the Rangemaster.
- Upon the third or final failure, the Rangemaster or designee will submit a memo to the Chief of Police outlining the failure to qualify.

Restrictions

The Rangemaster or armorer's determination will be final as to the inspection and safety of the equipment. Any weapon, holster, ammunition, or related equipment found unsafe for qualification and carry will be prohibited on the Range and noted, in writing, on the qualification record. The retired

officer will be notified and required to sign a statement acknowledging the unsafe condition of the equipment and the reason for such removal and prohibition.

The Law Enforcement Officers Safety Act does not authorize the retired officer to:

- Carry a machine gun, silencer, or other destructive device;
- Act in the capacity of a law enforcement officer of the Fresno Police Department;
- Carry a firearm on any government property, installation, facility, building, base or park with laws or regulations prohibiting or restricting the carrying of firearms (such as airport boarding areas, courthouses, etc.); or
- Carry a firearm on any other public or privately owned property, facility, building or area, where the carrying of firearms is prohibited or restricted (such as private schools, commercial aircraft, etc.).

A. Legal Advisor**Field Observation & Assistance**

The Legal Advisor shall observe Department field procedures and operations for the purpose of determining whether they are in compliance with existing legal requirements. The Legal Advisor shall maintain communication with members of the Department for the purpose of determining the existence of any legal problems and to provide solutions. The Legal Advisor may be consulted with regard to any legal problem which occurs in the field. When possible, consultation should be made prior to taking action where problems of probable cause, arrest, search and seizure, and civil liability are likely to occur. The Legal Advisor shall be present at the scene of any police activity of great magnitude for the purpose of advising the incident commander with respect to any existing or projected legal concerns.

Field Response

The Legal Advisor shall be notified and shall respond in the field when:

- The use of deadly force by or against any member of the Department results in death or great bodily injury;
- Any vehicle accident involving members who are operating Department vehicles (whether on duty or off duty) results either in death or serious personal injury;
- Any SWAT action is initiated; and
- Requested by a commander.

Responsibility for notifying the Legal Advisor shall be that of the field commander, except when part of a multiple call out initiated by the CSU.

Civil Disturbance

In the event of a riot, civil disturbance, disorder or unlawful assembly, the Legal Advisor shall report to the incident command post or the Office of the Chief. The Legal Advisor shall act as liaison with the Office of the City Attorney, the DA, and courts for the purpose of establishing legal directives necessitated by the situation. This includes mass arrest procedures, abbreviated arrests and form processing, and protection of the rights of arrestees.

Administrative ReportsCorresponding Policy 225: Administrative Reports**A. Administrative Reports Due Dates**

Administrative reports shall be completed within 30 days of assignment except as provided elsewhere in this Manual. Extensions to due dates may be granted only by a bureau or division commander. When an extension to an accident/pursuit review is granted, the Internal Affairs Bureau shall be notified of the length of the delay.

Except as otherwise specifically provided, staff review of completed administrative reports should be completed within five working days of receipt.

Department SecurityCorresponding Policy 227: Department Security**A. Building Security**

No person shall be permitted access to any police facility unless he/she has lawful business that requires access.

Exterior doors to HQ and all district stations shall be closed and locked at all times with the exception of the lobby doors. The lobby doors shall remain unlocked during normal business hours for public access.

Restricted Areas

Designated areas of the Department are considered restricted and members shall observe the regulations pertaining to the limited access to those areas. Areas considered to be accessible to authorized members only are:

- ComCen;
- Computer room;
- PECS;
- Internal Affairs Bureau;
- Office of the Chief of Police;
- Personnel Bureau;
- Fiscal Affairs Bureau;
- Special Investigations Bureau;
- Street Violence Bureau;
- Planning & Research Bureau;
- *Training Bureau;*
- *Crime View Bureau;*
- *ISB;*
- *Magec;*
- *Background Investigations Unit;*
- *Pine Street Facility;*
- *Skywatch;*
- CLO/PLO;
- Patrol Division offices;
- Armory; and
- Records Bureau.

Authorized members are regarded as those members who work directly in these areas, and/or are responsible for the supervision and/or direction of that area. Others requiring entry into a restricted area shall only enter upon approval by the restricted area's supervisor.

Members shall observe signs designating an area as "Authorized Personnel Only" and shall not enter a restricted area unless permission is granted by the supervisor in charge of that particular area.

B. Member Access

Headquarters

Members are prohibited from using the Mariposa Mall (lobby entrance) when reporting for work. Members may enter through the Mariposa Mall doors only when returning to HQ after conducting Department business.

City Hall Annex

Members may use any entrance to the City Hall Annex. All exterior doors shall be kept closed and locked at all times,

The upstairs double doors to the Administrative Services Division, Support Division and Special Operations Division, shall be kept locked at all times unless personally attended by a member.

C. Visitor Access

Public Access

The public may enter HQ through the Mariposa Mall entrance and contact the Records Bureau window for assistance. Members and volunteers assigned to the Records Bureau window shall determine the needs of the person and direct them accordingly.

City Employee Access

Employment by the City is not, by itself, sufficient cause for entry into HQ. City employees shall be screened as to their lawful business prior to entry.

D. Challenge of Unauthorized or Wandering Persons

Members shall challenge any person not identified as provided in this policy who is observed in secure portions of Department buildings. Those persons found to be present without authorization shall be escorted to the lobby *guard* for screening.

Members shall contact any persons inside the building who appear unsure of where they are going and direct them to the place where their business is to be conducted.

Use of Force

Corresponding Policy 300: Use of Force
CALEA 1.3.5, 1.3.6

A. Reasonableness of Force

It is the policy of the Department that officers shall use only that amount of force that reasonably appears necessary, given the facts and circumstances perceived by the officer at the time of the event, to effectively bring an incident under control.

"Reasonableness" of the force used must be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any interpretation of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving about the amount of force that is necessary in a particular situation.

The following factors should be taken into consideration before force is used:

- The conduct of the individual being confronted;
- Influence of drugs/alcohol (mental capacity);
- Proximity of weapons;
- Training and experience of the officer;
- Potential for injury to citizens, officer, and suspects;
- Risk of escape;
- Other exigent circumstances;
- Officer/subject factors (age, size, relative strength, skill level, injury/exhaustion, etc.);
- Time and circumstances permitting, the availability of other options; and
- Seriousness of the suspected offense or reason for contact with the individual.

C. Reportable Force Defined

Reportable force has occurred when:

- Members (including canines) use force and a person is injured;
- Members strike a person with a body part (e.g., fist, foot, elbow, etc.) or any object (e.g., flashlight, clipboard, etc.); or

- Members use (not merely display) a Department issued weapon (e.g., baton, chemical agents, Taser™, less-lethal, shotgun, firearm, etc.) against another.

When any member subjects someone to the use of reportable force, he/she shall immediately notify a supervisor.

D. Notification to Supervisors

A supervisor will be notified as soon as practicable following the application of force under any of the following circumstances:

- The application of force appears to have caused physical injury;
- The individual has expressed a complaint of pain; or
- The individual has been rendered unconscious.

E. Documentation of Reportable Use of Force

Members shall document all of the following information when reportable force occurs:

- Reason for the initial contact;
- Environmental conditions;
- Subject's behavior that required the use of force;
- Type of force used;
- If the initial force used was adequate or if repeated applications were required and level of resistance;
- If equipment functioned properly;
- If the subject attempted to take control or took control of the officers' weapons;
- If the officer/subject was injured;
- Witness statements; and
- If a supervisor was on scene when the reportable force was used.

Shooting PolicyCorresponding Policy 304 : Shooting Policy**A. Use of a Firearm**

An officer may resort to the use of a firearm when it is the level of force that is objectively reasonable and appears to be necessary. *The intentional discharge of a firearm at an individual, with the exception of those firearms dedicated to less lethal munitions, constitutes deadly force.* Deadly force is force that creates a substantial risk of causing death or serious bodily injury. An officer may use deadly force:

- To protect himself/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury;
- To affect the arrest or prevent the escape of a suspected felon in the following circumstances:
 - Where the officer has probable cause to believe the suspect has committed a felony involving the infliction or threatened infliction of serious bodily injury or death; and
 - The officer reasonably believes there is a substantial risk of serious bodily injury or death to others if the suspect is not immediately apprehended.
- To stop a dangerous or threatening animal;
 - In circumstances in which officers have sufficient advanced notice that a potentially dangerous domestic animal(e.g. dog)may be encountered, such as in the serving of a search warrant, officers should develop reasonable contingency plans for dealing with the animal without the use of deadly force (e.g. Fire extinguisher, Taser™, OC Spray, animal control officer). Nothing in this procedure shall prohibit any officer from resorting to deadly force to control a dangerous animal if circumstances reasonably dictate that a contingency plan has failed or becomes impractical. Supervisors shall complete a memo through their chain of command outlining the circumstances and justification for the discharge of a firearm at a dangerous animal.
- For target practice and qualifying at an approved range; and
- To euthanize an animal when it is in the best interest to the animal or public safety.

Officers shall, when practical, identify themselves and state their intention to shoot before using a firearm.

Definitions:

Reasonable Belief - The facts or circumstances the officer knows, or should have known, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstance.

Serious Physical Injury - A bodily injury that creates a substantial risk of death; causes serious or permanent disfigurement; a wound requiring extensive suturing; or results in long-term loss or impairment of the functioning of any bodily member or organ.

Warning Shots

Warning shots are permitted when the situation presented would otherwise justify the use of deadly-force and are:

- Only permitted where it provides the potential ability to diffuse an escalating and potentially life-threatening incident; and
- Never required prior to the use of deadly force.

Moving Vehicle

Shooting at or from moving vehicles is rarely effective and can be hazardous to both innocent persons and officers. In isolated situations, circumstances may justify shooting at or from a moving vehicle. Department members should avoid maneuvering into the path of a moving vehicle and should move out of the path of a moving vehicle rather than attempt to fire at the vehicle or its occupants.

B. Report of a Firearm Discharge

Except during training, any member who discharges a Department issued or authorized firearm accidentally or intentionally, on or off-duty, shall make a verbal report to an on-duty supervisor as soon as circumstances permit. Supervisors will comply with Policy & Procedure §310 in regards to an accidental discharge.

Vehicle TheftsCorresponding Policy 305: Vehicle Thefts**A. Preliminary Investigation**

Members shall determine if the payments are current and there is no possibility of repossession.

- Where repossession is possible, members shall contact the Records Bureau to determine if the vehicle has been reported as repossessed (Vehicle Code §28).
- No report is written when a vehicle has been repossessed.

Members shall determine the location from which the vehicle is missing.

- When the location is on private property or another area where the vehicle might have been illegally parked, members shall attempt to determine if the vehicle was impounded for a parking violation.
- Members shall contact the Records Bureau to check the list of vehicles removed from private property and shall check with the ComCen to determine if a tow truck had been dispatched to the location of the missing vehicle on an illegal parker call.

Petty TheftsCorresponding Policy 307: Petty Thefts**A. ComCen Responsibilities**

The Emergency Services Dispatcher (ESD) receiving a call of a petty theft from a commercial establishment shall screen the call using the criteria listed in the Policy Manual § 307.1.

1. When the call does not meet the crime report criteria, the ESD should determine if the reporting party (RP) is aware of the mail-in report process.
2. When the RP is not familiar with the process or has no mail-in report cards, a member shall be dispatched to supply the RP with the cards and advise on their use.
3. When the RP is aware of the procedure, he/she shall be advised to submit the card. A broadcast of suspect and suspect vehicle information should be made by the ComCen.

B. Reporting Procedures

Members shall prepare a crime report on petty thefts of gasoline, beverages, food, cigarettes, etc. from businesses only when:

- A suspect is in custody; or
- There is any information that may result in identification of the suspect (i.e. a vehicle license plate); or
- There is evidence of another crime present which requires reporting.

C. Store Security Arrests of Adults

When an adult is arrested by a member of a store security unit that utilizes the standardized Merchant Petty Theft Report, a copy of the report may serve as the crime report (CR) (in cases of petty theft only).

Officers shall:

1. Verify the identity of the arrestee;
2. Initiate a check for wants (i.e., parole, warrant, DCB);
3. Review the report for completeness;
4. Place their name on the report as the "Assigned Officer";
5. Issue a citation (when an ink pad is available the arrestee's right index fingerprint shall be placed on the back of the citation hard copy); and
6. Turn the citation and CR into Records.

When the arrestee is wanted for an offense other than the petty theft, officers shall issue a citation for the petty theft when the other offense involves a fee exempt booking or a citable misdemeanor (a supplemental report is required for a citable misdemeanor).

Officers shall complete a CR for any other offense(s) and the Merchant Petty Theft Report shall become an attachment to the CR with "Attachment" written in the top margin of the face page.

D. Store Security Detentions/Arrests of Juveniles

When a juvenile is detained/arrested by a member of a store security unit that participates in the Merchant Petty Theft Program, the security officer will complete a Juvenile Arrest Report (JAR).

E. Mail-In Reporting

Gas stations, restaurants, and convenience stores may be offered "Petty Theft Cards" which shall only be used to report the theft of gasoline, food, beverages or cigarettes.

This program shall only be used when the criteria in the Reporting Procedure section are not met.

Force OptionsCorresponding Policy 308: Force Options**A. Use of Force Options**

When a decision has been made to restrain or arrest a suspect, approved force options may only be used when its use appears reasonable under the circumstances.

The safety of hostages, innocent persons, and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.

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

Use of force may be used to:

- Restrain or arrest a violent or threatening suspect; or
- Reduce altercation related injuries to officers and suspects.

B. Use Considerations

The following should be considered for use:

- Severity of the crime or incident
- Subject's capability to pose an imminent threat to the safety of officers or others
- Type of munitions employed
- If the subject is actively resisting arrest or attempting to evade arrest by flight
- The subjects actions dictate the need for an immediate response and the use of control devices appears appropriate
- The proximity of weapons available to the subject
- The subjects physical factors (e.g., age, size, relative strength, skill level, injury/exhaustion, number of officers present)
- The availability of other force options and their possible effectiveness
- Distance and angle of target
- Type and thickness of subject's clothing

C. Force Options

Members must demonstrate proficiency in all Department authorized weapons that they are approved to carry.

Weapons of Necessity

Due to the immediacy with which a member must apply force, together with the absence of time and/or physical ability of the member to select alternative methods, it may be objectively reasonable for the member to apply that method of force most readily available that will affect the desired results.

Vehicles as Weapon

The intentional striking of any person on foot with a motorized vehicle, regardless of the speed involved, shall be considered as the use of deadly force.

E. Use of Force Training/Certification

At least annually, members authorized to carry weapons shall receive in-service training on the Department's use-of-deadly force policies and demonstrate proficiency with all approved deadly weapons that the member is authorized to use. In-service training for less lethal weapons shall occur at least every two years. Proficiency training shall be conducted by a certified weapons instructor.

Weapon Safety

Officers shall never draw or display weapons unnecessarily, or draw them in any public place except for official use.

The drawing, displaying, and firing of weapons are limited to range training and actual field situations. Actual weapons capable of firing shall not be used in simulated training exercises. When weapons are necessary to simulate police tactics, the Department will utilize trainer weapons that are incapable of being fired.

Exceptions to these weapons safety requirements are:

- SWAT training simulations, due to the specialized weaponry utilized by SWAT personnel, combined with their increased level of training (This exception shall not relieve SWAT personnel from exercising sound weapons safety);

- Department sanctioned and properly supervised simunitions training; or

- Department sanctioned and properly supervised training utilizing other Department approved training munitions.

Lost/Stolen/Found BicyclesCorresponding Policy 311: Lost/Stolen/Found Bicycles

Lost, stolen, and found bicycles will be reported consistent with the procedures for Synoptical Reports. When identifiable suspect information is present, a crime report will be completed

A. Stolen Bicycle System (SBS)**Required Information - Entries And Queries**

The member documenting a bicycle case shall obtain the following minimum information which is required for a bicycle to be entered into the SBS:

- **Type:** Boys, girls or undefined (used for unicycles, tandem bicycles or tricycles);
- **Speed:** Single, two-speed, ten-speed, etc;
- **Serial Number:** This is the frame number, NOT the model number. When a victim or the investigating member cannot differentiate between the frame and model numbers, both shall be included in the report;
- **Brand;** and
- **Color.**

Additional descriptive data may be entered in SBS to further identify the bicycle.

When persons reporting bicycle thefts, etc., are unable to supply any of the mandatory information needed for SBS entry, they shall be instructed to contact the Department should they locate the required information.

B. Lost Bicycles

Where it is determined that a bicycle has been misplaced or lost a Synoptical Report shall be completed. When the serial number is available, a teletype entry containing the mandatory information shall be completed.

C. Found/Abandoned Bicycles

Prior to booking found or abandoned bicycles, they shall be checked through SBS and the results shall be noted in the Synoptical Report.

Members investigating found bicycle cases shall inform RP's of their right to claim the bicycle (Procedure Manual § 804).

D. Teletype Entries

Members shall complete a teletype entry for all bicycle reports where the mandatory information is known.

Counterfeit CurrencyCorresponding Policy 313: Counterfeit Currency**A. Counterfeit Note – Passer Not Present**

When a business discovers a counterfeit note (U.S. currency) and the person who passed the note is not present, the RP should be instructed to contact the Secret Service for dispositional instructions.

When the passer is known and no longer present, that information should be forwarded to the Secret Service.

D. Other Counterfeit Documents

Investigation of counterfeit or false documents enumerated in PC § 476, other than U.S. currency, are the responsibility of the Department. Such cases shall be investigated under the same guidelines as other criminal offenses.

Domestic ViolenceCorresponding Policy 320: Domestic Violence

The official Department response to cases of domestic violence shall be to stress the enforcement of the laws, to protect the victim, and to communicate the attitude that violent conduct in the home is criminal behavior and will not be tolerated.

A. Definitions

Abuse - Intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury.

Domestic Violence - Abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or a person with whom the suspect has had a child or is having or has had a dating or engagement relationship.

Cohabitant - Two unrelated adult persons living together for a substantial period of time, resulting in some permanence of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

- Sexual relations between the parties while sharing the same living quarters;
- Sharing of income or expenses;
- Joint use or ownership of property;
- Whether the parties hold themselves out as husband and wife;
- The continuity of the relationship; and
- The length of the relationship.

The above definition of cohabitant is used for the application of enforcing PC §273.5. Family Code §6209 expands the definition of cohabitant to include a person who regularly resides in the household for the application of enforcing PC §836(d).

B. Dominant Aggressor

In responding to domestic violence incidents, officers shall make reasonable efforts to identify the dominant aggressor in any incident. The dominant aggressor is the person determined to be the most significant, rather than the first, aggressor. In identifying the dominant aggressor, an officer shall consider:

- The intent of the law to protect victims of domestic violence from continuing abuse;
- The threats creating fear of physical injury;
- The history of domestic violence between the persons involved; and
- Whether either person acted in self-defense.

C. Felony Arrests

In accordance with state law, an arrest should be made when there is probable cause to believe a felony has occurred.

D. Misdemeanor Arrests for Domestic Violence

Police officers may make an arrest without a warrant for a misdemeanor assault or battery not committed in his/her presence when it is committed upon:

- A current or former spouse
- A current or former cohabitant (Family Code §6209 definition)
- A fiancé or fiancée
- A person with whom the suspect currently is having or has previously had an engagement or dating relationship

- A person with whom the suspect has parented a child
- A child of the suspect or a child of one of the above listed categories
- Any person who is 65 years of age or older and who is related to the suspect by blood or legal guardianship

Both of the following conditions must be present in order to make an arrest in this situation pursuant to PC §836(d):

- The peace officer has probable cause to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed
- The peace officer makes the arrest as soon as probable cause arises to believe that the person to be arrested has committed the assault or battery, whether or not it has in fact been committed

There is no specific time frame in which an arrest for the above violations may be made. However, it has been determined that the authority to arrest continues during the time the officer is still actively investigating the case and/or attempting to locate the violator throughout the course of that officer's work shift. Since this arrest authority does not carry on indefinitely, officers shall not place suspects who are wanted only on misdemeanor domestic violence charges on broadcast sheets, nor on the DCB.

E. Field Release (Cite & Release)

A field release may not be used and a physical arrest should be made when there is a reasonable likelihood that the offense may continue or resume, or that the safety of persons or property would be imminently endangered by releasing the arrested person in the field (PC §853.6). Cite & releases will be done in accordance with Policy/Procedure §420.

F. Private Persons Arrest

Officers will advise the victim of his/her right to make a private person's arrest when a crime has been committed outside the officer's presence which does not meet the requirements for an officer initiated arrest either because it is not a felony or a qualifying misdemeanor offense under PC §836(d). Advisements regarding private person's arrests should be held out of the presence of the suspect. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions of Procedure § 364 for further options regarding the disposition of private person's arrests.

G. Suspect Not Present

In domestic violence cases where the suspect has left the scene, an investigation should be conducted to determine if a crime has been committed. In such circumstances a report shall be completed and the victim shall be informed of the case number and the follow-up criminal procedure [PC §§13730(c) and 13701(c)].

H. Supervisor Responsibilities

A supervisor shall respond to any incident of alleged domestic violence involving a law enforcement officer from the Department or any other law enforcement agency. When an employee is involved as victim or a suspect, the Domestic Violence Unit supervisor shall be notified.

The following tasks shall be completed by the on-scene supervisor:

- The involved officer's chain of command shall be notified;
- If the accused is a sworn member, a supervisor above the rank of the accused shall be requested to the scene to supervise the investigation and make appropriate notifications;
- In a case where the Chief of Police is the accused, the City Manager shall be notified;
- The Domestic Violence Unit supervisor shall be notified and will determine if an investigator should respond to the scene;
- The officer's duty weapon will be removed when appropriate;
- The Department's legal advisor shall be notified;
- A confidential unusual will be completed; and
- When a peace officer from another agency is involved, the on-scene supervisor shall notify the district, assistant district, or field commander, who shall make phone notification to the involved officer's agency as soon as practical.

I. Mandatory Notifications

Members shall contact the Domestic Violence Unit supervisor to determine the need for response or involvement by a follow-up investigator for incidents involving any of the following circumstances:

- Domestic violence involving serious injury and the victim will be admitted into the hospital;
- Domestic violence involving a Department employee as the victim or suspect; or
- Domestic violence offenses that will become high profile which may cause media inquiries early in the investigation.

J. Reporting Procedures

Officers shall ensure they make the victim(s) confidential by checking the appropriate check boxes in RPW. The "Domestic Violence" checkbox in RPW shall be checked as well as indicating the report is a domestic violence incident in the Case Factors.

Children in common, or who are present in the home, should be listed in the report.

The system will generate a Controlled Document using the listed confidential information. Confidentiality is not necessary when both parties are listed as victims, suspects or involved parties.

Department members shall also accept and provide written documentation for all calls or reports, including those made anonymously, of domestic violence involving peace officers. These reports shall be turned into records as a "restricted" report and shall maintain that status until the investigation has been completed. This Department's Domestic Violence Investigation Unit shall also deliver a written copy of reports involving peace officers from different agencies to the involved officer's agency.

In addition, domestic violence reports must also specifically include:

- A notation as to whether the officer(s) who responded to the domestic violence call observed any signs that the alleged abuser was under the influence of alcohol or a controlled substance;
- A notation as to whether any law enforcement agency had previously responded to a domestic violence call, including incidents involving violations of domestic violence restraining orders, at the same address involving the same alleged abuser or victim (PC §13730). This mandate may be accomplished by checking MDS data bases and/or through information received from involved parties.
- A notation as to whether or not children were present;
- A specific description of any weapon(s) used; and

- A notation if the officer found it necessary, for the protection of the officer or other persons present, to inquire from the parties whether a firearm or other deadly weapon was present (PC §13730).

K. Evidence

Weapons

Suspects often use objects (e.g., beer bottle) and/or weapons to commit assaults. All objects and weapons used in the commission of crimes should be booked into evidence. If an object/weapon is not booked, the officer must provide sufficient reason in the police report.

Suspect Photographs

Officers investigating a felony domestic violence incident with the suspect at large shall request from the victim a photograph of the suspect.

- The officer shall request the victim to point out the suspect in the photograph.
- The photograph shall be labeled with the CN and officer's initials.
- A copy of the photograph shall be turned in with the original report and the photograph shall be booked into evidence.

If no photograph is available the victim may view an RMS mug photo and identify that photo by name and as the person responsible for the crime.

If no photos are available, unique tattoo or scar information shall be documented in the narrative of the report as being provided by the victim to identify the suspect.

M. Return of Firearms

When a firearm is seized and the involved person/suspect inquires how to get their firearm/weapon back, officers shall refer the involved person/suspect to the listed directions on the form.

N. Victim Assistance

During the course of investigating and reporting domestic violence cases, an officer may assist a victim in many ways. Some required methods of assistance are:

- Assist in obtaining appropriate medical attention if a complainant claims injury, whether visible or not;
- Assist in arranging to transport the victim to an alternate shelter if the victim expresses a concern for their safety, or the officer determines a need exists;
- Stand by for a reasonable amount of time when a victim/suspect requests police assistance while removing essential items of personal property;
- Explain legal options available to the victim including the private person's arrest process, temporary restraining and stay-away orders, and in cases of arrest, the follow-up procedures and ensuing criminal proceedings; and
- Advise the victim of available community resources and the State Victim Assistance Program.

For additional victim assistance, officers may request a FFIT (Fresno Family Intervention Team) Volunteer. Statistics indicate that victims are more likely to assist with prosecution and to seek services the sooner they meet with an advocate. FFIT is a collaborative effort between the FPD (utilizing the Citizens On Patrol), Child Protective Services, and advocates from the Marjaree Mason Center to provide immediate assistance to the victim.

O. Domestic Violence Information Form

In all cases of domestic violence, whether an arrest is made or not, investigating officers shall furnish the victim with a copy of the Domestic Violence Victim Information Form and shall orally instruct the victim on its contents (PC §§13700-13701). This form shall include the report number of the investigation as a reference for the victim to contact Domestic Violence Unit detectives at a later time.

P. Prosecution Follow-Up

Officers investigating a felony domestic violence case shall advise the victim that it is no longer necessary to contact the DA's office for charges to be filed. The DA's office will seek charges in these cases without a victim's request.

In misdemeanor domestic violence cases where the suspect has not been arrested or cited, the victim shall be advised of the DA complaint process.

Q. Tenancy Issues

- Officers may request a person who is not in lawful possession of the premises to leave when:
 - The complainant is in lawful possession of the premise (as exhibited by rent receipts, lease, deed, verification by apartment manager, etc.)
 - The complainant has requested that the person leave the premises
- The officer will stand by until the suspect removes essential belongings
- If the suspect does not leave upon request, an arrest should be made under Penal Code §602.5
- If the complainant requesting removal of the suspect cannot show proof of lawful possession, the officer should refer the complainant for a Temporary Restraining Order or other appropriate civil remedy
- If appropriate, a domestic violence situation involving a tenancy issue may be resolved through the proper application for an Emergency Protective Order

R. Court Protective Orders

Various types of restraining orders may be issued by various courts in domestic violence cases. The court orders under PC §13701(b) includes:

- Emergency Protective Order (EPO) - PC §273.6
- Domestic Violence Protective Order - PC §166(c)(1)
- Criminal Court Protective Order - PC §166(c)(1)
- Order to Show Cause and Temporary Restraining Order (TRO) - PC §273.6
- Order After Hearing - PC §273.6

- Restraining Order – Juvenile
- Judgment of Dissolution and Order
- Child Custody Order

S. Emergency Protective Orders (EPO)

EPO's can be issued 24 hours per day, seven days per week.

A judicial officer may issue an EPO whenever a law enforcement officer asserts reasonable grounds that one or more of the criteria listed on the EPO Form is met or there is a potential for continued or escalated violence.

Under PC §646.91, a peace officer may also obtain an EPO when the officer has reasonable grounds to believe that a person or the person's immediate family is in immediate and present danger of being stalked.

- Any such EPO shall be reduced to writing, signed by the officer and include all of the information required by PC §646.91(c).
- Any officer seeking such an order shall serve the order on the restrained person if such person can be reasonably located and shall provide the person protected with a copy of the order. A copy of the order shall also be filed with the court as soon as practicable after issuance
- Any officer requesting such an order shall carry copies of the order while on duty and shall use every reasonable means to enforce the order.

EPO'S may be obtained to prohibit a suspect who resides with a complainant, regardless of their marital status or relationship from continuing a specified behavior or act as described on the EPO form.

Procedures for Issuance of EPO's

A judicial officer shall be contacted, through the Court *Dispatch Center at 457-4999*, regardless of the time of day. *Between the hours of 1800-0600, weekends, and court holidays, calls will be forwarded and processed by Sheriff's Department Communications Center.* The determination of the designated judicial officer to issue or not to issue an EPO will be final.

Note: The temporary inability of FSD dispatch to locate a judicial officer does not relieve officers of their obligations under this section.

In all domestic violence situations, the investigating officer shall ensure that the victim understands the circumstances under which an EPO can be issued, and our policy of seeking an EPO on the victim's behalf anytime there is reason to believe the victim is in immediate and present danger of domestic violence.

The expiration date for EPO's shall be no later than the close of the fifth judicial business day or the seventh calendar day following the day of issuance, whichever comes earliest.

The issuing officer shall inform the person to be protected of:

- The expiration date and time of the EPO; and
- The need to apply to the court for a temporary restraining order beyond that date.

The officer who completes an EPO shall turn the EPO in to the Records Bureau by the completion of their shift.

An EPO shall be served upon the restrained party by the issuing officer when the restrained party can be reasonably located. When the restrained party cannot be located, the issuing officer shall contact the ComCen to have a premise history placed on the affected addresses listing the name of the restrained party and the fact that an unserved EPO is on file in the Records Bureau. The premise history shall include the EPO's date of expiration. When a valid EPO is in effect and proof of service has been verified, the officer shall use every reasonable means to enforce the order.

When an EPO is issued for a child, the officer shall give the child's copy of the EPO to the parent, guardian, or social worker who is retaining custody of the child. EPO processes are the same for a child as for an adult.

Required Reports for EPO with No Crime

When an EPO is issued under circumstances where no crime has occurred, the issuing officer shall:

- Prepare a GIR entitled "EPO" and the "Domestic Violence" box shall be checked;
- The person to be restrained shall be listed as an "Involved Party"; and
- The person to be protected shall be listed as a "Victim".

Note: The race, sex and DOB of the person to be protected shall be indicated next to their name listed in item #1 of the EPO.

Distribution of EPO Forms

- The white copy shall be turned in to the Records Bureau by the end of the work shift;
- One copy shall be provided to the protected party, when present;
- One copy shall be provided to the restrained party, when present; and
- The fourth and any undelivered protected party copies shall also be forwarded to Records.

Records shall maintain a seven-day file of all served and unserved EPO's

Verification of EPO's

Prior to enforcement of an EPO, officers shall determine if the order is valid, by contacting the issuing agency or examining a copy of the order to establish:

- The order has not expired;
- Whether proof of service or prior notice exists or can be established; and
- The terms of the restraining order.

Unserved EPO's

When an officer is in possession of an unserved copy of an EPO and encounters the restrained party within the effective period, he/she shall provide the copy to the restrained party and shall complete the "Restraining/Emergency Protective Order Proof of Service Form".

All other officers encountering unserved restrained parties listed in active EPO's (and other court orders) shall follow the procedures listed above.

T. Restraining Orders

Verification of Restraining Order

Whenever a complainant advises of the existence of a restraining order, the officer shall immediately attempt to determine the following [Code of Civil Procedure §527.8(i)(3)]

- Whether a restraining order is on file with the Department or whether the complainant has a copy of the restraining order in his/her possession;
- Whether there is valid restraining order on file with the Department of Justice Domestic Violence Restraining Order System [Family Code §6383(d)];
- Whether the proof of service or prior notice exists or that the suspect was in court when the order was made; and
- The terms of the restraining order.

In the event the suspect is no longer at the scene, officers shall document the incident for follow up investigation.

Enforcement Procedures

Violation of a restraining order is a misdemeanor under PC §273.6, PC §166(c)(1) or PC §166(4). An arrest shall be made when probable cause exists to believe the subject of a restraining order has violated the order whether or not in the presence of an officer and evidence of proof of service of the order exists.

Proof of service may be established by any one of the following:

- The existence of the order and proof of service to the suspect has been verified by the officer;
- The complainant produces a valid copy of the order bearing a file stamp of a court and proof of service on the suspect;
- The officer has verified the existence of the order and the order reflects that the suspect was personally present in court when the order was made which removes the proof of service requirements; or
- The existence of the order has been verified and there is proof that an officer has previously informed the suspect of its terms.

All valid out-of-state and tribal court restraining and protective orders should be enforced.

U. Service of Restraining Orders & EPO's

When an officer verifies that a restraining order/EPO exists but cannot verify proof of service or prior knowledge of the order by the restrained party, the officer shall, when the restrained party is present:

- Inform the restrained party of the terms of the order;
- Admonish the restrained party that he/she is now on notice and that violation of the order will result in arrest; and
- Prepare a "Restraining/Emergency Protective Order Proof of Service Form".

When the proof of service is being served on an order in possession of the Sheriff's Department and there is no related FPD case number:

- The words "FSD Only" shall be inserted in the upper right hand corner;
- All blanks on the form shall be filled in with the exception of the "For Court Use Only" Box;
- The box labeled "Case Number" shall be used only for the court case number as listed on the restraining order;
- The space provided for the "Department Case Number" shall list the event number assigned to the call;
- The event synopsis shall include the Court Case Number;
- No report other than the Restraining/Emergency Protective Order Proof of Service Form is required when the only action being taken is service of a court order/EPO; and
- Details of the service must be included in the event narrative.

Proof of Service Not Verified

When the officer verifies that a restraining order exists but cannot verify proof of service or prior knowledge of the order by the suspect, the officer shall perform the following:

- At the request of the complainant and upon presentation of an endorsed copy of the restraining order and a proof of service form, serve a copy of the order on the suspect. Submit the completed proof of service form to the court, regardless of whether or not the suspect is taken into custody [Code of Civil Procedure §527.8(i)(2)];
- Immediately inform the suspect of the terms of the order and place the suspect on notice that violation of the order will result in arrest;
- Obtain the suspect's address; and
- Enforce the order but do not make an arrest for any violation of the order occurring prior to verifying the proof of service or before an officer's admonition of the terms of the order. If the suspect continues to violate the order after being advised of the terms, an arrest should be made [Code of Civil Procedure §527.8(i)(4)].

If the suspect complies with the order the officer shall complete a report detailing the specific terms of the order and advisement, the name of the advising officer, and the date and time of the advisement

[PC §13730(c)]. The Department copy of the restraining order shall be updated to reflect the information listed above.

When Orders are Not Verifiable

If the victim is not in possession of the restraining order and/or for any reason the officer cannot verify the validity of the order the following action shall be taken:

- Write a report; give the case number to the victim; and
- Inform the victim of how they can contact the appropriate detective or investigative unit for further action [PC §13730(c)].

V. Court Orders

Stay-away orders are issued in criminal cases when the probability of victim intimidation exists. Violation of a stay-away order is a misdemeanor under PC §166(c)(1). Witness intimidation is also a violation of PC §136.1 and potentially a violation of PC §422. Examples of witness intimidation include attempting to prevent or dissuade a victim from attending or giving testimony at any proceeding, or using force or expressing or implying a threat of force or violence related to the court proceeding.

Officers will use the same guidelines for verification and enforcement of stay-away orders as listed in Procedure §320T.

W. Officer Involved Restraining Orders

All sworn members of this Department who are the subject of an EPO, TRO, or Stay Away Order regarding family violence shall immediately provide an on duty supervisor with a copy of the order.

The supervisor shall then advise the involved officer's immediate supervisor, complete a Confidential Unusual Report and forward it with a copy of the EPO or TRO, via the chain of command, to the involved officer's Division Commander.

Notifications should be made as deemed appropriate by the on duty supervisor depending on the severity of the situation.

Field ContactsCorresponding Policy 321: Field Contacts

A contact with any member of the public may be classified as a consensual contact, detention, or an arrest.

A. Consensual Contacts

A consensual contact is a contact between an officer and an individual which is strictly voluntary. The key element is that the person remains totally free to leave or not cooperate.

Examples of consensual contacts include members inquiring about identity, requesting identification or running a warrant check on the subject contacted.

Consent Searches

A member shall not conduct a search during a consensual contact unless the member receives voluntary consent from the person to be searched.

Voluntary consent means:

- The person has been advised by the officer of the scope or extent of the search, and the person has agreed to the search; or
- Evidence of a crime or contraband is in plain view in the possession of the subject contacted, allowing for immediate seizure of the item; or
- A search is justified by articulable officer safety reasons.

B. Detentions

The purpose of a detention is to determine whether or not suspicious behavior is innocent or relates to crime. A detention occurs whenever a member, through some form of physical force or show of authority, compels a person to stay during a field investigation of some potentially criminal act.

Prior to detaining a person, the member must have a reasonable suspicion, based on articulable facts, that:

- Criminal activity may have or will occur;
- The person detained is connected with that possible criminal activity;
- Evidence of a crime or contraband is in plain view in the possession of the subject contacted, allowing for immediate seizure of the item; or
- A search is justified by articulable officer safety reasons.

Under current law, members do not have to provide Miranda warnings during an interview of someone who is lawfully detained based on:

- Reasonable suspicion;
- A "cite and release" offense;
- Inquiries, concerning identity, made during a detention;
- Officer Safety issues; or
- Information you receive from an eyewitness, victim, fellow police officer, dispatcher, or--if accurate--other official channels. This information is generally considered reliable and as such can be the sole basis for a detention as long as the detention is reasonably related to the information obtained.

Reasonable Force To Effect A Detention

A detainee has no right to resist a lawful detention.

Members may use reasonable force to affect the detention.

If a lawful detention or an arrest has begun in a public place members may, given due consideration for officer safety, pursue the detainee into the premises under the hot or fresh pursuit doctrine to recapture that person.

Physical Restraint

Members shall include the conduct or statements of the detainee, as well as other pertinent factors which gave rise to the application of physical restraint or force in the appropriate report when such is required under any provision of the Policy Manual.

Limitations On Detentions

Members shall not detain a person longer than is reasonably necessary to conduct the investigation.

Members shall not transport a detainee to another location absent:

- The person(s) voluntarily consents; or
- There are articulable factors that make it unsafe for the member or detainee to stay at that location; or
- There are specific circumstances, such as the medical condition of a victim, which make it impractical to bring that person to the location where the detention occurred.

C. Field Interviews

FI Cards shall be completed with all pertinent information and turned in at the end of the member's shift.

Members shall ensure that the FI Card, where appropriate, is routed to the appropriate unit (e.g. route to MAGEC where gang activity/involvement is suspected.)

D. Reference

RCTB 07-07

Temporary Custody of JuvenilesCorresponding Policy 324: Temporary Custody of Juveniles
CALEA 44.2.1, 44.2.2, 44.2.3

Members who deal with juvenile offenders shall use the least coercive among reasonable alternatives available (reprimand & release, citation, arrest) that are appropriate under the circumstances. Refer to Policy § 351.

A. Definitions

Juvenile refers to a person under the age of 18 years, whether married or not.

Minor refers to a person who has not reached the age of majority (i.e., 21 years).

Victim - Juveniles who fall under the auspices of WIC § 300 (dependent juveniles), shall be referred to as "victims."

Suspect - Juveniles who fall under the auspices of WIC § 601 (non-criminal delinquency) or WIC § 602 (criminal delinquency), shall be referred to as "suspects."

When any question exists as to whether a suspect is a juvenile or adult, members shall attempt to resolve the issue before any enforcement action (i.e., arrest or citation) is taken. When members are unable to positively confirm the age of a suspect, and the suspect's appearance does not suggest age under 18, the suspect shall be handled as an adult.

B. Constitutional Rights Advisement

In any case where a juvenile is taken into temporary custody, the juvenile should be promptly advised of his/her Constitutional rights to ensure the admissibility of any spontaneous statements, whether or not questioning is intended (WIC § 625).

C. Juvenile Contacts at School Facilities

Officers should make every reasonable effort to notify school officials prior to contacting a student on campus while school is in session.

- Reasonable efforts should be taken to coordinate with school officials to minimize disruption of school functions and maintain a low profile police presence when contacting a student.
- When circumstances warrant the temporary detention or formal interview of a juvenile student on campus, the officer should:
 1. When practical and when it would not unreasonably interfere with the investigation, take reasonable steps to notify a parent, guardian, or responsible adult, including those phone numbers listed on any contact card on file with the school or provided by the student. All efforts to make contact with parents and/or reasons contact was not attempted should be documented;
 2. Proceed with the formal interview if efforts to contact a parent, guardian, or responsible adult are unsuccessful or not attempted. Upon the request of the juvenile, a school official may be present during the interview in lieu of a parent; and
 3. When contacted, permit the selected parent, other responsible adult or school official to be present during any interview.
 - a. An adult suspected of child abuse or other criminal activity involving the juvenile, or an adult who, in the opinion of the officer appears to be under the influence or otherwise unable or incompetent to exercise parental rights on behalf of the juvenile, will not be permitted to be present.
 - b. If the officer reasonably believes that exigent circumstances exist which would materially interfere with the officer's ability to immediately interview the juvenile, the interview may proceed without the parent or other responsible adult. In such circumstances, the exigent circumstances should be set forth in a related report.

Any juvenile student 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 school staff to be present. The purpose of the staff member's presence is to provide comfort and support and such 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).

D. Curfew Violations

Juveniles detained for curfew violations may be released in the field to their parent, legal guardian, or responsible adult.

E. Citizen Arrest

When an officer is presented with a citizen arrest of a juvenile, the officer may arrest and bypass the citizen arrest procedure per WIC § 625.

G. Temporary Custody

No juvenile may be held in temporary custody at a Fresno Police Department facility without authorization of a supervisor. An individual taken into custody for WIC §§ 300 or 601 shall be processed as soon as practical.

Juveniles detained under WIC § 602 may not be held at a Fresno Police Department facility for more than six hours from the time of arrival at the facility. If the six-hour time limit has expired, the juvenile should be transported to juvenile hall or released.

When a juvenile is taken into custody, the following steps shall be taken by the arresting officer or the detective assigned to the case:

- Once the detained juvenile has been placed in secure or non-secure custody, complete the Juvenile Detention Log located in the SVB office;
- Take immediate steps to notify the juvenile's parent, guardian, or a responsible relative that such juvenile is in custody and provide the location where the juvenile is being held and the intended disposition (WIC § 627); and
- Submit a completed report for approval.

Status offenders and abused or neglected children (juveniles falling within provisions of WIC §§ 300 and 601) may not be detained in police jails or lockups. They may be taken to welfare workers but may not be held in a secured environment or come into contact with adults in custody in the station.

Temporary Custody Requirements

Juveniles held in temporary custody shall have the following made available to them:

- Access to toilets and washing facilities;
- One snack upon request during term of temporary custody if the juvenile has not eaten within the past four hours or is otherwise in need of nourishment. The snack shall be provided by the arresting officer or as directed by a supervisor;
- Access to drinking water;
- Privacy during visits with family, guardian, or lawyer;
- Immediately after being taken to a place of temporary confinement, and except where physically impossible, no later than one hour after being taken into custody, advise and provide the juvenile an opportunity to make at least three telephone calls within one hour of being taken into temporary custody.
The telephone calls must be made to a parent, guardian, responsible relative, employer, or an attorney. (WIC § 627 and PC § 851.5); and
- Blankets and clothing necessary to ensure the comfort of the juvenile (clothing shall be provided by the Department if the juvenile's clothing is taken as evidence or is otherwise unsuitable or inadequate for the continued wear while in custody).

Non-Contact Requirements

There shall be no contact between juveniles held in temporary custody (either non-secure or secure detention) and adult prisoners who are detained except as provided below (WIC § 208, Title 15 California Code of Regulations 1544, 1546)).

Contact between juveniles in temporary custody, both secure and non-secure, and adult prisoners shall be restricted as follows:

- There will be no communication between the juvenile and adult prisoners allowed
- If an adult prisoner, including an inmate worker, is present with the juvenile in the same room or area, a Fresno Police Department employee trained in the supervision of inmates shall maintain a constant side-by-side presence with either the juvenile or adult prisoner to assure there is no communication between the juvenile and adult prisoner
- Situations in which a juvenile and adult prisoner may be in the same room or corridor shall be limited to:
 - Booking;
 - Medical screening; and
 - Movement of persons in custody within the Fresno Police Department.

Juvenile's Personal Property

The officer placing a juvenile into a detention room must make a thorough search of the juvenile's property. The property shall be inventoried in the juvenile's presence and sealed into the property bag. The property will be maintained by the responsible member until the juvenile is released from the custody of the Department.

H. Types of Custody

Non-Secure Custody

Non-secure custody means juveniles shall be placed in an unlocked room or open area. Juveniles may be handcuffed, but not to a stationary or secure object.

Juveniles not meeting the criteria to be placed in a locked detention room, or any juvenile under the age of 14-years taken into custody for a criminal violation, regardless of the seriousness of the offense, may be temporarily detained in the police facility however the custody must be non-secure.

Juveniles shall receive constant personal visual supervision by law enforcement personnel. Monitoring a juvenile using audio, video or other electronic devices does not replace constant personal visual supervision.

Secure Custody

A juvenile may be held in secure detention in a holding cell, if the juvenile is 14-years of age or older and, if in the reasonable belief of the peace officer, the juvenile presents a serious security risk of harm to self or others, as long as all other conditions of secure detention set forth below are met.

Any juvenile in temporary custody who is less than 14-years of age, or who does not, in the reasonable belief of the peace officer, present a serious security risk of harm to self or others, shall not be placed in secure detention, but may be kept in non-secure custody in the facility as long as all other conditions of non-secure custody are met (WIC § 602, Title 15 California Code of Regulations 1545).

- In making the determination whether the juvenile presents a serious security risk of harm to self or others, the officer may take into account the following factors:
 - Age, maturity, and delinquent history of the juvenile;
 - Severity of the offense(s) for which the juvenile was taken into custody;
 - Juvenile's behavior, including the degree to which the minor appears to be cooperative or non-cooperative;
 - The availability of staff to provide adequate supervision or protection of the juvenile; and
 - The age, type, and number of other individuals who are detained in the facility.
- A juvenile may be locked in a room or secured in a detention room subject to the following conditions:
 - Juvenile is 14-years of age or older;
 - Juvenile is taken into custody on the basis of having committed a criminal law violation as defined in WIC § 602;
 - Detention at this facility does not exceed six hours from the time of arrival at the police station, when both secure and non-secure time is combined;
 - Detention is for the purpose of giving the officer time to investigate the case, facilitate the release of the juvenile to parents, or arrange transfer to FCJH; and
 - The officer apprehending the juvenile has reasonable belief that the juvenile presents a "serious security risk of harm to self or others."

Secure Detention of Juveniles

While in secure detention, juveniles may be locked in a room or other secure enclosure, or otherwise reasonably restrained as necessary to prevent escape and protect the juvenile or others from harm.

- Juveniles held in secure detention outside of a locked enclosure shall not be secured to a stationary object for more than 30 minutes unless no other locked enclosure is available. If a juvenile is secured, the following conditions must be met:
 - A Department member must be present at all times to ensure the juvenile's safety while secured to a stationary object;
 - Juveniles who are secured to a stationary object are moved to a detention room as soon as one becomes available; and
 - Juveniles secured to a stationary object for longer than 30 minutes, and every 30 minutes thereafter, shall be approved by the Sergeant or the designated supervisor and the reason for continued secure detention shall be documented.
- In the event a juvenile is held inside a locked enclosure, the juvenile shall receive adequate supervision which, at a minimum, includes:
 - Constant auditory access to an officer by the juvenile; and
 - Unscheduled personal visual supervision of the juvenile by an officer, no less than every 30 minutes. These checks shall be documented.
- Males and females shall not be placed in the same locked room unless accompanied by an officer.

I. Custodial Interrogation

The member conducting the interrogation should explain to the juvenile and parent/guardian what he/she may expect during the processing and interrogation, including:

- *The procedures of the juvenile justice system (e.g. juveniles release pending hearing, mail notification of hearing date/time/location, etc.); and*
- *The procedures of the Fresno Police Department. (e.g. juvenile processing at HQ, booking vs. cite & release, etc.)*

No more than two members should participate in the interrogation of a juvenile.

During detention/custody, juveniles may be held only long enough for members to investigate the crime, facilitate release of the juvenile to a parent, guardian, responsible relative or adult designated by the parent, or arrange for them to be transported to FCJH.

J. Processing

Juveniles under the age of 10 or those in custody for WIC § 601 shall not be processed under any circumstances.

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 processed and booked.

For all other acts defined as crimes, juveniles may be processed upon the approval from a supervisor giving due consideration to the following:

- The gravity of the offense;
- The past record of the offender;
- The age of the offender; and/or
- The identity of the juvenile is unknown.

K. Dispositions – Reprimand & Release / Citations, Bookings

After an officer has taken a juvenile into temporary custody for a violation of law, the following dispositions are authorized:

- The arresting officer may counsel or admonish the juvenile and recommend no further action be taken (reprimand and release);
- The arresting officer may cite and release; or
- The juvenile may be transferred to FCJH when the violation falls within the provisions of WIC § 602.

Reprimand & Release

Any juvenile not transferred to FCJH shall be released to one of the following:

- Parent or legal guardian;
- An adult member of his/her immediate family;
- An adult person specified by the parent/guardian;
- An adult person willing to accept responsibility, when the juvenile's parents are unavailable as approved by the member's supervisor; or
- Child Protective Services.

Cite & Release

When a juvenile is to be cited for any traffic offense (infraction or misdemeanor), members shall utilize the standard Traffic/Misdemeanor Citation Form.

When a juvenile is to be cited for any non-traffic offense, the Juvenile Arrest Report (JAR) will serve as the citation.

In deciding whether or not to cite a juvenile (as opposed to arresting and booking), investigating officers shall consider the following criteria.

Misdemeanants shall be cited unless the juvenile:

- Has violated a court order;
- Presents an immediate, serious threat to self or others;
- Has no parent/guardian reasonably available to take custody and assume responsibility for the juvenile's appearance;
- Has committed one of the violations listed in VC § 40302; or
- Has a warrant for his/her arrest.

The juvenile shall be arrested and booked when the officer has reason to believe that the juvenile has committed a felony.

Prior to issuing a citation to a juvenile, the arresting officer shall confirm the juvenile's identity and determine whether or not the juvenile has any outstanding wants and/or warrants. Additionally, FCJH shall be requested to conduct a warrant hand search of arrested juveniles.

Juveniles who live outside of Fresno County may be cited if they meet the established citation criteria.

Booking

When booking juveniles age 12 and under, members shall:

1. Take reasonable measures to verify the age of the juvenile;
2. Establish "clear proof" the juvenile suspect was aware of the wrongfulness of his/her actions at the time of the offense (PC § 26); and
3. Notify a field sergeant, who shall respond to meet with the arresting officer prior to booking.

When a juvenile is to be transported to FCJH, the following shall accompany the juvenile:

- A JAR. The JAR shall contain facts sufficient to document the probable cause and necessary elements for each charge/count, before taking the arrestee into the intake area. The JAR shall be used as the PCD that is required for all warrantless misdemeanor or felony bookings of juveniles.
- Juveniles taken into custody under WIC 602 who are going to be booked shall be taken to FCJH with the arresting officer's completed JAR and a Juvenile Detention Disposition Report (JUS 8716). The top section of the Juvenile Detention Disposition Report (Part A for Law Enforcement) shall be completed by the arresting officer at the time a JAR is completed, and only when the juvenile is being booked. With the exception of the Arresting Agency copy (blue in color), the completed DOJ form shall be left at Juvenile Hall with the arrest report (juvenile

petition) for Juvenile Probation. The blue copy shall be attached to the original JAR and submitted to Records as part of the arrest report.

- Any personal property taken from the juvenile at the time of detention

Supervisor's Responsibilities

Prior to juveniles age 12 and under being booked into FCJH, supervisors shall:

- Meet with the arresting officer to determine if booking is appropriate;
- Notify the field commander of the circumstances surrounding the arrest and confirm the decision to book;
- Notify the district or bureau commander of the circumstances surrounding the booking; and
- Ensure the complete and accurate documentation of the incident.

Note: When unusual circumstances exist, the field commander shall contact the Department legal advisor to verify the propriety of the booking.

L. Death of a Juvenile While Detained

In the event of a juvenile's death while being detained at this Department, the District Attorney's Office and the Sheriff-Coroner's Office will conduct the investigation of the circumstances surrounding the death. The Investigative Services Division Commander or his/her designee will conduct an administrative review of the incident.

In any case in which a juvenile dies while detained at FPD facilities, the following shall apply:

- The Chief of Police or his or her designee shall provide to the California Department of Corrections and Rehabilitation a copy of the report submitted to the Attorney General under Government Code § 12525. A copy of the report shall be submitted to the Department of Corrections and Rehabilitation within ten calendar days after the death.
- Upon receipt of a report of death of a juvenile from the Chief of Police or his or her designee, the Department of Corrections and Rehabilitation may within 30 calendar days inspect and evaluate the juvenile facility, jail, lockup or court holding facility pursuant to the provisions of Article 4, Title 15 California Code of Regulations 1341. Any inquiry made by the Department of Corrections and Rehabilitation shall be limited to the standards and requirements set forth in these regulations.
- A medical and operational review of the in-custody death of a juvenile shall be conducted. The review team shall include the following:
 - Chief of Police or his/her designee
 - The health administrator
 - The responsible physician and other health care and supervision staff who are relevant to the incident

M. Release of Information by Superior Court Order

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 Policy Manual. Such releases are authorized by WIC § 827.

N. Discipline of Juveniles

Police personnel are prohibited from administering discipline to any juvenile.

Exception: Juvenile Offender Work Program

Person SearchesCorresponding Policy 325: Person Searches
CALEA 1.2.4

The purpose of this procedure is to establish consistent Department guidelines which conform to Penal Code § 4030 regarding warrantless consent, pat-down, booking and strip searches of individuals.

A. Definitions

Consent Search: This is a search of a person or of a person's belongings used by officers in the field. For a consent search to be valid, the officer must obtain permission from the person to be searched and not exceed the scope of that permission.

Pat Down Search: This is the normal type of search 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 subject, or other subjects.

Booking Search (Searches incident to a lawful arrest): Involves a thorough patting down of an individual's clothing, property and possessions of an arrestee. This search includes all pockets, cuffs, etc., on the clothing are checked to locate all personal property, contraband, or weapons. The prisoner's personal property is taken and inventoried.

Strip Search or Visual Body Cavity Search: This is a search that requires a person to remove or rearrange some or all of his/her clothing to permit a visual inspection of the underclothing, breasts, buttocks or genitalia of such person (Penal Code § 4030(d)(2)).

Physical Body Cavity Search: This is a search that includes physical intrusion into a body cavity. Body cavity means the stomach or rectal cavity of a person, and the vagina of a female person (Penal Code 4030(d)(1) and 4030(d)(3)).

B. Search Protocol

Members of this Department will conduct person searches with dignity and courtesy. When the person to be searched is of the opposite sex of the officer, an officer of the like sex should be summoned to the scene to conduct the search. A search may be undertaken of a member of the opposite sex when it is not practical to summon an officer of the like sex. In these instances the officers will adhere to the following guidelines:

- A supervisor and/or one other officer should witness the search, if practical;
- The officer will explain to the person being searched the reason for the search and how the officer will conduct the search; and
- Officers will use the back side of their hands and fingers to search sensitive areas of the opposite sex to include the breast, crotch and buttocks areas.

C. Warrantless Searches

Members shall not conduct a warrantless search of an individual unless:

- The individual to be searched gives consent to search and the search does not exceed the scope of the consent;
- The individual to be searched is on active parole or probation with a condition that they are open to search and seizure;
- There is an officer safety reason for a pat down for weapons; and/or
- The individual is under arrest.

D. Pat Down for Weapons

Members may conduct a pat down or limited weapons search of a detainee's outer clothing if there exists specific facts that indicate the person may be armed.

Members may immediately seize any weapon or other object usable as a weapon which is lawfully discovered during a pat down for weapons. The seizure of any evidence or contraband not immediately identifiable as a weapon is prohibited during a pat down search for weapons unless the member has probable cause, based on the member's training and experience, that the item discovered is contraband.

Containers, which can reasonably be used to hold a weapon can be seized immediately during a pat down search for weapons, and searched to determine if they contain weapons.

E. Strip Searches

No person arrested and held in custody on a misdemeanor or infraction offense, except those involving weapons, controlled substances or violence, shall be subjected to a strip search or visual body cavity search unless an officer has determined that there is reasonable suspicion, based upon specific and articulable facts, to believe such person is concealing a weapon or contraband which would be discovered by such a search (Penal Code § 4030(f))

All strip and visual body cavity searches shall be conducted under sanitary conditions and in an area of privacy so that the search cannot be observed by persons not participating in the search (Penal Code § 4030(m)).

All persons conducting or otherwise present during a strip search or visual or physical body cavity search shall be of the same sex as the person being searched, except for physicians or licensed medical personnel. (Penal Code § 4030(l)).

Persons conducting a strip search or a visual body cavity search shall not touch the breasts, buttocks, or genitalia of the person being searched. *When a strip search is conducted, the reporting member shall thoroughly document the circumstances surrounding the search and the results of the search.*

F. Physical Body Cavity Search

No person arrested on a misdemeanor or infraction shall be subjected to a body cavity search without a search warrant, except under the authority of a search warrant issued by a magistrate specifically authorizing the physical body cavity search (Penal Code § 4030(h)).

Only a physician, nurse practitioner, registered nurse, licensed vocational nurse, or Level II Emergency Medical Technician (EMT) may conduct a physical body cavity search (Penal Code § 4030(k)).

Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.

A copy of the search warrant and the results of any body cavity search shall be included with the related reports and made available, upon request, to the arrestee or authorized representative (Penal Code § 4030(i)).

Elder AbuseCorresponding Policy 326: Elder Abuse

Officers shall investigate all calls of elder abuse and dependent abuse that they encounter.

A. Definitions

For purposes of this procedure, the following definitions are provided (WIC § 15610 and PC § 368).

Dependent Adult – means any person residing in this state, between the ages of 18 and 64 years, who has physical or mental limitations that restrict his or her ability to carry out normal activities or to protect his or 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. Dependent Adult includes any person between the ages of 18 and 64 years who is admitted as an in-patient to a 24-hour health facility.

Elder – means any person residing in this state, 65 years of age or older.

Fiduciary Abuse – means a situation in which any person who has the care or custody of, or who stands in a position of trust to, an elder or a dependent adult, takes, secretes, or appropriates their money or property to any use or purposes not in the due and lawful execution of his or her trust.

Abuse of an Elder or a Dependent Adult – means physical abuse, neglect, fiduciary abuse, abandonment, isolation or other treatment with resulting physical harm, pain, mental suffering, or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering.

Neglect – means the negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care which a reasonable person in a like position would exercise. Neglect includes, but is not limited to, all of the following:

- Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter;
- 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 instead of medical treatment.

B. Mandatory Reporting Requirements

Pursuant to WIC § 15630, the Fresno Police Department is considered a mandated reporter. “Any employee who has observed an incident that reasonably appears to be physical abuse, observed a physical injury where the nature of the injury, its location on the body, or the repetition of the injury clearly indicates that physical abuse has occurred or is told by an elder or dependent adult that he or she has experienced behavior constituting physical abuse shall report the known or suspected instance of abuse by telephone immediately or as soon as possible, and by written report sent within two working days.”

C. Elder Abuse Reporting

Every allegation of elder abuse shall be documented. When documenting elder/dependent abuse cases the following information should also be included in the report:

- Current location of the victim;
- Victim’s condition/nature and extent of injuries, neglect or loss; and
- Names of agencies and personnel requested and on scene.

Reporting of cases of elder/dependent abuse is confidential and will only be released as per Policy Manual § 810.

Officers investigating elder/dependent abuse shall complete State of California form SOC 341 (Report of Suspected Dependent Adult/Elder Abuse).

E. Support Personnel

The following person(s) should be considered if it appears an in-depth investigation is appropriate:

- Supervisor;
- Detectives;
- Personnel for evidence collection;
- Adult Protective Services Agency personnel (APS); and
- Ombudsman shall be called if the abuse is in a long-term care facility.

F. Emergency Protective Orders

In any situation which an officer reasonably believes that an elder or dependant adult is in immediate 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)).

G. Records Bureau Responsibility

The Records Bureau is responsible for the following:

- (a) Providing a copy of the elder/dependent abuse report to APS. This requirement is applicable even if the initial call was received from APS; and
- (b) Retaining the original elder/dependent abuse report with the initial case file.

Property SearchesCorresponding Policy 327: Property Searches

As a general rule, members of this Department should not physically enter any area where an individual has a reasonable expectation of privacy in order to conduct a search or seizure without:

- A valid search warrant;
- Exigent circumstances; and/or
- Valid consent.

A. Search Protocol

Members will conduct property searches in a manner that returns the condition of the property to its pre-search status, when reasonably practical to do so.

Members should attempt to gain keys to locked property when a search is anticipated and the time and effort required to gain the keys makes it a practical option.

Where appropriate, the officer will explain to the person being searched the reason for the search and how the officer will conduct the search.

B. Search Warrants

Procedure § 323, Policy §322

C. Exigent Circumstances

Officers may generally enter a crime scene to conduct an investigation.

Exigent circumstances that may permit entry into premises without a warrant or valid consent generally include any of the following:

- Imminent danger of injury or death;
- Serious damage to property;
- Imminent escape of a suspect; and/or
- The destruction of evidence.

D. Consent

Entry into a location for the purpose of conducting a search for any item reasonably believed relevant to any investigation is permitted once valid consent has been obtained however consent is only valid if both of the following criteria are met:

- Voluntary (i.e., clear, specific, and unequivocal); and
- Obtained from a person with authority to give the consent.

NOTE: A person with authority to consent to search should be present or otherwise in a position to communicate a withdrawal of consent should they so desire.

While there is no requirement that an individual be told of their right to refuse consent, such a warning may provide strong support for the validity of any consent. At any point that an individual withdraws consent, any related search should be discontinued unless and until otherwise legally permitted. If this occurs, and the officer has probable cause to believe that there is evidence or suspects remaining in areas of the premises not searched under consent, officers should consider obtaining a valid search warrant to continue this search. Officers may secure the premises until such time as the warrant is authorized, then continue the search.

Officers should describe how a voluntary and authorized consent was obtained in any related report(s).

E. Plain View

Because an individual does not have an expectation of privacy as to items that are in plain view, no "search" has taken place in a Constitutional sense when an object is viewed from a location where the officer has a right to be.

F. Residence

Absent a valid search warrant, exigent circumstances, probation or parole authorization, or valid consent, every person has a reasonable expectation of privacy inside his/her home. Individuals do not generally have a reasonable expectation of privacy in areas around their home where the general public (e.g., mail carriers & solicitors) would reasonably be permitted to go.

If a lawful detention or an arrest has begun in a public place, a subject may not escape the detention by running into a private premise. Members may, given due consideration for officer safety, pursue the detainee into the premises under the hot or fresh pursuit doctrine to recapture that person. Consideration shall always be given to officer and public safety which shall be the primary considerations in determining whether or not to pursue a subject into a private premise.

G. Vehicles

Absent consent or a valid warrant, members shall not search the vehicle of a detainee unless:

- There exists specific facts that indicate the vehicle in the detainee's immediate possession may have weapons in it. In such cases, vehicle weapons searches are limited to the interior areas where the detainee might have access to a weapon; or
- Members may conduct a warrantless search of any part of a vehicle which is being used on a public thoroughfare, or which is readily capable of such use, as long as they have probable cause to believe the object you are looking for may be located in that portion of the vehicle. The standard of proof is the same as obtaining a warrant but is an exception to the warrant process based on the moveable nature of the vehicle. Members shall document the facts supporting the probable cause to search the vehicle, and the results of the search in the appropriate report when such is required under any provision of the Policy Manual; or
- Exigent circumstances exist to conduct the search for articulable public safety reasons; and/or
- A Vehicle Inventory Report is required (e.g., impounds).

Fresno Police Department Procedures Manual

Harassment

Corresponding Policy 328: Harassment
CALEA 26.1.3**A. Definitions**

Discrimination - Any act or omission of an act which would create a hostile work environment, or exclude any person from employment or promotional opportunities because of sex, sexual orientation, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition, age, marital status or denial of family care or pregnancy disability leave.

Discrimination includes, but is not limited to, derogatory comments, slurs or jokes, pictures, cartoons or posters, and actions which result in an employee being offended or insulted because of a protected classification status enumerated in Policy Manual § 328.31 of this order.

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

- Submission to such conduct is made either explicitly or implicitly a term or condition of an employee's employment
- Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee
- Conduct that has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment

Discrimination/harassment does not include the following:

- Bona fide acts or omission of acts based solely upon bona fide occupational qualifications under Equal Employment Opportunity Commission and California Fair Employment and Housing Commission Guidelines
- Bona fide requests or demands by a supervisor that the employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or departmental rules or regulations, or any other appropriate work related communication between supervisor and employee

B. Roles and Responsibilities

This policy and procedure applies to all Department personnel. All members shall follow the intent of these guidelines in a manner that reflects Department policy, City Administrative Order 216, professional law enforcement standards (CALEA, POST, IACP, etc.), and the best interest of the Department and its mission.

Member's Responsibilities

All members shall promptly report any observed or known violations of this policy to a supervisor. Member(s) not comfortable with reporting violations of this policy to their immediate supervisor may bypass the chain of command and report it to the next higher level of supervision. Members may also go directly to the Internal Affairs Bureau with a complaint without having to follow the established guidelines.

Members have the additional option of requesting an investigation of alleged discrimination/harassment either from the City's Affirmative Action Officer, or the appropriate state or federal agency. However, members are encouraged to exhaust Department provided remedies in order to give the Department the opportunity to rectify a situation, when a problem does in fact exist, before seeking redress from other sources. The provisions in this order apply when the member chooses to file a complaint with the Department.

Supervisor's Responsibilities

Each supervisor, commander, and manager shall:

- Ensure that the work environment is free from all types of unlawful discrimination, including sexual harassment;
- Take prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination;
- Train their subordinates as to what constitutes discrimination and harassment;
- Notify the district commander or the unit commander, in writing, of the circumstances surrounding any reported allegations of discrimination/harassment no later than the next business day;
- Take immediate and appropriate corrective action when they observe or learn of an incident of discrimination, harassment, or retaliation of a discrimination/harassment complaint; and
- Adhere to a standard of conduct that is respectful, courteous, and nondiscriminatory. Any supervisor, commander, and manager who knew about a discrimination or harassment allegation and condoned or ratified it by failing to take action, can be held personally liable for damages and be subject to disciplinary action

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 or harassing. Supervisors and managers shall be aware of the following considerations:

- Behavior of supervisors and managers should represent the values of our Department and professional law enforcement standards;
- False or mistaken accusations of discrimination and sexual harassment have negative effects on the careers of innocent employees;
- Supervisors and managers must act responsibly in the handling of such situations; and
- Supervisors and managers must make a determination on any allegations based upon all available facts.

C. Investigation of Harassment Complaints

When possible members who believe they are experiencing discrimination and/or harassment are encouraged to inform the individual that his/her behavior is unwelcome, offensive, unprofessional or inappropriate. If this does not resolve the concern or if an employee feels uncomfortable, threatened, or has difficulty expressing his/her concern, supervisory or management assistance or counseling should be sought from a supervisor or manager one rank higher than the alleged offender

During any such investigation, the supervisor of the involved employees should take reasonable steps to mitigate or eliminate any continuing hostile work environment.

Supervisory Resolution

Supervisors, commanders, and managers who receive or become aware of complaints may attempt to reach an agreed upon resolution between the involved parties.

When these efforts are successful, or if it appears the complaint is the result of a misunderstanding, the supervisor shall prepare a memorandum documenting the nature of the complaint and the outcome of his/her efforts.

- All parties shall review and sign the memorandum with an acknowledgment they reviewed the memorandum, and the memorandum is an accurate reflection of the incident and resolution.
- This memorandum shall be forwarded through the chain of command to the Chief of Police or designee.
- This memorandum shall be filed in the Internal Affairs Bureau after review and concurrence by the Chief of Police or designee.

Where a resolution is not reached, or the offending member's behavior is not appropriate for the workplace or is an incident of discrimination, harassment, or retaliation, the supervisor shall:

- Prepare a memorandum documenting the facts surrounding the complaint,
- Have the complainant review and sign the memorandum with an acknowledgment they:
 - Have reviewed the memorandum, and
 - The memorandum is an accurate reflection of his/her complaint.
- Forward the memorandum through the chain of command to the Chief of Police or designee.

While a report of discrimination/harassment is being investigated, the division commander shall make every effort to temporarily separate the complainant and the accused with preference to the wishes of the complainant, when feasible and practical.

Investigation of Unresolved Complaints

The Internal Affairs Bureau will normally investigate complaints of discrimination and harassment. The Chief of Police or designee may assign complaints to other members or units for investigation.

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

Formal investigation of the complaint will be confidential and will include, but not be limited to, details of the specific incident, frequency and dates of occurrences and names of any witnesses. If the complaint is not resolved and the member refers it to the Director of the Personnel Bureau, the investigation shall be conducted by the Director or designee.

Upon completion, the Director of the Personnel Bureau shall transmit a written report to the Chief or Police or designee for review and implementation of the recommendations. If after the review, it appears any procedural or policy violations exist, the matter shall be referred to Internal Affairs Bureau for assignment to determine any such violations.

When the Chief of Police is the subject of the complaint, the investigation will be conducted by the Director of the City Personnel Service Department.

In all cases, every effort will be made to resolve a complaint as rapidly as possible while recognizing the privacy right's and interest's of all persons involved.

Any retaliation against a member for making a discrimination/harassment complaint, reporting discrimination/harassment that he/she witnessed, or assisting in a discrimination/harassment investigation is strictly prohibited.

Should it be determined that the reporting party maliciously filed the complaint knowing that it was false or frivolous at the time of the complaint, that member shall be subject to the disciplinary process up to and including termination.

D. Notification of Disposition

Complainant and/or victim will be notified in writing of the disposition of the investigation and action(s) taken to remedy the complaint.

E. Documentation of Complaints

All complaints or allegations shall be documented on forms and in a manner designated by the Chief of Police. All reports shall be approved by the Chief of Police and maintained for a minimum of five years.

F. Authority for Resolving Complaints

The Chief of Police or designee reserves the right to determine the appropriate corrective/disciplinary action necessary in any case, up to and including termination in accordance with City and Department policies.

G. Right to Appeal

Members shall have the right to appeal any resolution of a discrimination or harassment complaint to the Chief of Police or designee.

AssaultsCorresponding Policy 329: Assaults

Members will investigate any allegation of a criminal assault to the fullest extent with appropriate, timely and accurate evidence collection if possible.

C. Weapon Attacks Against Buildings and Vehicles

Violations of Penal Code §§ 246 and 247 shall be investigated as assaults with the appropriate care taken by the primary investigating member to collect and preserve necessary evidence. The Crime Scene Bureau shall be requested to take photographs and collect evidence at Penal Code §§ 246 and 247 scenes.

D. Aid to Victims of Violent Crimes

Members who investigate assaults or any other violent crimes shall provide victims or their dependents with the Department Victim/Witness Form which outlines the availability of a broad range of services available from the Victim/Witness Service Center.

Investigating members will note in the body of their report of a violent crime the fact that the form was provided and to whom it was given.

Child Abuse ReportingCorresponding Policy 330: Child Abuse Reporting**A. Definitions**

For purposes of this section the following definitions are provided:

Child means a person under the age of 18 years.

Child Abuse means a physical injury which is inflicted by other than accidental means on a child by another person. Child abuse also means the sexual abuse or any act or omission proscribed by PC §273a (willful cruelty or unjustifiable punishment of a child) or PC §273d (unlawful corporal punishment or injury). Child abuse also means the neglect of a child or abuse in out-of-home care. Child abuse does not include a mutual affray between children. Child abuse does not include an injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his or her employment as a peace officer (PC §11165.6).

Neglect means the negligent treatment or the maltreatment of a child by a person responsible for the child's welfare under circumstances indicating harm or threatened harm to the child's health or welfare. The term includes both acts and omissions on the part of the responsible person.

Child Protective Agency means a police or sheriff's department, a county probation department or a county welfare department. This section does not include school district police or security department.

B. Department Member Responsibilities

The member's primary responsibility shall be to ensure a child is in, or placed in, a safe environment. Subsequent criminal investigations and/or arrest are secondary issues.

Members dispatched to incidents of suspected abuse, neglect, or endangerment shall:

- Investigate to determine if the child has suffered, or there is a substantial risk that the child will suffer [e.g., WIC §300 (a)-(d) and (j)], physical abuse, neglect or endangerment and/or whether a crime has been committed;
- Determine who the perpetrator(s) is/are, and whether the child will be removed and placed with CPS per WIC §300 and WIC §305; and
- Shall notify their supervisor when investigating child abuse cases which involve serious injuries (e.g., broken bones, *head trauma*, multiple wounds, etc.).

Supervisors shall notify the Child Abuse Unit supervisor to determine if investigators should respond.

C. Temporary Protective Custody**Authority to Take Into Custody**

Both our agency and CPS shall work collaboratively, sharing information and participating in a shared decision-making process.

- Through this process, the officers may take into temporary protective custody any juvenile falling under the provisions of WIC §305.
- In all cases where a juvenile is placed under WIC §305, the incident shall be investigated sufficiently to determine whether siblings of the victim juvenile are also at risk and subject to protective custody.

Members taking juveniles into protective custody under authority of WIC §305 shall immediately notify CPS directly by telephone or through ComCen to initiate placement and follow-up measures.

Placing Minor with Relatives/Friends

When a juvenile is left without supervision as the result of the arrest of one or both parents, a placement is not required when:

- The charges against the parents do not include any violation against the juvenile including sexual assault, physical abuse, neglect, or endangerment. Charges related to drug usage or drug possession (where the juvenile may have had access to the drugs) may constitute endangerment and should be evaluated accordingly; and
- A parent with legal custody requests that the juvenile be placed with a friend or relative who agrees to assume responsibility; and
- The officer evaluates the friend or relative and their home environment and determines it is reasonably fit and does not constitute an obvious risk to the juvenile; and
- The juvenile is not in need of immediate medical attention.

When custody is assumed by *a relative or friend* under these circumstances, full identifying information on the person taking custody shall be included in the officer's report of the incident. CPS shall not be notified in these circumstances.

Placement Procedures

When the decision to place a juvenile has been made by an officer, the determination of where the juvenile is to be placed rests solely with CPS.

When it is determined that a juvenile will be removed from the home, the officer should assist the CPS worker in locating clothing, identification papers, Medi-Cal cards, and other necessary items.

Notification of Parents

Officers placing a juvenile in protective custody shall ensure that a parent, guardian, or responsible relative is contacted and advised to contact CPS for information on the juvenile.

D. CPS Assistance

CPS provides assistance to law enforcement in situations where juveniles need protection. Social workers are available on a 24-hour basis to provide:

- Assistance in evaluating the juvenile's home situation and the need for the juvenile's removal. In the absence of a court order, the final decision to remove the juvenile shall be made by the officer. When there is disagreement between the officer and the CPS worker concerning the need for the juvenile's removal, the officer's supervisor shall be called to determine if removal is warranted under WIC §300. When the supervisor determines that removal is warranted, the officer shall remove the juvenile. If CPS is not satisfied with the supervisor's decision, the supervisor should call a field commander who will make the final decision. When CPS is not satisfied with the Field Commander's decision, CPS shall make their concerns known through their chain of command;
- Placement of the juvenile and investigation of placement alternatives. This may involve the location of relatives or the provision of homemaker services; and
- Transportation to medical or foster care facilities as needed when a juvenile is placed into their custody.

When an officer suspects physical or sexual abuse of a juvenile, a CPS worker shall be notified so that a medical evaluation of the juvenile may be initiated. Whenever possible, the officer shall contact CPS directly either in person or by telephone

The officer shall provide:

- The name(s) and birth date(s) of the parent(s) and of the juvenile(s) who is/are to be placed,
- The reason for the placement (e.g., abuse, neglect, endangerment, etc.),
- Whether any relative(s) are standing by for placement purposes, and
- The relative's name(s) and birth date(s) so that this information can be relayed to CPS at the time of the request.

E. Reporting Requirements

Report Title

Reports on placements of juveniles under WIC §§300/305 shall be titled according to the incident which justified the placement, not simply "WIC §300."

When a juvenile is placed as the victim of a crime, the report shall be titled with the appropriate criminal statute.

When a juvenile is placed under circumstances of "substantial risk of serious harm" etc., [WIC §300 (a)-(d), and (j)] which fall short of a criminal violation, the report shall be titled, "Possible Child Endangerment."

When a juvenile is placed as a result of the arrest of a parent for charges unrelated to conduct against the juvenile and the placement is being made because there is no one to assume custody of the juvenile, the report shall be titled according to the charges on which the parent is arrested (e.g., warrants, petit theft, etc.).

In all placement cases special routing to CPS shall be indicated on the original report.

Advise/Report/Route

*It is essential Department members: 1) **advise** CPS of any incidents regarding suspected or actual abuse; 2) submit a possible crime or crime **report**; and 3) **route** that report to CPS.*

Examples are:

- Officers respond to a report of possible abuse. Upon arrival, officers are unable to make contact – no one is home. The call is cleared, "UTL." Officers are to advise CPS, submit a synoptical report, and route the report to CPS.*
- Officers respond to a report of possible abuse. Upon arrival, officers contact the children and parents. After further investigation (additional statements, reporting party contacted, etc.), the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect has occurred. Officers are to advise CPS, submit a possible crime report, and route the report to CPS.*
- Officers respond to a report of possible abuse. Upon arrival, officers contact the children and the parents. Based upon the evidence, it appears more likely than not that child abuse or neglect occurred. Officers are to advise CPS, submit a crime report, and route the report to CPS.*

Unfounded Incidents

Officers shall use caution when clearing a call as "unfounded." "Unfounded" is a call determined by the officer(s) who conducted the investigation to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse or neglect. Prior to clearing a call as "unfounded," officers shall 1) review call history, 2) review previous suspect contacts (RPW or MARS name search), and 3) contact CPS to review previous abuse reports receive from other agencies. If the officer is satisfied the call is false, only a synoptical report is required. No CPS notification or routing is necessary.

F. Mandatory Notification Guidelines

Pursuant to PC §11165.9, this Department is defined as a "child protective agency". All Department members are responsible for the proper reporting of child abuse. Any member who encounters any child whom he or she reasonably suspects has been the victim of child abuse shall immediately take appropriate action and prepare a crime report pursuant to PC §11166.

Mandatory Notification

Pursuant to PC §11166.1, when this Department receives a report of abuse occurring at the below listed facilities, notification shall be made within 24 hours to the licensing office with jurisdiction over the facility.

- A facility licensed to care for children by the State Department of Social Services; and/or
- A report of the death of a child who was, at the time of death, living at, enrolled in or regularly attending a facility licensed to care for children by the State Department of Social Services, unless the circumstances of the child's death are clearly unrelated to the child's care at the facility

Additionally, an immediate notification is required to the appropriate licensing agency if the suspected child abuse occurs while the child is being cared for in a child day care facility, involves a child day care licensed staff person, or occurs while the child is under the supervision of a community care facility licensee or staff person.

G. Emergency Protective Orders

Members shall request an EPO if any of the following conditions exist:

- The victim requests an EPO;
- The investigating officer has grounds to believe that there is an immediate danger of continuing violence against the victim;
- The investigating officer or victim believes the potential for further violence or threats exists;
- When a child is in immediate and present danger of abuse by a family or household member; or
- When a child is in immediate and present danger of being abducted and taken from the jurisdiction by a parent or relative.

Procedures for Issuance of EPO's

A judicial officer shall be contacted regardless of the time of day. The determination of the designated judicial officer to issue or not to issue an EPO will be final.

H. Transportation of Juveniles Under Six Years and 60 Pounds

When members need to transport juveniles in their patrol car who are under six years and 60 pounds, and there is no child passenger restraint system available, members shall secure the juvenile by seat belt prior to transport [CVC §27363 (b)].

Fresno Police Department Procedures Manual
Threatening/Annoying Phone Calls
Corresponding Policy 331: Threatening/Annoying Phone Calls

A. Response to Calls

When a phone call involves a serious threat (i.e., death, bodily harm, rape, or assault) to the immediate safety of the victim, a member shall be assigned to handle the call in person.

When the victim knows the perpetrator, and the phone call is not a serious threat, a member may be assigned to handle the call in person or a report may be taken telephonically.

When the call is not a serious threat and the perpetrator is not known, the victim shall be provided with a Synoptical case number and advised to call the AT&T Annoyance Call Bureau at 1-800-348-8727.

Fresno Police Department Procedures Manual

Missing Person Reporting

Corresponding Policy 332: Missing Person Reporting**A. Definitions (Penal Code §14213)**

Missing Person: Any person whose whereabouts are unknown to the reporting party including, but not limited to, a child taken, detained, concealed, enticed away or retained by a parent in violation of Penal Code §277.

Missing person also includes any child who is missing voluntarily, involuntarily or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance.

At-Risk: Includes, but is not limited to, evidence or indications of any of the following:

- The person missing is the victim of a crime or foul play;
- The person missing is in need of medical attention;
- The person missing has no pattern of running away or disappearing;
- The person missing may be the victim of a parental abduction/kidnapping; and/or
- The person missing is mentally impaired.

Child: While California considers a child to be a person under eighteen years of age, for purposes of this section federal law considers any person under the age of twenty-one years to be a child.

B. Reporting Requirements

Members shall accept any report, including any telephone report, of a missing person, including runaways, without delay and shall give priority to the handling of these reports over the handling of reports relating to crimes involving property [Penal Code §14205(a)]. Reports shall be taken on missing persons regardless of jurisdiction.

Prior to taking a missing person report, members shall ensure that the RP has checked the FCJ, FCJH, local hospitals, etc., or shall assist the RP in so doing. When it has been determined that a person is missing, and the pre-reporting checks were unsuccessful in locating the person, a report shall be taken without delay. There are no exceptions for walkaways from mental facilities or other care taking facilities.

Patrol members should handle the initial missing person report. Department members shall promptly assist any person who is attempting to make a report of a missing person or runaway. The Missing Persons Unit will begin an investigation after an initial search by patrol personnel.

Completion of Investigation/Voiding Case Numbers (CN)

Members shall complete their investigation at the time of the initial call and obtain a CN before clearing. Members shall not "void" CN's once issued.

When investigating a missing person case and a CN is obtained by the member, and the subject is located prior to clearing the call, the member shall telephone teletype to have the missing person entered into MUPS and then immediately canceled from MUPS.

Out of Jurisdiction Missing Persons

When a call is received of a person who is missing from a location outside of the Department's jurisdiction, members shall take the report without delay. Within 24 hours, Records Bureau shall notify and forward a copy of the report to the police or sheriff's department or departments having jurisdiction of the residence address of the missing person or runaway and of the place where the person was last seen.

The Fresno Police Department Missing Person Report Form shall be used on out of jurisdiction missing person's cases. Members shall add the agency's name to the routing box in RPW.

When a person reported missing under this subsection is located, a GI shall be prepared containing the circumstances of the location, details of teletype cancellations, and notification of other affected agencies.

Returned Missing/Runaway Person Form

The RP shall be given a "Returned Missing/Runaway Person Form" in all missing person cases except runaways from group homes. The member shall advise the RP that they must either complete the form and mail it to the Department or call the listed phone number when the missing/runaway person has returned or is no longer missing. The member shall also advise the RP to complete and follow the directions on the form when the missing person is missing for 15 days or longer.

C. Investigative Aids

Members investigating incidents of abducted/missing children should utilize the investigative checklists found at the end of this procedure.

Photographs

Members taking the report shall make every effort to obtain a recent photograph of all "at risk" missing persons, print the case number and the missing person's name clearly on the back of the photograph, and it will be submitted to the Records Bureau for forwarding to the Missing Persons Unit. The appropriate box on the Missing Person Report in RPW shall be checked to indicate whether a photo was available, attached, unknown/undetermined, or was not available.

When the report is handled telephonically, the RP shall be instructed to bring or mail in a photograph as soon as possible to the Missing Persons Unit.

Photos will only be returned at the request of the RP by calling the Missing Persons Unit.

Dental Records

The follow up investigator may mail the authorization form to obtain dental records on missing persons after 45 days with exception of "at risk" which is 24 hours.

D. Broadcasts and Teletype Entries

When information indicates that the missing person may be in or en route to another jurisdiction, the reporting member shall also contact teletype without delay and request that informational BOL teletypes be sent to all agencies likely to encounter the missing person. Teletypes must be addressed to specific agencies, and will be sent to only those agencies. Members taking the report shall forward the report to Teletype via the 'Teletype' button in RPW to obtain a file control number (FCN) from the teletype operator who will note it in the report.

When the missing person is **20** years of age or younger, or is a person believed to be at risk, and this Department is the reporting agency, teletype shall immediately broadcast a BOL to all local law enforcement agencies.

E. Publicity

When the missing person is considered 'At-Risk', the Field Commander shall decide if the circumstances surrounding the missing person's disappearance require direct notification of the local media by the Department. In all other incidents, RP's requesting publicity to help locate a missing person shall be advised to contact the local media themselves.

RP's requesting no publicity for privacy reasons shall be told that reports of missing adults are public records, and no guarantee can be made that the media will not report on their contents.

In either case, the RP's request should be noted at the beginning of the report narrative under a heading of "ATTENTION NEWS MEDIA."

School Notifications

When the Department is responsible for follow-up investigation on a missing juvenile case (including child concealment and child abduction), the Missing Persons Unit (MPU) investigator shall notify the school which the missing juvenile attends, in writing, of the disappearance (Education Code §49068.6). This notification shall be completed within ten days of the disappearance, and shall include a photograph of the child when available.

F. Walkaways from Mental Health Facilities

Certain members of the Fresno County Mental Health Department and certain private mental health practitioners on contract to the County, may pre-designate a patient as being subject to detention under WIC §5150 based on the patient's history, regardless of the patient's outward behavior when located.

Members taking a report of a person missing from a mental health facility shall ask the RP if he or she is empowered to make this pre-designation for WIC §5150 commitment for the missing mental patient. When this designation is to be applied, it shall be noted in the "If Located" box of the Missing Person Report with an explanation in the narrative. The requested disposition shall also be noted in all broadcast sheets, teletypes and computer entries. When a missing mental patient is not subject to a pre-designated WIC §5150 commitment, but was placed at the mental health facility under conservatorship, members shall determine where the RP would like the patient taken when located. This information shall be included in the report, broadcast sheets, teletypes and computer entries.

When handling missing mental patients, members shall inquire about the patient's mental status, and shall consider implementing the procedures in Section G when the patient seems to be in danger due to his/her mental problems.

Found Mental Patients

Members locating a missing mental patient shall first evaluate the found patient for WIC §5150 commitment based upon behavior exhibited at the time of contact. When the found person is subject to pre-designated WIC §5150 commitment, members shall proceed with the commitment using the mental health practitioner's authority.

When the patient does not qualify for either of these commitment procedures, members shall check the report for other dispositional options. When the patient is under conservatorship, members shall return the found person to the location originally requested by the RP.

When the found mental patient does not qualify for WIC §5150 commitment and is not under conservatorship, the located missing mental patient shall be handled the same as any other located missing person.

G. Suspicious/Dangerous Circumstances

When the person reported missing is under 20 years of age, is so mentally deficient that he or she is a danger to himself/herself or others, or is missing under suspicious circumstances or under circumstances indicating the possibility of foul play or suicide, the reporting member shall immediately notify his or her supervisor for consideration of extended searches or assistance from other bureaus and/or agencies. *Members should review Procedure 334, AMBER Alerts, for additional information regarding investigative response and alerting the media.*

Members shall also contact teletype without delay and arrange for the missing person information to be entered into MUPS. The teletype operator shall be advised if the person is "at risk" (As listed in Section A), has been abducted, or is possibly being sexually exploited. This MUPS entry shall be canceled as soon as the missing person is located.

Supervisor Responsibilities

Field supervisors should notify the Missing Person Unit supervisor of any missing person, regardless of age, when the circumstances surrounding the missing person disappearance are unusual and, if based on available information, it is determined that the missing person is in a life threatening situation.

Prior to notifying the Missing Person Unit supervisor, all possible leads should be exhausted including but not limited to, checking prior runaway reports, searching the immediate area, conducting a door-to-door search, checking with all known friends, relatives and classmates.

The Missing Person Unit supervisor shall contact the Family Justice Bureau Commander should circumstances require immediate action and the mobilization of all available investigative resources.

H. Located Missing Adults

Members shall evaluate medical and mental status (i.e., WIC §5150) of the found person, ask the found person if he/she objects to the RP on the original report being informed about his or her whereabouts and status, and shall then release the found person absent extenuating circumstances (Section F). Members shall attempt to contact the RP and advise them that the missing person was located and was advised that they had been reported missing. The RP shall be given no further information about the missing person's whereabouts and status unless the found person consented to the release of the information.

Found Adults Who Are Lost or Unable to Care for Themselves

Members encountering an adult who is lost or otherwise unable to care for himself or herself shall first check for a missing person report, evaluate the found person's medical / mental status, and take the appropriate steps relating to detention or release.

When no report is on file, members shall attempt to locate the found person's residence or other place of care, and return the found person to that place.

When the found person's place of residence or care cannot be located, members shall contact Adult Protective Services (APS) through the ComGen. APS will take responsibility for the found person and arrange housing and care pending location of the found person's residence or place of care.

I. Transportation

Transportation of found persons in Department vehicles shall be limited to juveniles and others who are at risk if left unattended. Prior to transporting a found person, supervisor approval must be obtained. When the found person is to be handled as a WIC §5150 commitment, only an ambulance shall be used for transportation.

J. Located Missing and Runaway Juveniles

Disposition of Juvenile

Juveniles who have been reported missing or runaway, regardless of the location of occurrence, shall be taken to either the Sanctuary or any other reasonable and appropriate location which may be requested in the disposition of the report (when an FPD missing/runaway).

When a juvenile reported as missing or runaway from outside the City wishes to return home, members may explore using Greyhound Bus Lines "Home Free Program" where free bus transportation is provided to the juvenile's home town if it is on one of their routes. Before using this option, the member shall first make contact with the juvenile's parent/guardian to ensure that they want the juvenile returned home and to arrange for the pickup of the juvenile at the destination. When these conditions are acceptable to the parent/guardian, the juvenile shall be transported to the Greyhound Terminal and the member shall complete Greyhound's required form. Members using this option shall document the incident on a GIR entitled "Located Missing Person/Outside Agency". The report shall include the bus number, route number, the time of departure from the bus station and the estimated time of arrival at the intended destination as well as the circumstances leading to the parent/guardian's approval of this option. The report shall be directed by Special Routing to the agency of origin of the missing person report.

Members shall contact teletype and cancel the juvenile's entry from the MUPS. When the juvenile is reported missing or runaway from an agency other than the FPD, the member shall either ensure that either a teletype message is sent or phone call made to the originating agency advising them of the current status of the juvenile.

Documentation

A Missing Person Close Out Report shall be completed to document the discovery and disposition of juveniles originally reported as missing from within the City.

Located missing juveniles from other jurisdictions shall be documented as described in Section L.

Homeless or Transient Juveniles

Juveniles who do not have a fixed nighttime residence, are not under parental or guardian control, and have an address within Fresno County may be taken to the Sanctuary. Those who do not have an address within Fresno County may be taken to the Rescue Mission's Homeless Youth Shelter.

K. Additional Information/Cancellations

Investigating members shall advise the RP to immediately report any information received about the missing person including when the missing person is located. Any member of the Department receiving additional information about a reported missing person shall either prepare a FR documenting the information received, or shall ensure that the person giving the information is immediately referred to another member of the Department for reporting purposes. Modification or cancellation of broadcast sheets will not suffice as a disposition.

Members shall contact the teletype operator and cancel the MUPS entry when the missing person is located. This shall be noted on the Close-Out report.

Exceptional Close Out of Runaway Juvenile Report

When a missing person report exists relating to a runaway juvenile who has reached the age of 18 and there is credible evidence indicating that the runaway has been seen/is alive and well after reaching the age of 18, the report shall be closed out and appropriate teletype/broadcast cancellations shall be made by the Missing Persons Unit. Evidence that the missing person has been seen/is alive and well can include arrests, FI's, traffic citations, pawn activity, and other contacts or activities wherein the missing person's identity was reliably established.

Exception: When the subject of the report was described as "at risk" the report and teletype/broadcast entries shall not be canceled.

L. Location of Outside Agency Missing Persons

Persons reported missing by another agency who are located by a Department member shall be reported on a GI entitled "Located Missing Person/Outside Agency." The report should include appropriate information, including the other agency's name and case number, and Special Routing should reflect the originating agency name. The disposition of the found person will be consistent with the requirements of this order. The reporting agency should be notified by phone or by teletype, and teletype cancellations shall be made as soon as possible after locating the person. A copy of the report shall be forwarded to the originating agency by Records.

Located Out-of-State Runaway Juveniles

Members who locate an out-of-state runaway juvenile, other than an absconder, escapee or parolee at large under the age of 18 years, shall detain the juvenile and contact CPS for placement. CPS will take care/custody of the juvenile and facilitate the juvenile's return to his/her home state after completion of the appropriate court process pursuant to the Interstate Compact on Juveniles, WIC §1300. Absconders, escapees and parolees at large under the age of 18 years may be released to Fresno County Juvenile Probation rather than CPS, at the discretion of Juvenile Probation. No out-of-state runaway juvenile shall be taken to the Sanctuary or released in any manner inconsistent with this procedure.

M. Child Stealing / Concealment / Parental Abduction / Kidnapping

Members investigating reports of Child Stealing/Concealment and Parental Abductions / Kidnapping pursuant to PC §§277 through 278.5, shall:

- Document the incident on a CR as a crime or possible crime, as appropriate;
- List as the victim the parent or guardian from whom the juvenile(s) was taken or concealed;

- List the person who is believed to have taken the juvenile(s) as the suspect;
- List the juvenile(s) who have been taken or concealed as Missing Person in the Victim/Witness Segment of the CR;
- Attempt to verify any custody orders involved and document all pertinent details in their report;
- Complete an FPD Missing Persons Report for each child in addition to the CR;
- Complete and FPD Missing Persons Report for the abducting/concealing parent/guardian;
- Have all missing children and the abducting/concealing parent entered in MUPS through the teletype operator (as "Abducted Juveniles" and "Suspect Parent"), as soon as possible but no later than four hours after receiving the original report;
- Call the ComCen and have a broadcast sheet made up, including both juvenile and suspect information; and
- Notify all appropriate law enforcement agencies of the broadcast information, by sending a BOL message through Teletype, in any case where available information suggests the suspect and/or juvenile(s) may be en route to another jurisdiction.

Drug InfluenceCorresponding Policy 333: Drug Influence**A. Evidence Collection**

A Department phlebotomist will be available for blood draws on all in-custody arrests between 1800-0400 hours seven days a week.

- The phlebotomist will be logged on to the traffic channel and will also be available by pager through ComCen.
- Officers shall utilize the department phlebotomist unless injury to the suspect requires the suspect to be transported to a hospital for medical treatment. The officer shall then utilize hospital staff to draw a blood sample and will follow the protocol established by that hospital.

Urine samples should be taken at a Crime Scene Bureau holding cell. An officer of the same sex as the suspect shall witness the provision of the urine sample.

The procedure for handling and booking samples shall be consistent with Procedure § 373.

Evidence samples in HS § 11550 cases are not sent to DOJ so DOJ supplies shall not be used.

- The sample(s) shall be placed in the Blood and Urine Drop Box in the Property Room of HQ not in the narcotics evidence locker.
- When a blood or urine sample is deposited at HQ, the sample shall be accompanied by a PER deposited in the drop box with the sample but not in the sample envelope.
- PECS shall match the reports with the samples and secure all samples for pick up by lab courier.

When possible, the investigating officer should contact the parole officer of parolees arrested for HS § 11550 to request authorization for placement of a parole hold on the suspect at the time of booking.

B. Reporting Requirements

The officer detaining or arresting the suspect shall complete a crime report

The examining officer, when different from the detaining officer, shall complete a crime report, or supplemental report when appropriate, which shall include all details of the examination and interview.

AMBER AlertsCorresponding Policy 334: AMBER (CARE) Alerts**A. AMBER Alert Activation Criteria**

An AMBER Alert should only be implemented when all four of the following criteria have been met:

- A confirmed abduction by a stranger has occurred; or the victim of a parental abduction faces the threat of injury or death;
- The victim is under the age of 18, or has a proven mental or physical disability;
- There is reason to believe the victim is in imminent danger of serious bodily injury or death; and
- There is information that, if disseminated to the general public, could assist in the safe recovery of the victim.

As an investigative tool, members should utilize the 'Abducted/Missing Children Checklist for First Responders' located in Procedure 332. Supervisors shall be contacted to implement the AMBER Alert.

B. Response Procedures

There are two response levels regarding Amber Alert procedures.

First Level Response Procedures (Field Supervisor)

- Confirm that each of the four criteria are met;
- Notify the Field Commander;
- Confirm that ComCen has provided broadcast information to FSO, Clovis PD, local CHP (and others as indicated); and
- Provide on-scene personnel with a checklist.

Field Commander

- Obtain information, complete Amber Alert Info Sheet (see attached form);

Second Level Response Procedures (Field Supervisor or Commander)

- Identify a location for media response; initiate MAPS thru ComCen for an on-site press conference ASAP. Provide full information and photograph of the victim, request broadcast ASAP (go "live" if possible - DO NOT wait for the PIO);
- Notify FPD Duty Office
 - Initiate call-outs of:
 - PIO;
 - *Child Abduction Team* as needed (Contact the Child Abuse Sergeant for list of detectives to contact); and
 - Other resources (see *Investigative Aids in Procedure 332*) as directed by Field Commander.
 - Make notifications to:
 - Patrol District & Division Commanders;
 - *Family Justice* Bureau Commander; and
 - Chief of Police.
- Consider the need for information dissemination beyond the local area. [NOTE* this can also be done in cases NOT meeting all of the Amber Alert criteria.] If so, contact CHP and request on-scene liaison assistance. CHP can access their ENTAC (Emergency Notification and Technical Alert Center): which can access:

- CMS system (Changeable Message Sign, freeway overheads);
- TRAK system (Technology to Recover Abducted Kids), an internet based multi-agency flyer distribution system); and
- EDIS (Emergency Digital Information Service, an Internet and CLETS based system) - goes to California law enforcement agencies, Nevada Highway Patrol, Oregon State Police and statewide media outlets.
- Establish Command and Media Centers, as needed.

C. Guidelines to Alerting the Media

In the event of a confirmed child abduction the following procedures designed to alert the media shall be followed.

- The Public Information Officer, Field Commander, Assistant District Commander, or Detective Supervisor will prepare an initial press release that includes all available information which might aid in locating the child, such as:
 - The child's identity, age, and description;
 - Photograph if available;
 - The suspect's identity, age, and description, if known;
 - Pertinent vehicle description;
 - Detail regarding location of incident, direction of travel, potential destinations, etc., if known;
 - Name and phone number of the Public Information Officer or other authorized individual to handle media liaison; and
 - A telephone number for the public to call in with leads/information.
- Fax the press release to the local television and radio stations.
- The information in the press release should also be forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.
- The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:
 - Emergency Alert System sites (EAS);
 - California Highway Patrol (CHP);
 - CLETS message to activate the Emergency Digital Information System (EDIS);
 - Federal Bureau of Investigation (FBI Local Office);
 - Prompt entry of information into the Department of Justice Missing Person System (MPS/NCIC); and
 - National Center for Missing and Exploited Children
- The investigation unit supervisor investigating the abduction or other individual responsible for making notifications shall prepare and fax to the previously described locations, follow-up press releases with updates regarding the search and investigation, or immediately upon locating the abducted child.

Fresno Police Department Procedures Manual

Victim Witness Assistance

Corresponding Policy 336: Victim Witness Assistance
CALEA 55.1 and 55.2

A. Advisement Responsibility

Members reporting or investigating a crime where a victim has suffered injury as a direct or proximate cause of that crime will ensure the victim has been provided with information about the existence of the local victim centers.

This advisement shall include presenting the victim with a Victim of Violent Crime form, which shall include the case number for the specific crime report.

Reporting Officer Responsibility

It shall be the primary responsibility of the reporting member to make the required advisement while presenting the victim with a Victim of Violent Crime form.

The officer shall not attempt advisement when the circumstances are such that the advisement would add to the grief and suffering of victim or dependent. Such advisement shall be made at a time and place where the victim is able to understand and appreciate its meaning.

Detective Responsibility

In the event the victim cannot be identified or due to the nature of the injury cannot be advised, the investigating officer who later contacts or identifies the victim and/or dependents shall make the necessary advisement.

Supervisor Responsibility

It is the responsibility of any supervisor approving a report where the victim of a crime has sustained injury to ensure that information is included to document the proper advisement being made or the fact that such advisement could not be accomplished.

The detective supervisor is then responsible to ensure that the proper advisement is accomplished and properly documented as the follow-up investigation is conducted.

B. Records Bureau Responsibility

The Records Manager shall be the liaison officer to the Victim-Witness Assistance Program office. It shall be his/her responsibility to forward copies of police reports requested by personnel at the local victim centers to verify the criminal activity upon which the application for assistance is based. Policy § 810 regarding release of reports shall be followed in all cases.

Animal ProblemsCorresponding Policy 337: Animal Problems**B. Care for Injured Persons**

Members investigating animal bite calls shall provide medical assistance for injured persons.

C. Owner's Responsibilities

When the owner of a dog that has bitten a person is located, the owner shall be informed that he/she is required by MC § 9-219 to quarantine the animal and report the incident to the Fresno County Health Department.

D. Impounding Animals Which Have Bitten

Animals that have attacked, bitten, and/or injured any person or other animal may be impounded when the owner is unavailable, unwilling, or unable to quarantine the animal. The SPCA shall be requested to respond to impound the animal pursuant to MC § 9-223.

E. Reporting

When members investigate a bite involving special circumstances, they shall document the incident with a Casualty Report. The Casualty Report should include, but not be limited to:

- Any previous history of the animal attacking, biting, and/or causing injury to a person or animal;
- The nature and extent of injuries inflicted;
- The presence/absence of any provocation for the bite/attack;
- Description of any property damaged/destroyed by the animal;
- Any evidence of the animal being trained to fight/attack;
- Whether the animal exhibits aggressive behavior;
- Action taken by the member;
- Advice given to the victim; and
- Any warnings given to the animal's owner.

F. Deceased Animals

Small, dead animals should be reported to the ComCen and removed from the roadway so that they may be picked up during business hours. ComCen is responsible for notifying the SPCA of the animal's location.

Large, dead animals (e.g., horses, cows) shall not to be referred to the SPCA. ComCen shall contact Baker's Commodities to recover the animal.

H. Barking Dogs

Members shall make every effort to contact the owner or responsible person for the barking dog and inform his/her of the complaint and of MC § 8-503a.

When members make contact with a dog's owner/responsible person, they shall request that the owner/responsible person keep the dog quiet. The owner/responsible person shall also be informed of the contents of the Barking Dog Warning Letter. A completed copy of the letter shall be left with the person contacted.

When compliance is not received, the member may cite the dog's owner/responsible person.

When a member delivers a copy of the Barking Dog Warning Letter, he/she should record some details of the incident, including:

- When the letter was delivered;
- The means of delivery; and
- The name of the person the letter was given to (when done in person).

When the letter is delivered as a result of a call for service and a report is not made, the event should be updated to contain the recommended details.

When a report is made, the recommended details should be included in the report.

When the owner/responsible person for the barking dog cannot be located, a completed Barking Dog Warning Letter shall be left at the location of occurrence.

I. SPCA Assistance

The SPCA will respond to calls Monday through Saturday during regular business hours. SPCA response after regular business hours (1630 to 0800), on Sundays, and holidays, is limited to:

- Injured/Sick animals;
- Animals in distress;
- Vicious animals and animals that have bitten and are at large or cannot be quarantined by the owner;
- Impounding animals as a result of owner's arrest, injury, etc; or
- Large stray animals (e.g., horses, cows, etc.) posing a risk to traffic, etc.

When possible, members will stand by animals until the arrival of the SPCA field unit.

Members will render reasonable assistance to SPCA personnel.

Hate CrimesCorresponding Policy 338 :Hate Crimes

When any member receives information of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the incident shall be documented consistent with Policy/Procedure §344.

A. Basis of a Hate Crime

Must be motivated by at least one of the following:

- Race;
- Color;
- Religion;
- Ancestry;
- National origin;
- Disability;
- Gender; or
- Sexual orientation.

General Guidelines of overt acts:

- A symbol(s), word(s), or act(s) which is or may be offensive to the above listed groups;
- Statements/actions of the victim(s), suspect(s), and other involved parties; and/or
- Prior history of similar crimes in same area or against the same victim group.

B. Criminal Statutes (Penal Codes)

- PC § 422 - Prohibits threats of great bodily injury or death to another or their immediate family.
- PC § 422.6(a) - Prohibits the use of force or threat of force with the ability to carry out the threat.
- PC § 422.6(b) - Prohibits the defacing, damaging or destroying of property for reasons as stated in PC § 422.6(a).
- PC § 422.7 - Makes any other criminal offenses involving threats, violence, or damage in excess of \$400 a felony if done within the guidelines of PC § 422.6.
- PC § 422.76 - States gender as actual or perceived sex by the defendant.
- PC § 422.9 - Provides criminal enforcement of any issue pertaining to Civil Code § 52.1.
- PC § 11411 - Prohibits terrorizing by placing any physical impression on another person's private property.
- PC § 11412 - Prohibits threats of injury or property damage to interfere with a religious exercise.
- PC § 594.3 - Prohibits vandalism to religious buildings or places of worship.
- PC § 11413 - Prohibits use of explosive or destructive devices for terrorizing at health facilities, places of religion, group facilities and other specified locations.

Members should refer to the Penal Code for the full text of the statute.

C. Hate Crime v. Hate Incident

Hate Crimes are criminal acts based on the previously described motivation that include but are not limited to:

- Burning cross or religious symbol;
- Explosive/Bomb threats;
- Unlawful use of the mails;
- Destroying or injuring property of another;
- Assault;
- Disorderly Conduct;

- Interrupting or disturbing religious meetings;
- Homicide; and/or
- Unlawful use of the telephone.

Hate Incidents are non-criminal acts based on previously described motivation with the intention to:

- Harass;
- Intimidate;
- Threaten;
- Retaliate; and/or
- Create racial, religious, minority, or ethical conflict.

D. Reporting and Investigative Responsibilities

When a member receives information of a suspected hate crime, he/she shall:

- Contact the victim(s), witness, or reporting party to investigate the matter further as circumstances may dictate;
- Notify a supervisor as soon as practical;
- Take all reasonable steps to preserve any evidence that establishes a hate crime has occurred. (Once all immediate aspects have been tended to (e.g. treatment of victims, apprehension of suspect, etc.));
- Interview the victim(s), witness(es), and others to determine what circumstances, if any, indicate that a hate crime has occurred. 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));
- Consider additional assistance from detectives and other resources as needed;
- Make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations. Provide the victim(s) of any suspected hate crime with a brochure on hate crimes (PC § 422.92); and
- The assigned officer(s) and supervisor should take reasonable steps to ensure that any such situation does not escalate further (e.g., Possible Temporary Restraining Order through the District Attorney or City Attorney, Penal Code § 136.2 or Civil Code § 52.1 as indicated).

All reports written must clearly be marked as "Hate Crime" and sent to the supervisor.

E. Field Supervisor Responsibilities

Upon notification of a hate crime or incident, the field supervisor shall:

- Respond immediately to the scene where personal injury or major property damage has been sustained. In all other events, the supervisor will make a determination whether an immediate response is necessary;
- Ensure that the scene is properly processed and evidence is collected;
- Visit the victims and assure them that the investigation will be actively pursued and that the police are doing everything possible to eliminate the fear factor and apprehend the suspect(s);
- Notify the ComCen and the on duty district or field commander of the situation;
- When possible, arrange for an immediate increase of patrols throughout the affected area;
- Attempt to have all visible reminders of the event removed after evidence processing is completed. When they cannot be removed (e.g., paint on walls), the member should attempt to impress upon building or property owners the need for complete restoration as soon as possible; and
- Ensure that the report of the event is complete.

F. District/Field Commander Responsibility

Following the reporting of a hate crime or incident, district and/or field commanders shall:

- Make personal contact with the victims, when the severity of the case dictates, to assure the victim that the event is being investigated and that the victim's safety is the Department's concern;
- Ensure that appropriate proactive tactics are implemented in the affected area as long as necessary following the incident;
- Maintain contact with affected community leaders concerning the progress of the investigation and the Department's response; and
- Ensure that victims and other concerned parties are informed of any case clearance

G. District Investigations Responsibilities

The District Investigations Commander with follow-up responsibility for the incident shall:

- Ensure that the investigation is actively pursued to a successful conclusion or until all leads have been exhausted;
- Ensure that the investigation is considered a priority matter by the assigned follow-up investigator; and
- Ensure that investigative personnel make immediate follow-up contact with the victim(s) to assure them that the investigation will be actively pursued.

Hate Crime Investigator Responsibilities

The Hate Crime Investigator will be assigned from the District with responsibility for the incident and will be supervised by the District Investigations Unit sergeant. The Hate Crime Investigator shall:

- Review all hate crimes and incidents to determine if the event is a crime or a non-criminal incident, and if it was motivated by race, color, religion, ancestry, national origin, disability, gender, or sexual orientation;
- Conduct follow-up investigations as needed and submit those cases to the District Attorney's Office for criminal filings;
- Conduct hate crime training for new officers and in-service training;
- Serve as a liaison officer with the Human Relations Commission and other groups affected by hate crimes; and
- Provide the district commander with information on the progress of the investigation.

Fresno Police Department Procedures Manual
Anti-Reproductive (Abortion) Crimes Reporting
Corresponding Policy 339: Anti-Reproductive (Abortion) Crimes Reporting

When any member receives information of a suspected anti-reproductive (abortion) crime or other activity that reasonably appears to be involved with this crime, the incident shall be documented consistent with Policy/Procedure §344.

A. Violation of PC § 423.2

The following are violations of the above law unless committed by a parent or guardian towards his or her minor or child ward:

- By force, threat of force, or physical obstruction that is a crime of violence, intentionally or attempts to injure, intimidate, 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;
- 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; and/or
- 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.

B. Reporting Requirements

A report will be written and routed to Investigative Services Division (ISD). An Unusual Report will also be written by the officer's supervisor.

DisciplineCorresponding Policy 340: Discipline**A. Corrective Action (Sworn members)**

Corrective action is designed to inform an employee of unacceptable performance or behavior, and afford the employee a choice to modify the performance or behavior in the future or face progressive disciplinary action. Any supervisor may take the following corrective measures with subordinates to include:

- Oral counseling;
- Letter of counseling;
- Oral reprimand; and
- Documented oral reprimand.

Counseling

Oral Counseling and Letters of Counseling are appropriate when the problem is a lack of understanding of the policies, regulations, procedures, and requirements of the job rather than intentional or unintentional disregard thereof. Letters of Counseling are written documentation that the nature of the problem has been discussed with the employee.

The letter shall:

- Include a date for review with the employee,
- Be placed only in the employee's divisional file for a period of not less than 12 months;
- Be removed from the file when the problem has not continued; and
- Not refer to any future corrective or disciplinary action(s) anticipated or threatened.

Oral Reprimand

When a supervisor or staff member makes the decision to issue an oral reprimand, he/she shall:

- First address the employee as soon as practical; and
- Cite the reasons for the oral reprimand.

An oral reprimand may also include a warning that if the problem continues, a request for disciplinary action may result.

Documented Oral Reprimand

When a supervisor or staff employee intends to issue a memorandum documenting an oral reprimand he/she must:

- Have this level of corrective action approved by the employee's district or bureau commander prior to issuing the document; and
- The request to document the oral reprimand shall be done in memo form and addressed to the employee's district or bureau commander.

Once the documented oral reprimand has been approved by the employee's district or bureau commander:

- It shall be returned to the employee's immediate supervisor for service.
- This memo shall be retained only in the employee's divisional file for a period of not less than 12 months; and
- When the problem has not continued, the reprimand shall be removed from the file.

B. Review of Actions

For Letters of Counseling and Documented Oral Reprimands, an employee may request a review to the next level of supervision.

After being allowed to sign the document, the employee has five calendar days to submit a request in writing to the next highest rank for a review of the action. The reviewing manager or staff officer shall determine if the facts and evidence warrant the documented action, or a modification of the imposed action.

The reviewing manager or staff officer's decision is final, although the receiving employee may still file a written response within 30 days.

C. Supervisors Observation Log

In the Supervisors Observation Log supervisors shall enter all counseling, reprimands, and commendations that are not documented using a more formal protocol. The employee who is the subject of the observation shall initial the entry along with the supervisor.

D. Documenting Training and Counseling

Written comments with regard to training or counseling given to an employee by a supervisor are not considered written reprimands, nor are they disciplinary actions. Such comments are merely written documentation that training or counseling has been given.

However, when such comments are in any way adverse to the employee, they shall be signed before they are entered into the employee's file. Written performance evaluations also fall under this provision, as do any other documents pertaining to training or counseling that may have an adverse impact.

E. Acknowledgement of Adverse Entries

When any written adverse comment is to be placed in any personnel file, the employee who is the subject of the comment shall review the document and be requested to sign it along with the supervisor serving the document. The subject employee's signature shall only acknowledge review and awareness of the document and does not imply agreement.

Employees may refuse to sign a document containing adverse comments. In such cases, the serving supervisor shall make a notation on the signature line, documenting the refusal to sign, and shall sign or initial the notation. Sworn employees covered under GC §3305 shall also sign/initial the notation made by the supervisor.

Employees have 30 days to file a written response to any file entry, which shall be attached to and accompany the entry.

F. Non-Disciplinary Emergency Suspensions From Duty

Employees on non-disciplinary emergency suspensions will be carried on administrative leave, and suffer no loss of pay. Non-disciplinary emergency suspensions may include the suspension of the employee's peace officer powers, and relieving him/her of his/her department-issued firearm(s), badge, keys and identification.

Employees receiving a non-disciplinary emergency suspension shall be required to report to their District/Bureau commander at 0900 hours on the first business day following the non-disciplinary suspension. The District/Bureau commander shall provide the suspended employee with instruction as to temporary assignment, whether the non-disciplinary suspension will continue, etc. The employee imposing or recommending the suspension shall also report to the District/Bureau commander's office early enough to brief the commander prior to the affected employee's arrival.

G. Recommendations for Discipline

When disciplinary action is recommended or an emergency suspension is enacted, a written report must be submitted immediately to the Chief of Police or designee, through the chain of command (with copies to each commander), and shall contain the following information:

- The name, rank, and present assignment of the person being recommended for discipline;

- The date(s) and time(s) of the alleged misconduct and the location(s);
- The section number(s) of the Policy/Procedure Manual or other rule or law violated or the common name of the misconduct;
- A complete statement of the facts of the misconduct; and
- The written signature, badge number, and rank of the preparing employee and his/her position.

H. Notification of Pending Disciplinary Action

When an employee is to receive disciplinary action, the employee shall be notified at least ten calendar days prior to service of the order of discipline. The notification is for the purpose of allowing the employee an opportunity to respond orally or in writing to the Chief of Police or designee. The notice of pending disciplinary action shall:

- State the reason(s);
- Be accompanied by a copy of the charges and materials upon which the action is based; and
- State the employee's right to respond, either orally or in writing, to the Chief of Police or designee, as the authority imposing the discipline.

The appointing authority may impose disciplinary action without compliance with the noticing provisions of this section when the appointing authority determines immediate disciplinary action is necessary against an employee having permanent status as a result of accusations involving:

- Misappropriation of public funds or property;
- Drug addiction;
- Mistreatment of persons in the custody of the employee;
- Physical assault upon another employee or an employee of the public;
- Action which would constitute a felony; or
- A misdemeanor involving moral turpitude.

I. Appeals of Disciplinary Actions

Any employee receiving disciplinary action may appeal such action through established means per their respective MOU's.

Any employee wishing to formally appeal a written reprimand must submit a written request to his/her Division Commander within 10 days of receipt of the written reprimand. The Division Commander will then assign the appeal to an uninvolved supervisor of at least one rank above the rank of the supervisor issuing the original written reprimand.

Absent a written stipulation to the contrary, the employee will be provided with an evidentiary hearing before the assigned, uninvolved supervisor within 30 days. The decision of the assigned, uninvolved supervisor to sustain, modify or dismiss the written reprimand shall be considered final.

Additionally:

- Discipline in the form of fines, suspensions, demotions and dismissals may be appealed to the Civil Service Board or to that Board through advisory arbitration. For fines and suspensions which have been imposed by *the Professional Standards* Division Commander, appeal to the Chief of Police is an option available in lieu of advisory arbitration or the Civil Service Board. When this option is elected there will be no further appeal to the Civil Service Board or advisory arbitrator. The employee electing this option shall execute a waiver, in accordance with the above, as drafted by the parties;
- Both Civil Service and Advisory Arbitration hearings will be closed to the public unless otherwise requested by the employee; and
- The filing of an appeal of discipline shall not delay the action imposed by the Chief of Police or designee.

J. Disciplinary Action Against Probationary Employees

In the event that a probationary employee is terminated solely for unsatisfactory performance or the failure to meet Department standards, the employee shall have no right to appeal and the following shall be considered:

- Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file;
- In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in Section I as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline;
- At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in Government Code §3303 and applicable Department policies;
- A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment;
- The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence;
- In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file; and
- In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police.

K. Sworn Personnel

For purposes of this procedure, the terms "employee" and "employees" refer to recruits, officers, and sergeants represented by the FPOA.

L. Corrective and Disciplinary Action Matrix

The following matrix provides information on the different types of corrective and disciplinary actions that may occur and the appeal rights of the employee for each type of action.

| ACTION | CORRECTIVE ACTION / DISCIPLINE | MAY BE ISSUED/ IMPOSED BY | SKELLY NOTICE | APPEAL RIGHTS |
|---|--------------------------------|--|---------------|---|
| ORAL COUNSELING | Corrective Action | Supervisor or higher level | NO | If documented or noted in any personnel file, written response within 30 days |
| ORAL REPRIMAND | Corrective Action | Supervisor or higher level | NO | |
| LETTER OF COUNSELING | Corrective Action | Supervisor or higher level | NO | Appeal within 5 days to next higher supervisor and/or written response within 30 days. |
| DOCUMENTED ORAL REPRIMAND | Corrective Action | Supervisor or higher level | NO | |
| LETTER OF INTENT TO ISSUE LETTER OF REPRIMAND | N/A | <i>Bureau</i> Commander | YES | see: Administrative Hearing Procedure (MOU) Respond to the <i>Bureau</i> Commander, final appeal to the Chief of Police, and/or written response within 30 days |
| LETTER OF REPRIMAND | Discipline | <i>Bureau</i> Commander | N/A | |
| NOTICE OF PROPOSED FINE | N/A | <i>Professional Standards</i> Division Commander | YES | Respond to the <i>Professional Standards</i> Division Commander. Appeal to Civil Service Board (CSB), Arbitration (advisory to the CSB) or Chief of Police, and/or written response within 30 days. |
| FINE | Discipline | <i>Professional Standards</i> Division Commander | N/A | |
| NOTICE OF PROPOSED SUSPENSION | N/A | <i>Professional Standards</i> Division Commander | YES | |
| SUSPENSION | Discipline | <i>Professional Standards</i> Division Commander | N/A | |
| NOTICE OF PROPOSED DEMOTION | N/A | Chief of Police | YES | Respond to the Chief. Appeal to CSB or Arbitration (advisory to the CSB), and/or written response within 30 days. |
| DEMOTION | Discipline | Chief of Police | N/A | |
| NOTICE OF PROPOSED TERMINATION | N/A | Chief of Police | YES | |
| TERMINATION | Discipline | Chief of Police | N/A | |

Report PreparationCorresponding Policy 344: Report Preparation

A Crime Report shall be prepared whenever any reported crime has been committed or is logically suspected of having been committed in the City.

A. Report Completion

All police reports should be completed legibly and submitted for approval at the end of the duty shift on which the initial incident was handled by the reporting member. When reports cannot be completed prior to the end of a member's duty shift, the report(s) shall be completed during the member's next duty shift.

Before leaving at the end of the shift, members shall complete and submit for supervisory approval all reports which involve:

- Part One and possible Part One offenses
 - Homicide;
 - Rape;
 - Robbery;
 - Aggravated Assault *;
 - Burglary;
 - Larceny;
 - Motor Vehicle Theft;
 - Arson;
- In custody, cited, or identified suspects;
- Solvability factors which would require immediate action by a follow-up investigator;
- A missing person;
- Incidents which have generated an Unusual Occurrence Report;
- A WIC § 300 placement; or
- Crimes of violence or hate incidents.

* The definition of "Aggravated Assault" for Uniform Crime Reporting purposes is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault is usually accompanied by the use of a weapon or by means likely to produce death or great bodily injury.

B. On Duty Report Writing

Field members are to come in service from a call as soon as they have completed their preliminary investigation.

- Reports are not to be written while still out on the call.
- When there are no 0 or 1 priority calls holding in their district, field members may put themselves out "report writing" without having to consult with the ComCen.
- Consistent with other dispatching protocols, ESD's should allow field members to report write when no 0 or 1 priority calls are holding in their district.

When permission has been granted by a supervisor, members may remain out of service to write reports on major investigations (e.g., homicides, fatal vehicle collisions, etc.) In such cases, a member who is report writing shall not be dispatched on calls without the approval of a field supervisor or, district commander or field commander.

C. Dictating

Report narratives may be dictated when the narrative, if handwritten, would exceed three single spaced pages and:

- The incident is a felony; or
- *The incident is a misdemeanor with suspect(s) in-custody; or*
- The report is of a sensitive or unusual nature (permission to dictate must be given by the member's supervisor).

Dictated reports shall be submitted to the Records Bureau immediately upon completion.

When dictated reports are returned for review/correction, they shall be reviewed and if necessary corrected prior to the end of the member's next duty shift.

The name of the supervisor approving dictation shall be listed following the "Narrative Dictated" notation described below.

The only material authorized for dictation is that which can be documented on narrative pages. No forms other than narrative pages may be dictated.

When the narrative is dictated the words: "Narrative Dictated" shall be clearly indicated at the start of the report following the listing of all persons involved.

D. Synoptical Report

Use of the Synoptical Report is limited to the following categories:

- Theft (except vehicles, vehicle burglary, license plates, firearms, and checks) and vandalism (except graffiti cases);
- Noise complaints when documentation is requested and no arrest is forthcoming;
- Telephone offenses except where an immediate threat to life exists;
- Lost property (except checks);
- Found property/contraband;
- Property stored for safekeeping not related to an incident otherwise requiring a report;
- Courtesy reports except those mandated by law (e.g., missing persons) or those involving person related felonies;
- Misdemeanor hit and run with no suspect or suspect vehicle information;
- Industrial accidents involving injury;
- Animal complaints, except bites involving special circumstances;
- All other misdemeanor crimes;
- Illegal dumping;
- Citizen requests for documentation relating to disturbances in which no crime has occurred;
- Suspected child abuse, neglect or endangerment where there is no one at the location, or where the investigating officer determines that the case is unfounded; and
- Non-crime incidents where juveniles are involved but are not cited or arrested, including:
 - Reprimand and release without any further police action;
 - Disturbance; or
 - Detention with later release to a parent.

A CR is required in any criminal investigation where there is an identifiable suspect or where there is physical evidence which could lead to the identification of a suspect.

E. Synoptical Report Content

- Identifying information on the parties involved (i.e., name, race, sex, DOB, address, and phone numbers);
- All property should be listed in the property section of the report and described in as much detail as available. Stolen property shall have an estimated value included; and

- A detailed synopsis of the incident being documented. The synopsis should be thorough enough to allow for an upgrade of the Synoptical Report to a Crime Report.

F. Explanation To RP's

The Synoptical case number will be given to the RP prior to clearing the call.

- The RP will be advised that the case number is documentation of their call and no further action shall be taken unless additional information is obtained.
- The RP should be instructed to keep whatever level of formal documentation they desire along with the original case number.
- Should the RP provide additional pertinent information at a later date, such as suspect and/or serial number information, an event will be generated for the CSU to permit appropriate follow-up.
- Copies of the Synoptical Report printouts may be obtained from Records.

G. Follow Up

When an event, in which a Synoptical Report was completed, generates a Supplemental Report, then the member who completes the Follow-up shall upgrade the case to an original Crime Report.

H. Serialized Property

When members investigate a theft and a serial or owner applied number to the stolen property is known, the member shall complete a Teletype Form and a Burglary/Theft Form describing the serialized property. The Teletype form shall be submitted to Records.

The Burglary/Theft Form will be used to document the stolen property and the victim's identifying information. The Burglary/Theft Form will be provided to the victim (either in person or by mail).

I. Telephonic Reporting

The following types of calls may be handled telephonically:

- Petty theft (including bicycles);
- Grand theft;
- Vehicle theft;
- Vandalism;
- Lost property;
- Out of jurisdiction missing person;
- Walk away from board and care facility;
- Runaway juvenile from a group/foster home (12 years of age and over);
- Threatening phone call;
- Courtesy report for out-of-town agency;
- Prior disturbance;
- Violation of restraining order;
- Follow-up information on prior cases;
- Prior hit and run accident; and
- Calls approved by a supervisor.

Exceptions

The calls listed above shall not be handled telephonically when:

- There is a suspect in custody;
- There is a probability of immediate apprehension of a suspect;
- An involved party is in immediate physical danger;
- There are exigent circumstances which require the physical presence of a member (e.g., excessively high value of loss, potential witnesses in the area, etc.);
- A prior disturbance or restraining order violation involves domestic violence;
- There is a probability of recovering usable evidence; or

- The property being reported could be either lost or stolen, and the serial number is not known at the time of the report. This includes serialized City of Fresno trash cans. The victim is to be advised to complete their own report via the Internet, or by responding to Police HQ, or any District Station open to the public.

J. Multiple Offenses

When there is a separation of time and place between the commission of several crimes, each of the crimes should be handled and reported as separate incidents and each will be reported as a separate case.

When a review of the facts indicates conclusively that several crimes have been committed during the course of one distinct combined operation, only one report shall be prepared to report all of the crimes.

- A single report shall be used to report several counts of the highest offense occurring at the same time and at the same place, and it shall also document all lesser Part I and Part II offenses.
- The one report may include several businesses and/or persons as victims.

Exception: These rules do not apply to a series of vandalisms or vehicle burglaries involving separate victims. These crimes will be reported as separate offenses on separate reports.

K. Personnel Changes

Prior to promotion, separation or change of assignments, personnel are required to review the report writing system to assure that all reports that are pending approval or incomplete have been completed approved and submitted to records.

L. Supervisor Responsibilities

Supervisors shall check all reports holding in their assigned shift team box immediately after briefing and before logging off.

When a supervisor is assigned to work in a district/unit other than his/her primary assignment (being loaned) the supervisor shall check all reports holding in the shift team box of the district/unit they were loaned to immediately after briefing and before logging off.

There may be circumstances where a supervisor may not be able to check all reports holding and those situations may include but are not limited to a supervisor's response to a critical incident or a Department member requesting a supervisor's presence in the field.

Fires/ArsonCorresponding Policy 345: Fire/Arson**B. Member's Duty After Fire Department Arrival**

The member's primary duty after arrival of the FFD is to prevent interference with (PC §§ 148.2, 402, H&S § 13006 a-d) or injury to (PC §§ 240 and 245.1) fire personnel, and equipment (VC § 21708). The officer in charge of the police response to a fire scene shall immediately contact the FFD Incident Commander and determine what assistance members can provide and coordinate the Department's response to the incident.

C. Closing Area

The authority for closing an area during a fire is found in PC § 409.5. Upon request of the fire official in charge, members shall close the fire area and/or divert traffic in such a manner as to allow a minimum of congestion and maximum freedom of movement by FFD personnel and equipment (VC §§ 2812, 21707).

D. Use of Barricades

In more serious fires, barricades and warning flashers may be used in order to more effectively close an area and best utilize available members. Members who need barricades and flashers shall advise the ComCen of the number and type needed and the location where they should be delivered. The ComCen shall contact the appropriate City department for delivery of the barricades to the specified location.

E. Spectators

Officers shall keep spectators who may become a source of interference, from approaching a fire. The distance at which spectators should be kept will depend on the seriousness of the fire, the probability of an explosion, and/or exposure to hazardous materials.

Media access to the scene is governed by Policy § 346.

F. Authority of the Incident Commander

The ranking member of the FFD at the scene of a fire is the Incident Commander.

Members shall comply with his/her orders or instructions at all times. When an order of the Incident Commander is contrary to the provisions of this Manual or other Department policies or procedures, the member shall obey the order and notify his/her supervisor immediately.

G. Supervisor at Scene of Fire

A supervisor and a district or field commander shall be dispatched to the scene of any major fire or disaster.

H. Post-Fire Security

The FFD has primary responsibility for locating an owner or person responsible for burned premises.

When the ComCen cannot locate an owner or responsible party, FFD personnel shall be responsible for notifying the ComCen when security is required at the scene. Upon receiving such notification, the ComCen shall contact a private security firm to secure the scene.

I. Reporting Observed Fires and Alarms

On-duty members who discover a fire or locate an activated fire alarm shall immediately notify the ComCen and give the location and a description of the size and type of fire/alarm observed. The ESD receiving the notification shall ensure that the appropriate fire dispatching entity is notified.

Members who locate a recent fire that has been extinguished where the FFD has not been notified, shall notify the ComCen of the circumstances so that appropriate fire personnel may be dispatched to investigate and to ensure that the fire has been properly extinguished.

J. Reporting of Fire Hazards

Members detecting a fire hazard or potential fire hazard shall notify the ComCen of the location and nature of the hazard. The ESD receiving such notification shall contact the appropriate fire dispatching entity for action.

K. Arson Investigations

Initial Investigation

The FFD *may* dispatch a fire investigator to the scene of fires of suspicious origin in the City, only upon recommendation of the Incident Commander. *Members should consult with the Incident Commander regarding the need for arson investigator response.* The primary responsibility for investigating the incident and preparing the initial crime report on all arson fires rests with the FFD arson investigator.

Exception: When it is determined that another crime is involved (e.g., burglary, homicide, *vehicle theft*, etc.) the primary member shall investigate and have primary reporting responsibility. *When dispatched upon recommendation of the Incident Commander*, the fire investigator will prepare any supplemental report deemed necessary after consultation with the primary investigating member at the scene. Any supplemental report prepared by the FFD fire investigator will be limited to the specific details of the arson investigation.

Scene Preservation

When a fire has been extinguished and it has been determined that arson may have been involved, the FFD may turn crime scene security over to the Department which shall assume responsibility for preservation of the scene.

When it appears that long term security will be required, a private security firm may be contacted to relieve the member(s) preserving the crime scene.

Fire Bombs and Incendiary Devices

Members shall request notification of fire investigators when any incendiary devices have been discovered, and shall assist the fire investigator as requested.

Fire investigators shall complete a crime report and handle all evidence and materials when they respond to a call. When a fire investigator is not available, members are responsible for completing a crime report and handling all evidence and materials.

When the device is still active and presents a possibility of igniting or exploding, the EOD Team shall be notified.

Supervisory ResponsibilitiesCorresponding Policy 349: Supervisory Responsibilities**A. General Responsibilities**

Supervisors shall be responsible for all of the activities of the personnel under their command. This shall apply whether or not the supervisor has exercised direct control over those activities.

Supervisors shall be responsible for ensuring the proper development of their assigned personnel through training, evaluation, counseling, guidance, commendation, discipline or other available means.

Supervisors are responsible for ensuring their superiors are continually apprised of all matters that affect personnel under the supervisor's command that may require Departmental action, impact the superior in the performance of his/her duties, or that may be of interest to other members of the Department or the public.

Supervisors are responsible for ensuring that officers assigned to them perform all their duties efficiently and expeditiously.

D. Incidents Requiring Direct Notification of the Chief or Designee

When any of the following incidents occur, the commander of the district in which the event occurred and the Deputy Chief of the Patrol Division shall be contacted as soon as practical by the commander of the incident:

- A member is seriously injured or killed;
- A member is involved in any action that results in a potentially fatal injury or the actual death of any person;
- Members or resources are requested or likely to be requested in another jurisdiction under formal or informal mutual aid;
- A riot, major disturbance, or public catastrophe occurs in the City; or
- A member is involved in any action which is likely to be the focus of significant public interest or is likely to bring the Department into disrepute.

The Deputy Chief, after notification, will provide direction as to any further notifications deemed necessary (e.g., the Chief of Police, the commander of involved member, etc.)

E. Checking Reports

Supervisors shall make themselves or designees available to check completed reports during their shift, and shall be responsible for the prompt delivery of all completed reports to Records. Refer to Procedure §344.

F. Injured Members

Supervisors shall supervise the handling of all incidents involving injured members.

Their responsibilities include:

- Arranging for medical treatment;
- Initiating or approving time off; and
- Completing all administrative reports.

G. Observation and Evaluation

For purposes of this order, supervisors who perceive/observe any performance of subordinate members not administratively assigned to them shall assume the responsibilities of that subordinate's assigned supervisor for the purposes of supervising and monitoring the subordinate's performance.

H. Briefing

Supervisors, or their designees, shall be responsible for conducting briefings during each shift.

- Briefings give the supervisor an opportunity to assess the readiness of each Department member with respect to the performance of their duties.
- Briefings offer the supervisor an opportunity to train subordinate members while reaffirming the role of the supervisor as a trainer.
- Supervisors should stay current on instructional techniques and offer an opportunity for feedback from subordinates for future training sessions.
- Briefings will consist of detail assignments for the shift as well as the dissemination of any pertinent information which may include:
 - Wanted person;
 - Problem locations;
 - New operating procedures;

- Daily patrol activity, with particular attention to unusual situations occurring within the district or City;
- Potential and actual police hazards;
- Changes in status of wanted persons, stolen vehicles, major investigations, community activities, etc.; and
- Notification of new directives or any changes in directives.

When members do not attend shift briefing, their supervisor, or designee, shall make personal contact with the on-coming member as close to the start of the member's shift as possible.

- Members shall receive all current information regarding their district/unit during the contact.
- A briefing packet shall be compiled for each on-coming member who does not attend shift briefing and shall contain the same information given during the shift briefing.

Supervisors in non-patrol assignments should conduct briefings weekly which, at a minimum, cover issues relating to the unit or bureau. Many units have specific tasks and/or issues relative to their assignments and briefings give the supervisor the opportunity to establish new directives or make any change in existing directives.

The Training Bureau has made available weekly training information which should be shared with all personnel regardless of assignment.

- This information can be found in each supervisor's e-mail.
- Personnel not assigned to the Patrol Division should review this training during their weekly briefing. This information shall be made available to those unable to attend this briefing.

Fresno Police Department Procedures Manual

Outside Agency AssistanceCorresponding Policy 352: Outside Agency Assistance

CALEA 1.1.3, 2.1.2, 12.1.4, 42.2.5

A. Regional First Responder – Instant Aid (FPD AND FCSD)

When the Fresno Police Department (FPD) receives a life threatening CFS, and there are no FPD personnel available, ComCen will request the aide of the Fresno County Sheriffs Department (FCSD). FCSD will be dispatched to the scene and will be responsible for stabilizing the call, and standing by for FPD personnel who will take over primary investigative responsibility, if needed. This same rule will apply for FPD, if FCSD has no units available to respond to a life threatening CFS and the call is within a county pocket, within the Fresno Metropolitan Sphere of influence. This is per an MOU dated 4/3/02 between the Chief of Police and Sheriff of Fresno County.

The overall aim for both the FPD and FCSD is to ensure a timely law enforcement response to life threatening calls, regardless of jurisdictional boundaries.

B. Assisting Outside Agencies

Field members will respond to requests for assistance from other law enforcement agencies consistent with the priority and volume of Department calls for service holding at the time. Requests requiring multiple unit responses, for other than temporary backup, require supervisory response and notification of the appropriate commander. All other members shall assist outside agencies consistent with their own workloads.

C. Multiple Criminal Acts in Multiple Jurisdictions

Multiple criminal acts involving major crimes occurring in more than one jurisdiction shall be handled as follows:

1. The jurisdiction in which the most serious crime occurs (using the Part I crime classification) will be the primary investigative agency and will investigate all other related offenses;
2. In the absence of knowledge of the location of other offenses, the jurisdiction where the last known offense occurred will assume investigative responsibility;
3. When jurisdiction is not clearly defined, area or field commanders or supervisors from the affected agencies shall meet, evaluate the total circumstances, then determine the agency that would appear to have primary responsibility under the above guidelines; or
4. When an agency begins an investigation but later discovers the investigative responsibility is with another agency, an administrative decision shall be made by the bureau commander of the applicable follow-up unit whether to continue the initial investigation or to transfer the investigation to the agency with original jurisdiction. When responsibility is transferred, all information and evidence shall also be transferred. All reasonable assistance to accommodate the transfer of the investigation shall be provided.

Custody of AdultsCorresponding Policy 355: Custody of Adults

Officers shall exercise sufficient control over arrestees in their custody so as to minimize the potential for escape, injury, property damage, and/or evidence destruction.

B. Approval of Misdemeanor Bookings

All misdemeanor bookings into the FCJ shall be approved by a supervisor prior to removal of the arrestee from the scene of arrest.

C. Fee Exempt Booking

A booking is deemed "Fee Exempt" when an adult suspect is booked for any of the following:

- Violations of parole, except where there is a separate charge for a crime occurring in the jurisdiction of the Department;
- Charges resulting from a mutual aid response to another agency;
- Escape from a local, state, or federal custodial facility;
- On charges resulting from riots, disturbances, or events for which the Governor has declared a state of emergency; or
- By an officer who is assigned to a formal multi-agency task force in which the county is a participant and the charges result from activities of that task force.

When a fee exempt booking into the FCJ is made, one of the above categories must be specified in the AR of the incident and officers shall write the words "FEE EXEMPT" in the top margin of the AR.

E. Detoxification Services

Detoxification services are not provided by the Fresno Police Department. Suspects who are severely intoxicated and do not meet the minimum intake requirements for detoxification at FCJ shall be transported via EMS to CRMC.

F. Vermin Control

Vermin control is provided by the Fresno County Sheriff's Department (FSD) during the booking process/procedure at FCJ. Members who suspect vermin infestation of an arrestee should bypass the Prisoner Processing Section and transport the arrestee to FCJ. If processing is required, CSB should be notified to arrange for prisoner processing after the arrestee has been treated for the vermin infestation. Janitorial services shall be notified to treat any holding cells that have been used to detain individuals suspected to have vermin.

H. Arrestee Refuses Treatment

When an arrestee refuses medical treatment at the hospital, the officer shall obtain a completed AMA form (leaving Against Medical Advice) from the attending physician. The form acknowledges that the arrestee has had the opportunity for medical care and elected not to receive it.

The arrestee shall then be processed and booked consistent with existing procedures.

When an arrestee refuses medical treatment in the field, obtain a completed AMA form from EMS personnel and then process and book the arrestee consistent with existing procedures.

I. Arrestee Property

Personal property belonging to an arrestee that is not booked as evidence should be taken from the arrestee by an officer at the time of arrest and prior to transportation.

- This property shall be put in a prisoner property envelope.
- An arrestee's money shall be placed in a prisoner money envelope.
- The information spaces on the envelopes shall be thoroughly completed, including the arrestee's signature.
- When an arrestee refuses to sign the envelope, the officer shall write "Refused to Sign" on the inmate signature line.
- The envelopes shall be delivered to the FCJ booking officer.

Any property belonging to an arrestee that is not accepted by the FCJ booking officer shall be booked into the PECS consistent with the guidelines of Procedure §804.

- Officers booking property from an arrestee into the PECS shall give a copy of the Property for Safe Keeping Receipt to the arrestee before he/she is booked.

J. Miranda Warnings

While on duty, and when testifying in court, officers shall have in their possession the Department issued Miranda Warning card.

Warning and Waiver Required

The "Warning" and "Waiver" are generally required prior to any questioning in which the arrested person in custody may incriminate himself/herself about the offense for which the person is in custody or before questioning about any offense in which prosecution may be pending against the person being questioned.

When advising arrested persons of their rights, officers should read the Miranda Warning verbatim and then should read, verbatim, the questions regarding the "Waiver of Rights."

- When the Miranda Warning and Waiver are given, officers shall note such fact in their report of the incident.
- Any waiver given by a suspect shall also be included in the report using the suspect's exact words and/or gestures.

Warning Not Required

The following list of examples where Miranda warnings are not required is not intended to be all inclusive:

- The warnings are not required if the officer does not ask any question which is likely to produce an incriminating statement about the crime for which the person was arrested;
- The warnings are not required in order to obtain information needed to complete arrest tags or the booking process; and
- A person who, without any questioning by an officer, voluntarily makes an admission, statement, or confession shall not be interrupted to advise him/her of their rights. When an officer intends to ask any "clarifying" question following such an admission, statement or confession, he/she must then give the warnings and obtain a waiver before asking follow-up questions.

K. Serving Adult Warrants

Fresno County Warrants (FSD)

Officers making arrests on adult warrants held by the FSD *shall transport the arrestee to the PPS for processing and* should obtain the warrant abstract once they arrive at the FCJ.

Out-of-Town Warrants

Person's detained pending arrest for an out-of-town warrant must be taken to the PPS. The arresting officer will:

- Contact the agency holding the warrant (usually by phone) to confirm the warrant and have them send a teletype abstract of the warrant to the Department;
- The agency, if within California, will be given the mnemonics "FRF0" to be used in addressing the abstract;
- Agencies outside of California will be given the ORI of CA0100500. Agencies outside of California may also need to be advised of the requirements of PC §850(b) to ensure that a legally complete abstract will be returned; and
- Normally, an arrestee cannot be booked until the abstract is received. In those cases where contact has been made with the originating agency and it has been determined that an abstract will not be sent for several hours, officers will:
 - Contact the FCJ booking section and advise them of the pending arrival of the abstract;
 - Complete the AR with as much detail as can be obtained from the Wanted Persons Entry, phone conversations, etc.;
 - Attach copies of the teletype "hit" to the AR;
 - Book the subject at the FCJ;
 - Be dispatched to retrieve the abstract when received by the Department;
 - The officer shall take the abstract to the FCJ to be attached to the prisoner's paperwork; and
 - When abstracts are received prior to booking, they shall be inspected for completeness [PC § 850(b)] and shall be signed, dated and attached to the AR.

The PCD shall contain facts sufficient to document probable cause for each and every felony charge and for each count where a suspect is booked on multiple counts of the same charge

L. Responsibility for Arrestee

An officer's responsibility for an arrestee ends when the arrestee is booked.

M. Notice of Additional Charges

When additional charges are to be added after an arrestee is booked, officers shall complete the appropriate number of AR's consistent with the charges and case numbers involved.

- The words "Add-On Charges" shall be written at the top of the AR.

When the additional charge is a felony, *the AR shall be routed to the CSB supervisors. Mug and Print* shall be written next to "Add-On Charges" to alert *CSB personnel* of the need for processing the prisoner on the new charge.

The officer shall also complete the FSD "Notice of Additional Charges" form.

- Both the AR and Notice of Additional Charges shall be given to the FCJ intake officer.
- Officers delivering the AR to the FCJ shall request that it be forwarded to the mug room for processing in felony cases.

N. P.C. 1203.2(a) Arrests

When booking a suspect on the charge of PC §1203.2(a), members shall enter the Superior Court Case number (*e.g. F10123456*) in the *'Warr #' box of the charge screen for the PC §1203.2(a) violation.*

O. Public Intoxication P.C. 647 (f)

Members who detain individuals in violation of PC §647(f) (Public Intoxication) must meet the following criteria to be offered a voluntary alternative of transportation to the Rescue Mission / Poverello House as an alternative to booking at FCJ. Individuals qualify when:

- They are non-combative;
- They are ambulatory;
- They have no known, existing medical conditions requiring immediate medical attention;
- No controlled substance influence symptoms are present;
- No known, violent mental disorders are present; and
- They are not in possession of large amounts of personal property.

Individuals exercising this voluntary option can be dropped off at the Mission (males) or the Poverello House (females) on a 24-hour, 7-day a week basis.

- Officers shall update their events, if no case is prepared, with the time of drop-off and an indication of the detainees desire to choose this voluntary option.
- Similar information will be included in any case prepared in association with the detention.

P. Detention Releases P.C.849(b)

Officers may release from custody any person arrested without a warrant when:

- They are satisfied that there are insufficient grounds for making a criminal complaint against the person arrested;
- The person arrested was arrested for intoxication only, and no further proceedings are desirable; or
- The person was arrested only for being under the influence of a controlled substance or drug and the person is delivered to a facility or hospital for treatment and no further proceedings are desirable.

Officers who release arrested persons pursuant to PC §849(b) shall complete the Certificate of Release Form.

- A report number shall be included on the Certificate of Release Form.
- One copy shall be given to the arrestee and the remaining copies of the form shall be forwarded to Records, attached to the police report of the incident when possible.

When the incident would not normally require a report or when a citizen's arrest is not accepted by the officer due to a lack of probable cause the arresting officer shall complete a Synoptical report and make a notation "Synoptical" next to the report number on the Certificate of Release Form.

Civil Problems / Court OrdersCorresponding Policy 357: Civil Problems / Court Orders**A. Child Custody / Visitation Exchanges**ComCen Responsibilities

Only the Court can change custody orders. This Department only enforces the Court Orders. Refer your RP to the Court of Jurisdiction if they wish to have any Court Orders Changed.

The ComCen shall also keep a current default list of approved exchange agencies that are predetermined each month.

Officer Responsibilities

When an officer is dispatched to perform a civil standby during a child custody/visitation exchange, the following guidelines will be followed:

- Officer response is limited to preserving the peace;
- When the involved parties have a custody order issued in California, only the most recent order may be enforced. When the involved parties do not have an existing custody order, each call for service shall be handled as a civil dispute;
- Each party shall be provided with a referral list of Supervised Child Visitation and Supervised Exchange Agencies; and

Self Reporting Procedures

Public Counter Records Clerks shall provide the report forms to citizens requesting a custody order violation report. Completed report forms shall be taken to HQ by the R/P, where a case number will be issued, placed on the report form and provided to the R/P. *Reports filed via the Internet will automatically be issued a temporary case number. After the submitted report is reviewed and approved, a permanent number will be issued and automatically emailed to the reporting party.*

Duty Office Review of Self Reported Custody Order Violations

The duty officer or other designee shall review the Custody Order Violation Self Reporting Forms completed by the public on a daily basis. If the reviewing officer discovers any indication that violence may be imminent, a CFS shall be generated and officers shall respond.

C. Repossessions

An officer's duty extends only to preserving the peace. Officers are not to attempt to resolve the issue of ownership or right of possession of the property in question.

Officers shall determine who is in possession of the questioned property at the time of his/her arrival. When the debtor is still in possession, he/she may voluntarily relinquish possession, but he/she is not

required to do so. The creditor (or an agent) has no right to use force to take the property from the debtor.

When the creditor has taken possession, but has been unable to leave the premises, the debtor is still held to be in possession and does not have to relinquish the item(s).

When the repossession has been completed (the creditor has left with the property), the creditor is then held to be in legal possession and the debtor is considered to have lost possession.

Exception: When the subject of the repossession is a vehicle a repossession occurs (the repossession is complete) when the reposessor gains entry to the vehicle or when the vehicle becomes connected (in any way) to a tow truck.

In any event, all involved parties shall be referred to contact their attorneys to resolve the issue through due process.

Under limited circumstances, an arrest may be made for disturbing the peace, trespassing, etc., however, voluntary compliance should be sought in order to minimize the need for arrest.

D. Court Order Enforcement

The different types of orders described in this section are generally identified by titles contained in the bottom margin of the court order form or the title on the CLETS hit.

The Confidential box shall be checked in RPW when documenting violations/possible violations of court orders in all DV investigations and the RP or victim's address and/or telephone number are unknown to the suspect.

Orders to Show Cause

Orders to Show Cause order a court appearance only and do not contain enforceable provisions. However, Orders to Show Cause may contain Temporary Restraining Orders (TRO).

Temporary Restraining Orders (TRO)

A TRO is a court order, issued prior to a formal hearing, which contains enforceable provisions which may include child custody and visitation directives, stay away and protection provisions, etc. TRO's are valid until the date of hearing or as otherwise listed in the order.

TRO's are enforceable anywhere in California by any law enforcement agency that has received the order, is shown a copy of it, or has verified its existence through the Restraining Order System (ROS) of CLETS (Family Code §6224). Officers shall enforce these orders whenever they can establish:

- That the order is valid. Validity is established by the signature or stamp of the issuing judge on the order and ensuring that the alleged violation is within the effective dates of the order;
- Reasonable cause to believe that the restrained party violated a provision of the order in the officer's presence or a victim is willing to make a citizen's arrest for a violation not committed in the officer's presence; and (PC §836(c)(1) allows a misdemeanor arrest for violation of a DV RO not committed in the officer's presence)
- Proof of service upon the restrained party or other proof of knowledge (e.g., his/her presence at the hearing where the order was issued, admission of knowledge, etc.)

When the restrained party has not been served, service shall be completed as provided for in Section E.

Prior to enforcement, members shall review the order to confirm that the above conditions have been met. Care shall be exercised to ensure that the most recent version of an order is reviewed. This may be accomplished by contacting FPD and/or FSD Records for verification of dates on orders issued in Fresno County. For orders issued outside of Fresno County, the law enforcement agency of jurisdiction

as indicated in the ROS entry should be contacted. It is not necessary that an order be in ROS or filed with a law enforcement agency before it can be enforced. It is only necessary to establish the above elements before enforcement shall be undertaken. If there are contradictory orders from two different courts, both of which appear to be valid, the Police Legal Advisor should be contacted.

TRO's may be reissued as a "Temporary Restraining Order Reissued" which is to be handled the same as an initial TRO.

Protected parties who do not have their court orders on file with the appropriate law enforcement agency should be directed to take copies to those agencies at their earliest convenience. When a copy of a valid order is received by the Records Bureau it shall be entered into ROS.

Restraining Order after Hearing

A Restraining Order after Hearing is issued after a judicial hearing and is valid for the period indicated on the face of the order. These orders establish specific conditions of restraint and may be used in conjunction with "Findings and Order after Hearing" orders.

Enforcement is handled in the same manner as TRO's.

Findings and Order after Hearing

This order establishes terms and conditions of custody and visitation, child support, spousal or family support, property, and other similar issues and are valid as specified or until modified.

E. Enforcement of Restraining Orders & EPO's

When an officer is made aware that a restraining order/EPO exists, but cannot verify proof of service or prior knowledge of the order by the restrained party, the officer shall, when the restrained party is present:

- Inform the restrained party of the terms of the order;
- Admonish the restrained party that he/she is now on notice and that violation of the order will result in arrest;
- Prepare a "Restraining/Emergency Protective Order Proof of Service Form". The FPD case number shall be inserted in the upper right hand corner of the form when applicable. When the proof of service is being served on an order in possession of the Sheriff's Department and there is no related FPD case number, the words "FSD Only" shall be inserted in the upper right hand corner. All blanks on the form shall be filled in with the exception of the "For Court Use Only" Box. The box labeled "Case Number" shall be used only for the court case number as listed on the restraining order. The space provided for the "Department Case Number" shall list the event number assigned to the call. The event synopsis shall include the Court Case Number. No report other than the Restraining/Emergency Protective Order Proof of Service Form is required when the only action being taken is service of a court order/EPO; and
- Distribute copies of the service form as follows:
 1. The white original page shall be forwarded to Records;
 2. One copy shall be provided to the protected party, when present;
 3. One copy shall be provided to the restrained party; and
 4. The fourth and any undelivered protected party copies shall also be forwarded to Records.

When the restrained party continues to violate the order after being advised of the terms, an arrest shall be made.

F. Orders Issued Outside of California

Members who receive requests to enforce a TRO or court order issued in another state relative to child custody or child visitation MUST contact the Police Legal Advisor prior to taking or not taking any action based upon an out-of-state order.

G. Removal of Tenants/Trespassers

When a tenant refuses to vacate premises after being evicted the investigating member shall determine if an Eviction Restoration Notice has been properly executed. Completed forms should list the plaintiff, defendant, court, action taken, Sheriff's file number, county, signature of a sheriff's deputy, and the date. When the member verifies that the notice is complete and accurate, he/she is authorized to arrest the violator(s) under PC §419.

Major Incident NotificationCorresponding Policy 358: Major Incident Notification**A. Notification Responsibility**

The Asst. District Commander designated as PIO, Field Commander, or his/her designee is responsible for:

- Making the appropriate notifications (or arranging for them to be made);
- Making reasonable attempts to obtain as much information on the incident as possible before notification; and
- Making the notifications as soon as practical.

B. Staff Notification(s)

The Commander (or designee) of the district affected, will be notified along with the appropriate investigations lieutenant.

The Commander (or designee) will provide direction as to any further notifications they deemed necessary (e.g., the Chief of Police, Division Commander).

D. Traffic Bureau Notification(s)

The sergeant in charge of the Collision Reconstruction Unit (CRU) will be contacted through the ComCen when any major or fatal traffic collision occurs meeting the criteria for a call out. He/she will then contact the appropriate accident investigator.

The following is a list of collision types which require notification:

- Fatal collisions where the investigating member and scene supervisor believe a prima facie case exists to support a charge of murder, or vehicular manslaughter;
- Collisions likely to result in a fatality, where criminal charges may result;
- Fatal collisions where the cause cannot be determined by on scene personnel;
- Collisions with a fatality in which there is a reasonable belief that the collision did not cause the fatality;
- Collisions that result in the response of investigators of the National Transportation Safety Board (NTSB);
- Collisions that cause the spillage of a significant amount of hazardous material(s);
- Fatal or severe injury collisions where it is likely the City is exposed to civil liability
- Any other collisions where technical assistance is required and the response is approved by a Commander.

E. Public Information Officer (PIO)

The PIO will be called after members of staff have been notified and it appears the media may have a strong interest in an incident.

F. S.W.A.T. Notification

If an incident requires a SWAT callout, the Commander in charge of SWAT will be notified through ComCen and briefed on the circumstance.

The SWAT Commander will make the final determination if SWAT will be utilized and may direct a partial or full call out.

The Duty Office is responsible for notification of all team members using the call-out paging system and will contact the ComCen supervisor to advise of the SWAT call out.

The on scene commander (or designee) will be responsible for providing the Duty Office with the following information:

- Location of the Command Post;
- Radio channel(s) being used;
- Brief synopsis of the incident; and
- Directions on how SWAT members are to enter the area.

ComCen and the Duty Office will complete a log of those SWAT members logging on.

SWAT members not logged on within 10 minutes will be called at home after the first page.

Any SWAT member not available for call outs will notify the duty office of the date(s) and time(s) they will not be available.

G. E.O.D. Notification

The EOD Commander, through the ComCen, will be notified of all EOD requests and will direct the EOD response.

H. Detective Notification(s)

If the incident requires that a detective respond from home, the sergeant (or designee) of the appropriate investigative unit will be contacted. He/she will then contact the appropriate detective(s).

I. Media Notification

Text messaging notification shall be used to alert the news media of newsworthy events as soon as possible to allow the opportunity for on-the-scene coverage. The ComCen Supervisor has primary responsibility for making text message notifications when any of the following incidents has occurred:

- Plane crash;
- Drowning;
- Fatal accident of any type;
- Accident involving major traffic congestion or a danger to the public (e.g., hazardous chemical spills, etc);
- Major crime including, but not limited to: homicides, shootings (including officer involved), kidnapping, and bank robbery;
- Riots, serious disturbances, and hostage situations (when contained);
- Large drug seizures;
- Large stolen property recoveries; or
- News conferences called by the Department regarding any message of urgency.

As soon as possible after receiving confirmation that any of the above incidents is in progress or has just occurred, the field supervisor/field commander should call the ComCen by telephone or radio. The event location, type of event, and a contact person at the location should be given to the ComCen.

Text messaging notification may be used to update major events as they develop and to notify the media that detailed information on an event has been placed on the Newslane.

ESD's will immediately notify the ComCen Supervisor of any incidents described above which come to their attention.

Sick, Injured, Deceased PersonsCorresponding Policy 360: Sick, Injured, Deceased Persons**A. Forced Entry to Provide Emergency Assistance**

When information is received regarding sick, injured, or deceased persons inside residences the decision to proceed with forced entry should be made only after all other alternatives are exhausted. Entry should be immediate when it appears reasonably necessary to protect life. Extreme caution should be exercised to minimize the potential for a violent reaction by an unaware inhabitant.

Securing Open Premises

When available, a Citizen on Patrol (COP), Police Cadet II or CSO should be dispatched to standby and await a responsible party or the City contracted vendor to board up a private residence when:

- *Forced entry has been made to render emergency assistance;*
- *Forced entry is anticipated; and*
- *The scene is secure.*

B. Requesting Ambulance/Paramedic

When the need for medical aid has been identified, members shall immediately inform the Communications Center (ComCen) regarding:

- Number of victims;
- Nature or injury or illness;
- Age of victim(s);
- Whether victim is conscious and/or breathing;
- Any special instructions or needs; and

C, Coroner Notification

When an officer arrives on scene of a deceased person(s), the ComCen will be contacted, who will in turn contact the coroner. The coroner shall be notified of any in-custody death.

Exception: When a follow-up investigator responds to investigate an incident, the coroner shall not be requested until the follow-up investigator authorizes it.

F. Documentation

The following reports will be completed for an injury, illness, or death:

- A Crime Report will be completed if injury is from a criminal activity;
- A Causality Report will be completed when the injury, illness, or death is the result of suspicious circumstances or potential liability to a public agency; and
- A Casualty Report will be completed for a person under the age of 18 who is the victim of a self-inflicted or unintentional gunshot that requires medical attention.

Natural deaths do not require a report when there are no suspicious circumstances present and:

- A doctor is in attendance;
- The death occurs within a nursing home; or
- The death occurs within a medical institution.

In all other cases of natural death an officer shall be dispatched and a Casualty Report shall be completed.

Identity TheftCorresponding Policy 362: Identity Theft**A. Reporting**

- In an effort to maintain uniformity in reporting, officers investigating the crime of identity theft (PC § 530.6) shall initiate a report for victims residing within the jurisdiction of this Department. For incidents of identity theft occurring outside this jurisdiction, members 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.
- While the crime of identity theft should be reported to the law enforcement agency where the victim resides, members 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 our jurisdiction).
- Members should include all known incidents of fraudulent activity and make every effort to obtain all financial information (e.g., account numbers, financial institution/business information, etc.) related to those incidents.
- Members 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.
- Members shall provide victims with a Fresno Police Department Identity Theft Information Brochure and discuss identity theft prevention methods with them.
- Members shall have the victim sign an Identity Theft Victims Fraudulent Account Information Request Form (PC § 530.8). The form shall be submitted along with the officer's report.

Private Person ArrestsCorresponding Policy 364: Private Person Arrest**A. Officer Responsibilities**Private Person Arrest (Unlawful):

- Promptly release the arrested individual; and
- Advise the parties that the detainee shall be released and the circumstances will be documented in a report.

Private Person Arrest (Lawful):

- Take the individual into physical custody for booking; or
- Release the individual pursuant to a notice to appear; or
- Release the individual pursuant to PC §849; or
- Where no physical arrest is desired, officers may inform the private person that a report will be made *and they can later request case review should they desire prosecution in the future.*

B. DocumentationPrivate Person Arrest (Unlawful):

- A report detailing the basis of determination to release; and
- A *completed* PC §849(b) form, signed by the *officer authorizing the release.*

Private Person Arrest (Lawful)

- *A report detailing the circumstances of the arrest and statements of involved parties/witnesses;*
- Citation: Arresting Citizen/Party signs Notification to Appear and retains the pink copy; *or*
- Arrest Report: *When the citizen's arrest requires the suspect to be booked, an Arrest Report shall be completed in RPW.*
 - *The circumstances of the private person's arrest shall be listed in the narrative portion of the 'Arrest Details' section.*

A. Types of LEP Assistance Available

The Department will make reasonable efforts to provide meaningful and timely assistance to LEP individuals through a variety of services.

- LEP individuals may elect to accept interpreter services offered by the Department at no cost or choose to provide their own interpreter services at their own expense.
 - The Department may decide to provide its own independent interpreter when precise, complete, and accurate interpretations are critical for law enforcement or legal reasons, or when the competency of the LEP individual's interpreter is not established.
- Officers should document in any related report whether the LEP individual elected to use interpreter services provided by the Department or some other source.
- Where the Department provides the LEP services, members shall first utilize certified *Department* interpreters and translators from the City of Fresno *Bilingual Certification List (BCL)*.
 - *The BCL is accessible by all members via the Intranet utilizing the 'Employee Apps' button within PDWEB or at <http://bcl.police.fresno>.*
 - *Members may request assistance from any on-duty member listed on the BCL.*

When a certified interpreter is not available and the LEP service does not involve a felony violation of law, Department provided interpreter services may include, but are not limited to:

Other Bilingual Staff

Members *that are bilingual but are* not certified as interpreters should be able to accurately listen to communication in one language and orally convert it to another language. *A request for other bilingual staff may be made through the ComGen.*

When bilingual members of the Department are not available, employees from other departments within the area may be requested by a supervisor depending on the circumstances.

Translated Documents

Members shall have *translated* documents (*including* Sexual Assault and Domestic Violence Victim Information Form, DMV DUI Combination Form, Towed Vehicle Information Sheet) in the following languages (Spanish *and* Hmong) available to them in the field when they may have contact with LEP persons. *Additional documents are located on the Intranet at: L:\LIBRARY\FORMS\Translated Public Documents – LEP. The public will have access to translated Complaint Brochures and Information Advisory for Personnel Complaints at all public counters.*

When LEP documents have not been translated into an LEP individual's primary language or in the case of illiteracy, the document will be read to him/her using an interpreter. The Accountability and Compliance Bureau (ACB) will be responsible for reviewing Department documents on an annual basis to assess whether additional documents should be translated into frequently-encountered foreign languages. Should a Department member identify the need for a document, letter, or note to be translated, the member shall contact the ACB to request a translation.

Audio Recordings

The Department may develop audio recordings of important information needed by LEP individuals.

Example: Officers may be provided with a canine warning or crowd dispersal order for broadcast in a language most likely to be understood by involved LEP individuals.

Telephone Interpreter Services

Through the Language Line Services, the Department provides 24-hour telephone access to interpreters who speak more than 140 languages.

Community Volunteers

Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services. Sources for these individuals may include:

- Local businesses;
- Banks; and
- Churches.

In addition, the Volunteer Unit will attempt to maintain and update a list of qualified community volunteers.

Family and Friends of LEP Individuals

While family and friends of an LEP individual may frequently offer to assist with interpretation, officers should carefully consider the circumstances before relying on such individuals. Unless it is an emergency or critical situation, officers and other Department members should only use family, friends, or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information. Children should never be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect). Using family, friends and bystanders to provide interpretation could raise issues relating to confidentiality, privacy, and conflict of interest.

B. Reporting Use of Services

When a member of the Department is required to complete a report or other documentation and interpretation or translation services are provided to any involved LEP individual(s), such services should be noted in the related report or document. When LEP services are provided and no police report is written, the LEP contact shall be documented by adding supplemental notes to the event. Notes shall be made on the language spoken by the LEP person and the type of *language assistance* service provided.

C. Posting of Available Services

Forms printed in available languages should be maintained in a conspicuous location at public counters and other appropriate areas such as a booking area. *The Department will post signage in frequently encountered languages in places of public contact stating that language assistance services are available.*

D. Receiving and Responding to Requests for Assistance

In order to provide LEP individuals with meaningful access to police services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, the Department has designated its 911 lines as its top priority for language services.

Members will make every reasonable effort to promptly accommodate LEP individuals utilizing 911 lines through the resources *discussed in Section E below.*

It is also important that reasonable efforts be made to accommodate LEP individuals seeking more routine access to services and information from the Department.

E. Telephone Contact

Members who have telephone contact, whether incoming or outgoing with a LEP person, should utilize Language Line Services to assure clear communications. When Language Line Services is unavailable, members should utilize a certified Department interpreter. Non-certified interpreters should be used when other resources are not readily available.

F. Field Encounters

Members who have field contact with LEP persons shall assess the most appropriate LEP assistance available depending on the seriousness of the situation. When a criminal investigation involves a felony violation of law, every effort shall be made to utilize a certified interpreter or translator. When a certified interpreter or translator is not available, LEP services may include, but are not limited to: Language Line Services *or* non-certified Department members who can interpret. In the event of an unforeseen or life threatening emergency, family members, friends or bystanders *may* be used to interpret while waiting for a qualified interpreter to arrive (*Refer to Family and Friends of LEP Individuals listed in Section A above*).

G. Walk in Encounters

Members who have contact with LEP persons at a police facility should attempt to locate a certified or non-certified Department interpreter to assist. When an interpreter is not available, the language line service should be utilized.

H. Custodial Interrogations and Bookings

In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, the Department places a high priority on providing competent interpretation and translation during custodial situations. Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. Members providing interpretation or translation services, or forms in these situations, will make every reasonable effort to accurately *interpret* all communications with LEP individuals. Members shall use a certified interpreter or translator to clearly communicate with the LEP suspect or arrestee, whether in written or spoken form. Where no certified interpreter is available, Language Line Services shall be used. It should be recognized that interpretation services conducted over telephone lines are less effective than live interpretation and more prone to misunderstandings. *Miranda warnings are available to officers in English and Spanish. When Miranda warnings have not been translated into a suspect's primary language or in the case of illiteracy, the admonishment will be read to him/her using an interpreter.*

Members providing *language assistance* services shall also be aware of the inherent communication impediments to gathering information from the LEP individual throughout the booking process or any other situation in which an LEP individual is within the control of Department members.

Medical screening questions are commonly used to elicit information on an individual's:

- Medical needs;
- Suicidal inclinations;
- Presence of contagious diseases;
- Potential illness;
- Resulting symptoms upon withdrawal from certain medications.
- The need to segregate the arrestee from other prisoners.

Therefore it is important to make every reasonable effort to provide effective language services in these situations.

I. Field Enforcement and Investigations

Field enforcement will generally include such contacts as:

- Traffic stops;
- Pedestrian stops;
- Serving warrants and restraining orders; and

- Crowd/traffic control.

Each member must assess each such situation to determine the need and availability for *interpretation and/or* translation services to LEP individuals. Although not every situation can be addressed within this procedure, it is important that an officer is able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action taken with an LEP individual. It would also, for example, be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

J. Complaint Investigations

Any LEP individual who wishes to file a complaint with the Department alleging police misconduct shall be provided with a translated Complaint Brochure and Information Advisory for Personnel Complaints, as available. Department members should utilize a certified interpreter to communicate with LEP complainants during a complaint investigation. When a certified interpreter is not available, members shall utilize the other language assistance resources as appropriate. The Department will provide written notice of the disposition of any complaint in the LEP complainant's primary language.

K. Community Outreach

Community outreach programs and other such services offered by the Department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. The Department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to LEP individuals and groups. *This may be accomplished through the use of bilingual Department members and programs such as the Hispanic Residents Academy.*

Fresno Police Department Procedures Manual

Hearing Impaired/Disabled Communications

Corresponding Policy 370: Hearing Impaired/Disabled Communications

Not every situation regarding the hearing impaired/disabled communications can be addressed within this procedure. 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 taken with a disabled or impaired individual.

A. Receiving and Responding to Requests for Assistance

Members will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 911 lines through any or all available resources.

While 911 calls shall receive top priority, it is also important that reasonable efforts be made to accommodate disabled and impaired individuals seeking more routine access to services and information.

B. Factors to Consider

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members should consider all information reasonably available to them when determining how to communicate with an individual suffering from any disability. These factors may include, but are not limited to:

- The extent to which a disability is obvious or otherwise made known to the member. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even be misleading in their complete understanding of a communication despite actual confusion;
- The nature of the disability (e.g., total deafness or blindness vs. impairment);
- The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact, etc.); and
- Availability of resources to aid in communication.

When considering this and other available information, member(s) should carefully balance all factors to reasonably ensure access by individuals suffering from apparent disabilities to critical services while not imposing undue burdens on the Department or its members.

C. Initial and Immediate Considerations

Recognizing that various law enforcement encounters can be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems and 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(s) with known or suspected communication impairments or disabilities.

D. Types of Assistance Available

Members should document the type of communication utilized, in any related report or document and whether a disabled or impaired individual elected to use services provided by the Department or some other source.

Department provided services may include, but are not limited to the following:

Field Resources

Members are encouraged to utilize resources available to them in any contact with a known or suspected disabled or impaired person.

Examples would include such simple methods as:

- Hand gestures or written communications exchanged between the member and a deaf or hearing-impaired individual;
- Facing an individual utilizing lip reading and speaking normally and clearly; and
- Clearly but normally speaking or reading simple terms to any visually or mentally impaired individual.

Audio Recordings and Enlarged Print

From time to time, the Department may develop audio recordings of important information needed by blind or visually impaired individuals. In the absence of such audio recordings, members may elect to read aloud a Department form or document such as a citizen complaint form or utilize a photocopier to enlarge printed forms for a visually impaired individual.

Telephone Interpreter Services

ComCen will maintain a list of qualified interpreter services to be contacted at Department expense to assist deaf or hearing-impaired individuals. When utilized, notification to such interpreters shall be made at the earliest reasonable opportunity and the interpreter should be available to respond within a reasonable time (generally not to exceed three hours).

TTY and Relay Services

Individuals who are deaf or hearing impaired must be given the opportunity to use available text telephones (TTY or TDD). All calls placed by such individuals through such services shall be accepted by the Department.

Community Volunteers

Depending on the circumstances, location and availability, members of the community may be available to provide qualified interpreter services, (e.g. those who are proficient in American Sign Language (ASL)).

Sources for these individuals may include:

- Local businesses;
- Banks;
- Churches;
- Neighborhood leaders; and
- School officials.

In addition to such sources, the Department will attempt to maintain and update a list of community volunteers who may be available to respond within a reasonable time (generally not to exceed three hours).

Family and Friends of Disabled or Impaired Individual

While family and friends of a disabled or impaired individual may often offer to assist with interpretation, members should consider the circumstances before relying on such individuals (e.g. children should not be relied upon except in emergency or critical situations, the nature of the relationship between the disabled individual and the individual offering services (victim/suspect)).

E. Contact Situations and Reporting

When any member of the Department is required to complete a report or other documentation, and communication assistance is provided to any involved disabled or impaired individual(s), such services should be noted in the related report or document (e.g., event comment).

F. Custodial Interrogations and Bookings

Members providing assistance shall also be aware of the inherent communication impediments to gathering information from disabled or impaired individuals throughout the booking process or any other situation in which a disabled or impaired individual is within the control of Department member. Medical screening questions are commonly used to elicit information on individual's medical needs, suicidal

inclinations, presence of contagious diseases, potential illness, resulting symptoms upon withdrawal from certain medications, or the need to segregate the arrestee from other prisoners, therefore it is important to make every reasonable effort to provide effective communication assistance in these situations.

- Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.
- While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheelchair or crutches during a custodial situation, the removal of such items will require that other reasonable accommodations be made to assist such individuals with access to all necessary services.

G. Field Enforcement and Investigations

Members must assess each such situation to determine the need and availability of communication assistance for all involved disabled or impaired individuals.

Fresno Police Department Procedures Manual
Mandatory School Employee Reporting
Corresponding Policy 372: Mandatory School Employee Reporting

A. Mandatory Reporting

When a school employee is arrested for any controlled substance offense enumerated in H&S §§ 11590, 11364, in so far as that section relates to paragraph (12) of subdivision (d) of H&S § 11054, or for any of the offenses enumerated in PC § 290 or in subdivision 1 of PC § 291 or Education Code § 44010, the member must immediately notify his/her supervisor when the person is a:

- Public school teacher;
- Public school non-teacher employee; or
- Private school teacher.

B. Supervisor Responsibility

Public School Teacher:

- Notify the Chief of Police or designee or his/her designee so that he/she may immediately telephone the superintendent of the school district.
- A written notice shall immediately be given to the Commission on Teaching Credentialing and the superintendent.

Public School Non-Teacher Employee:

- Notify the Chief of Police or designee or his/her designee so that he/she may immediately telephone the superintendent of the school district
- A written notice shall immediately be given to the governing board of the school district.

Private School Teacher:

- Notify the Chief of Police or designee or his/her designee so that he/she may immediately telephone the private school authority employing the teacher
- A written notice shall immediately be given to the private school authority.

The written notice shall be made on the Commission on Teacher Credentialing Notification Form and mailed to:

ATTN: Legal & Professional Standards Branch
Commission on Teacher
Credentialing
1812 Ninth Street
Sacramento, CA 95814-7000

C. Documentation

- See Procedure § 344

Fresno Police Department Procedures Manual
Blood and Urine Evidence Collection
Corresponding Policy 373: Blood and Urine Evidence Collection
CALEA 61.1.10

Blood and urine will only be collected as evidence in accordance with established procedures. Blood evidence will only be collected by licensed health care professionals.

A. Blood Evidence

A Department phlebotomist will be available for blood draws on arrests made between 1800-0400 hours, seven days a week. He/she will be logged on to the traffic channel or can be paged through ComCen.

- The on-duty phlebotomist will be stationed at the Traffic Bureau.
- The phlebotomist shall have all necessary supplies to complete blood draws and necessary paperwork for evidence.
- During DUI checkpoints, a phlebotomist will be stationed at the checkpoints and will be available to all personnel.

Officers shall utilize the department phlebotomist unless injury to the suspect requires them to be transported to a hospital for medical treatment. The officer shall then utilize hospital staff to draw a blood sample and will follow the protocol established by that hospital.

B. Blood Draws

Blood Collection

Two vials of blood shall be obtained when blood is drawn.

The phlebotomist will be available to respond to either the scene of the DUI, the Traffic Bureau, or any neutral location deemed appropriate by the investigating officer.

Blood Container Labeling

- Fill out the label and envelope and have the person drawing the blood initial the label and affix it firmly to the tube or vial.
- Place the sample in the CVT envelope, fill out the necessary information and immediately seal using the gummed flap and transparent tape.
- If a CVT label is *not* available, a label shall be produced including:
 - Full name of suspect;
 - Date and time blood drawn;
 - Initials of person drawing blood; and
 - Initials of witnessing officer.
- If a CVT envelope is *not* available, the container used shall include:
 - Full name of suspect;
 - Submitting agency and the name of the county where the arrest occurred;
 - Geographical location where blood was drawn (e.g., Community Regional Medical Center (CRMC), DUI Trailer, etc.);
 - Name and person drawing blood sample;
 - Date and time blood drawn;

- Signature of witnessing officer;
- A form for establishing the chain of possession for all persons handling the evidence; and
- The violation(s) committed.
- When the witnessing officer is not the arresting officer and is not writing the original report, he/she shall write a Supplemental Report with the blood withdrawal and disposition information included.
- If the offense being tested for is not traffic related, the offense code and section will be placed in the offense section of the envelope followed by "NTR".

Documentation

In addition to Procedure § 344, Officers shall include the following in their report:

- The name and title of the person drawing blood;
- Which arm the blood was drawn from;
- If force was used to obtain the sample or if it was obtained after a refusal; and
- A description and disposition of all evidence obtained.

Booking Blood Evidence

- Misdemeanor evidence may be booked at HQ or the Traffic Bureau
- Felony evidence shall be booked only at HQ

C. Blood Samples for Comparative Purposes

- Blood collected for evidence comparison purposes shall be booked into the PECS refrigerator located at HQ.
- A PER shall be completed and placed with the blood vial envelope in the refrigerator

NOTE: All procedures listed under "Blood Container Labeling", "Documentation", and "Booking Blood Evidence" also applies to obtaining blood samples for comparative purposes.

D. Urine Container and Labeling

One 2 oz. sample is required for analysis.

- Officer will use the designated collection vial available from CSB for samples collected at HQ.
- If the sample is collected at another location (e.g. a hospital) a similarly sized container designed for urine collection and containing a sodium fluoride preservative may be used.
- The designated label (available at CSB) will be completed and attached to all urine samples
- The vials will be inserted into the "Urine Sample" envelope (available at CSB) after all the blanks on the envelope have been completed
- The envelope will then be sealed and secured with transparent tape.

E. Booking Urine Evidence

- Alcohol only: Blood-Urine Drop Box located in PECS
- Drug/drug & alcohol: PECS refrigerator

DNA SamplesCorresponding Policy 374: DNA Samples**A. Qualification for DNA Samples**

- After an arrest, or as soon as administratively practicable after an arrest (but prior to release from custody), adult arrestees charged with any felony offenses are required to provide DNA samples per PC §296(a)(2)(C).

It is a misdemeanor for any qualified individual to refuse to give any or all required DNA samples following written notice of the requirement to do so [PC §298.1(a)].

B. Obtaining DNA Samples

Upon a determination that any individual is qualified and required to provide DNA samples under the Act, *the arresting officer or other employee designated by a supervisor shall transport the arrestee to the Fresno County Jail to complete the booking process where DNA samples will be obtained. When an individual is qualified and required to provide DNA samples under the Act, and the individual is not in-custody, (e.g., sex registrants or arson registrants), a trained and authorized Crime Scene Bureau (CSB) member designated by a supervisor shall obtain DNA samples in accordance with this procedure.*

Blood Samples

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. Blood samples obtained for submission to the Department of Justice DNA lab shall be placed in Department of Justice blood vials [PC §§298(a) and (b)(2)]. A right thumbprint shall be placed on the sample vial along with other required identifying information.

Buccal Swabs

Buccal swab samples (taken from the inside of the mouth) may only be procured by employees who have successfully completed departmentally approved training in the collection of buccal swabs and with the use of Department of Justice buccal swab collectors. [PC §§298(a) and (b)(3)]. A right thumbprint shall be placed on the collector along with other required identifying information.

Full Palm Prints

Full palm print impressions shall be obtained on Department of Justice prescribed forms along with all DNA samples. (PC §298(b)(4)).

D. Processing DNA Samples

All DNA samples and related materials shall be promptly forwarded to the DNA Lab using DOJ mailing tubes, labels and instructions for prompt analysis. [PC §§298(a) and (b)(1)].

Notice of a Rejected Sample

In the event the Department of Justice notifies the Department that a DNA sample or print impression is not usable, the individual whose original sample or impression was provided is required to submit to collection of additional samples. The Department shall thereafter take all reasonable steps to collect additional samples from any such individual and promptly transmit these to the Department of Justice [PC §296.2(a)].

Follow-Up Notice to DOJ

Within two years of submitting any DNA specimen, sample or impression to the Department of Justice, this department shall notify DOJ whether the individual remains a suspect in a criminal investigation [PC §297(b)(2)]. It shall be the responsibility of the Department of Justice to thereafter purge samples of any individual(s) who are no longer a suspect in any criminal investigation from the DNA database.

E. Related Statutes

It is a felony for any qualifying individual to knowingly facilitate the collection of a wrongfully attributed DNA sample or identification information, or to knowingly tamper with any DNA sample or collection container with the intent to deceive the government as to his or her identity (PC §298.2).

It is unlawful for any person to knowingly misuse or disclose to an unauthorized entity a DNA sample collected or profile obtained for DNA database purposes [PC §299.5(i)(1)(A)].

B. Daily Activity Report (DAR) – a.k.a. Stat Sheets

Arrests

When a person is arrested, only one arrest statistic shall be claimed.

Example: An officer arresting a person for a felony and a misdemeanor may only claim an arrest in one of the categories.

Exception: When a person being arrested for a felony or misdemeanor charge is also being charged with H&S § 11550 or DUI, the H&S § 11550 or DUI may also be claimed along with the felony or misdemeanor.

Traffic Citations

- Hazardous Violations: For the purpose of the DAR, hazardous traffic citations are any citations issued to the operator or passenger of a moving vehicle or bicycle for a hazardous violation.
 - A hazardous violation is defined as any violation involving the safe operation of a motor vehicle or bicycle which could be listed as the primary collision factor for an accident.
 - This definition specifically excludes license, registration, or equipment/mechanical violations (including passenger restraint), alcohol possession, parking, or any other violation which does not involve unsafe operation of the vehicle or bicycle.

The number of citations claimed on the DAR shall be based on the number of citations issued, not the number of violations on the citations. Traffic citations issued for misdemeanor hazardous traffic violations, except as stated under "Arrest", shall not be counted as both a misdemeanor arrest and a citation.

- Non-Hazardous Violations: All traffic citations which do not contain hazardous violations, are considered non-hazardous citations and shall be recorded in the appropriate column of the DAR. When both hazardous and non-hazardous violations are contained on the same citation, it shall be recorded only as a hazardous citation.

Only CSO's/Cadet's shall record the number of citations issued to parked vehicles in the Traffic Cites column.

Reports

The following shall be recorded as a report on the DAR:

- A crime;
- Casualty;
- General incident;
- Supplemental;
- Traffic collision;
- Missing person; and
- Missing person close out.

The following are *not* to be claimed as reports on the DAR:

- Vehicle Inventory Reports;
- WIC § 5150 applications;
- Arrest reports, even when they are the only documentation (e.g., warrant arrest, public intoxication arrest, parole violation); and
- Synoptical
 - Exception: CSO's/Cadet's may claim a Synoptical as a report.

Calls

A call for service for DAR purposes is a call that has been received in the ComCen and is subsequently dispatched.

- Calls for service do not include self-initiated activity such as traffic stops, checking suspicious persons or circumstances, or patrol checks.
- Results from these self-initiated events will be reflected in the categories of traffic citations, arrests, FI's, and reports written.

Events Involving Multiple Officers

Double units, or two members with equal participation in an event, may decide how statistics are to be divided, such as one member claiming the entire arrest cite, report, etc., or both members claiming .5 in a category.

- Both members shall not claim the entire arrest, cite, report, etc.
- Statistics, including arrests, shall not be divided up among more than two members for DAR purposes.

Situations Not Addressed Above

When determining how statistics are to be claimed in situations not described above, the same spirit and intent of the above instructions shall be used, which is, to accurately reflect the number of arrests made, traffic citations issued, reports written, FI's completed, and calls for service handled.

Members may record activity from extra duty outside their regularly scheduled work days, such as when working as a volunteer replacement or filling a vacancy. A notation reflecting the day as being extra duty shall be made in the miscellaneous column.

Reintroduction to PatrolCorresponding Policy 403: Reintroduction to Patrol**A. District Commander Role**

When an officer/CSO returns to patrol, the district commander of the assigned district shall notify the PTO Coordinator of the need to re-acclimate the returning officer/CSO to patrol.

- The PTO Coordinator shall be responsible for assigning the returning officer to a PTO and for monitoring the re-entry process.

When a sergeant returns to patrol, the district commander shall assign the returning sergeant to shadow an existing patrol sergeant for up to one week.

- The district commander is responsible for monitoring the returning sergeant's re-acclimation process.
- The district commander is responsible for ensuring that the returning sergeant promptly receives RPW/Data 911 training or update training.

B. Police Training Officer Role

The PTO will review a re-introduction package of materials that are developed by the PTO Coordinator, with the officer/CSO and ensure that the officer/CSO understands the material.

- The PTO and the returning officer/CSO must sign the check-off sheet indicating the information was covered.
- The re-introduction process is generally two-weeks long, but may be completed sooner or extended when necessary.
- Should the re-introduction process uncover performance problems, the PTO shall notify his/her immediate supervisor along with the PTO Coordinator to implement remedial instruction/training to correct the performance issue.

Release Procedures

The re-introduction process is an extension of the police training program.

- The returning officer/CSO will not be tested on the material.
- The check off package, signed off by district command staff as having been completed, will be sent to the Training Bureau for inclusion in the returning officer's/CSO's training file.

C. Sergeant Re-Entry Program

The same purpose for re-entry training for officers/CSOs applies to sergeants as stated above.

D. Sergeant's Role

The sergeant being shadowed is responsible for exposing the returning sergeant to:

- Any new field sergeant responsibilities,
- RPW/Data 911 updates;
- Patrol car computer functions;
- Report reviewing functions;
- Updates to the pursuit and accident investigation procedures;
- Identifying the pursuit and accident critique officers; and
- Other tasks as identified.

The returning sergeant is responsible for identifying any additional areas where he/she believes he/she needs assistance with acclimating back to patrol. The returning sergeant shall advise the sergeant being shadowed, or his/her commander when necessary, of the identified areas needing assistance.

Release Procedures

The district commander determines when the re-acclimation process is complete.

- It should be based on the sergeant's demonstrated ability to perform effectively in his/her new assignment.

Briefing

Corresponding Policy 404: Briefing
CALEA 33.5.2, 41.1.2

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

A. Purpose and Scope

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

- 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;
- Notifying officers of changes in schedules and assignments;
- Notifying officers of new Policy & Procedural updates;
- Reviewing recent incidents for training purposes; and
- Providing training on a variety of subjects.

Members who wish to address members of a particular bureau, section, unit, or who wish a notice read to all members of a bureau, section, or unit must first obtain the permission of the affected bureau, section, or unit commander/supervisor.

B. Supervisor Responsibility

Supervisors prior to the beginning of their shift shall download the weekly "Briefing" training information available in the GroupWise folder labeled "Briefing Training". Information should be printed out and shared with all members attending the briefing.

Supervisors not assigned to patrol shall have at least one meeting each week where the weekly briefing training is shared with all members of their unit or bureau.

Members not in attendance shall be given a photocopy of the briefing information. This includes members working a partial shift or not in attendance due to illness or vacation.

Any supervisor receiving a notice for reading at briefing or other general dissemination shall first ensure that it has been cleared through the proper commanding member. Certain documents such as missing person broadcasts, wanted subjects, etc. do not require prior approval.

Ride-AlongCorresponding Policy 410: Ride-Along**A. Guidelines**

The following is a list of guidelines for participants to follow:

- No jeans (regardless of color), baggy pants, T-shirts, sweats, hats or caps allowed.
- No skirts, dresses or high heels.
- Present a professional image, otherwise you could be sent home.
- You can ride for 5 hours, or longer at the officer's discretion.
- The officer, at his/her discretion, can end the ride-along at any time.
- You could get injured.
- You are riding along at your own request. Neither the City nor the Department is making you ride-along.
- We do not provide protective equipment, such as ballistic vests or flashlights.
- You cannot bring a camera, tape recorder, or cell phone camera. This is for the protection of the rights of the people we contact.
- Do not bring tear gas, pepper spray, handcuffs or any sort of weapon, including firearms. This applies to those people with CCW permits.
- If the officer tells you to stay in the car, do so. This is for your safety.
- You are not to attempt to assist in arresting suspects or become physically involved with suspects unless directed to do so. Do not interrupt officers during an investigation.
- Bring clothing appropriate for the weather.
- Be prepared for the possibility that you will not stop for breaks or meals during the ride-along.
- If you wear a medic-alert bracelet or have a medical condition such as epilepsy or diabetes, let the officer know at the start of the shift.
- Know your location, and know your detail.
- If you cannot make your scheduled appointment, make sure you call cancel your ride-along. Not calling will prohibit you from riding for a year.
- One ride-along is allowed per year from the date of your ride-along.

B. Requesting a Ride-Along

Ride-along requests will be scheduled by the Special Operations Division personnel. *All* participants will complete a ride-along waiver form. Information *provided* will include a valid state, federal or military ID or driver's license, address, and telephone number. *Participants will provide the name, address and telephone number for an adult relative or friend to contact in case of emergency.*

All ride-along applicants are subject to a criminal history check. The criminal history check will 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 (provided that the ride-along is not a member of the Department) (CLETS Policies, Practices and Procedures Manual 1.6.1.D.3.).

Associates of Department Members

Department members scheduling a ride-along for personal associates are responsible for the following:

- *Members will ensure that the ride-along is free from current criminal activity and felony criminal history. If there is any doubt whether the person is eligible for a ride-along, the member will refer the associate to the Special Operation Division secretary for a formal interview process and criminal history check;*
- *Members will contact the Duty Office at least one and one half (1.5) hours prior to the beginning of the patrol shift and provide the first and last name of the ride-along and the desired district and watch. Only one ride-along will be scheduled in each district and watch; and*

- *Members will ensure that the liability waiver is completed by the ride-along prior to the beginning of the patrol shift. Forms are available at each of the district stations and at the Duty Office. These forms will be forwarded to the Special Operations Division when completed.*

C. Availability

The Ride-Along Program is available on most days of the week and on any shift, with certain exceptions as may be made and approved by a commander.

D. Disqualification

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

- Prior criminal history or conviction;
- Pending criminal action;
- Pending lawsuit against the Department; and
- Denial by any supervisor.

Automatic Disqualification

- Being under 16 years of age; or
- Being on probation or parole.

E. Peace Officer Ride-Along

Peace officers from other agencies may participate in the ride along program. The Ride-Along Form must be completed, signed, and turned into the Special Operations Division. An interview will be scheduled consistent with Section B listed above. When the officer requests to carry a firearm, authorization from the district field supervisor must first be obtained.

Ride-along requirements for police cadets are covered in Procedure §1048, "Police Cadet Program."

F. Officer/Community Service Officer (CSO) Responsibilities

- The officer/CSO shall advise the ComCen that a ride-along is present in the vehicle before going into service.
- Officers/CSOs shall consider the safety of the ride-along at all times.
- Officers/CSOs 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 ESD 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.

Citation (Cite) and ReleaseCorresponding Policy 420: Citation (Cite) and Release**A. Department Procedure**

The following procedure will be followed to comply with PC §853.6.

TERMINOLOGY: A “cite”, “citation”, “promise to appear”, “ticket” and “notice to appear” are synonymous terms.

B. Mandatory Adult Citation

Citations will be issued for all:

- Misdemeanor charges (note the below listed exceptions);
- Local misdemeanor arrest warrants (except no bail and (JW) warrants);
- Local misdemeanor and infraction bench warrants (with bail less than \$2,000);
- Two or fewer warrants for failure to appear for vehicle code infractions; or
- Any out-of-county warrant when so directed by the issuing authority.

C. Juvenile Citations

Completion of citations for juveniles is not required (except: infraction/misdemeanor traffic violations of the Vehicle Code)

All other misdemeanor violations for juveniles, a case will be written be and forwarded to the Investigative Services Division for further action.

D. Specific Violators

- Elected Officials: All elected officials are subject to the same “rules of the road” as other citizens and have no legislative immunity.
- Non-Residents: Traffic violators who are not residents of the State of California are handled in the same as any other traffic violator.
- Military Personnel: Military personnel are handled in the same as any other traffic violator.
- Public Carriers: Public carriers (e.g. buses, taxis, limos, etc.) are handled in the same manner as any other traffic violator.

E. Prisoner Processing Section Releases

In certain cases, it may be impractical to issue a citation and release a person in the field. Instead he/she may be released after he/she has been processed at the Prisoner Processing Section (unless disqualified for reasons listed below).

F. Documentation

- Most incidents involving a citation release require a case number.
- Traffic violations and some Fresno Municipal Code violations can be documented on the reverse side of the officer’s (pink) copy of the citation (see below).
- Penal Code sections will require a case number to document the incident.
- This section does not preclude an officer from requesting a case number if he/she feels the situation could be documented more thoroughly in a report.

All of the applicable specific instructions for completion of Traffic Citations apply to Adult Misdemeanor Citations. Adult misdemeanants who are to be issued a misdemeanor citation shall have their right thumb print placed in the citation fingerprint box, including drivers cited for VC §12500. When a right thumb print is unobtainable, another acceptable finger print may be used. A notation shall be made

next to the fingerprint box as to which print was obtained when the print was anything other than the right thumb print. The Department issued fingerprint pad shall be utilized to obtain the print.

A report will be written for all misdemeanor citations with the exception of warrant service and violations of VC §§12500(a), 20002(a), and MC §9-2503, MC §14-1801(a), MC §14-1805, MC§ 9-2512, MC §5-507. These will be processed as infractions unless the officer wishes misdemeanor charges filed and indicates so in a report.

G. Crime Scene Bureau / Prisoner Processing Section Processing

- The "Booking Required" box shall be marked on all applicable misdemeanor citations when the person is not processed at the Prisoner Processing Section.
- The person being cited shall be advised that he/she must be fingerprinted and photographed prior to his/her court appearance.
- He/she shall be instructed to appear at the Prisoner Processing Section for this purpose during normal business hours with his/her copy of the citation.
- If his/her copy is not available, a duplicate must be obtained from the Records Bureau prior to the processing.

Exceptions: Persons cited for: HS §§11357(b) or 11360(b), violations of the MC or the BP Code, non-FPD warrants, and traffic misdemeanors are not subject to processing through the Prisoner Processing Section. On citations issued for these charges, the "Booking Required" box shall not be marked, and the person cited shall not be advised to report for processing.

H. Distribution Of Citations

Citations will be distributed as follows:

- The green original is the court's copy. It is submitted to Records;
- The yellow copy is given to the violator;
- The pink copy is retained for four years by the member(except in a private person's / citizen's 's arrest or cancellation); and
- The white "hard" copy is submitted the same as the green original.

Miscellaneous EnforcementCorresponding Policy 421: Miscellaneous Enforcement**A. Smoking in Enclosed Places of Employment**

Labor Code Section 6404.5 became effective January 1, 1998, prohibiting smoking in bars, bar areas, and gaming clubs. Consistent with existing law, the prohibition against smoking applies to areas defined as an “enclosed place of employment,” but does not apply in areas such as outside patios.

Any employer who knowingly and intentionally permit(s) smoking in an enclosed space at a place of employment is in violation of LC § 6404.5. Likewise, any person who smokes in an enclosed space at a place of employment is in violation of LC § 6404.5. LC § 6404.5 is an infraction.

Terrorist Activity ReportingCorresponding Policy 423: Terrorist Activity Reporting

Any Department member receiving local Homeland Security or terrorism-related information, through any method of communication, shall report it immediately to the *Department's Criminal Intelligence Unit supervisor*, electronically, by voicemail, or in writing. The *Criminal Intelligence Unit supervisor* shall review this information so that it may be relayed to the *Joint Terrorism Task Force (JTTF), Sacramento Regional Terrorist Threat Assessment Center (SacRTTAC)* or agency, when appropriate. *The Criminal Intelligence Unit supervisor will be the Department's Terrorism Liaison Officer Coordinator (TLOC). Trained Terrorism Liaison Officers (TLO) will coordinate information and related activities through the Criminal Intelligence Unit supervisor.*

A. Reporting Procedures

When a member receives local Homeland Security or terrorism-related information, they shall provide the *Criminal Intelligence Unit supervisor* with all relevant information. This information should include but is not limited to:

- A brief synopsis of the information obtained;
- All related event and/or case numbers;
- Source of information, including contact info; and
- Any additional info to aid follow-up.

NOTE: When a report is generated involving these issues, the *Criminal Intelligence Unit* shall be included in the Special Routing box.

B. Homeland Security TLO Message Line

Members should advise the public that the Department maintains a public message line for information related to Homeland Security and/or local terrorist-related activity. Messages can be left by phoning (559) 621-2TLO or 621-2856. *Messages may also be sent by e-mail to TLO@fresno.gov.*

ImmigrationCorresponding Policy 428: Immigration**A. Immigration Complaints**

Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE). The Employer Sanction Unit of the ICE has primary jurisdiction for enforcement of Title 8, United States Code.

B. Basis for Contact

The fact that an individual is suspected of being an undocumented alien shall not be the basis for contact, detention, or arrest.

C. Immigration And Customs Enforcement (ICE) Request For Assistance

If a specific request is made by ICE or any other federal agency, the Department will provide available support services, such as traffic control or keep-the-peace efforts, during the federal operation.

Members should not participate in such federal operations as part of any detention team, unless it is in direct response to a request for assistance on a temporary basis or for officer safety. Any detention by a member should be based upon the reasonable belief that an individual is involved in criminal activity.

D. Identification

When any individual is reasonably suspected of a criminal violation (infraction, misdemeanor, or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources.

E. Arrest

If the officer intends to take enforcement action and the individual is unable to reasonably establish his/her true identity, the officer may take the person into custody on the suspected criminal violation (see Vehicle Code §40302a, and Penal Code §836, if pertinent to the circumstances). A field supervisor shall approve the arrest.

F. Booking

If the officer is unable to reasonably establish an arrestee's identity, the individual may, upon approval of a supervisor, be booked into FCJ for the suspected criminal violation and held for bail.

If a person is detained pursuant to the authority of Vehicle Code §40302(a), for an infraction that person may be detained upon approval of a supervisor for a reasonable period not to exceed two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction involved.

Emergency Utility Service

Corresponding Policy 430: Emergency Utility Service
CALEA 61.4.2

A. Officer's Responsibility

Upon observing a damaged or malfunctioning water line, electrical line or pole, pump, well, or traffic signal, members shall notify ComCen and advise of the situation. ComCen will make the necessary notification to the proper maintenance agency.

When a malfunctioning water line, electrical line or pole, pump, well, or traffic signal creates an immediate hazard, members shall arrange for the direction of traffic and the protection of the public when possible, until the proper maintenance agency can respond.

The list of municipal utility emergencies can be accessed by calling 621-2489.

Aircraft AccidentsCorresponding Policy 434: Aircraft Accidents**A. First Responder**

- Consider establishing a perimeter consistent with any potential hazmat spill that may be present.
- Request additional resources as needed.
- Provide first aid for the injured parties until arrival of FFD or EMS.
- Establish an incident scene.
- Provide crowd control and other assistance as needed.

B. Supervisor Responsibilities

The supervisor at the scene of an accident not occurring on City owned or operated airports shall notify the district or field commander of the incident.

The supervisor shall provide the Duty Officer with:

- Time and location of accident;
- Number and degree of casualties;
- Extent of damage to aircraft or other property;
- Aircraft identification number;
- Type and class of aircraft (civilian airplane, single-engine or military jet, twin engine, etc.);
- Owner and pilot's name and address;
- Whether or not United States mail was being carried; and
- A description of any hazardous materials on board.

C. Duty Office Responsibilities

Upon receipt of the incident details from the supervisor, the CSU duty officer shall contact the following agencies and provide the needed details of the accident:

- The FAA Western Regional Duty Officer;
- *City of Fresno, Department of Airports – Duty Captain; and*
- U.S. Postal authorities when the aircraft was carrying mail.

D. Documentation

Aircraft accidents shall be documented with the following:

- Casualty Report for aircraft accidents involving injuries or fatalities,
- GIR for non-injury aircraft accidents; or
- Traffic Collision Report when a motor vehicle or bicycle in transport on a roadway or highway is involved in a collision with an aircraft.

E. Unauthorized Landing

The landing of an aircraft at a location other than a designated airport, not resulting in death, injury, or damage to any property, shall not be classified as an aircraft accident but should be investigated by the Department for possible law violations.

F. Photographs

When the aircraft accident scene involves civilian aircraft, members shall have photographs taken by the Crime Scene Bureau. Military aircraft will not be photographed.

Fresno Police Department Procedures Manual

District Command Staff Responsibilities

Corresponding Policy 444: District Command Staff Responsibilities
CALEA 11.3.2

A. District Commander Responsibilities

District Commander responsibilities include, but are not limited to:

- Direction and control of Patrol Division personnel within their district;
- Maintenance of discipline and morale within their district;
- Conducting periodic inspections of personnel and equipment under their command;
- Assignment of their district personnel;
- Promotion and stimulation of supervision in their district;
- Establishing guidelines and procedures for the District Crime Suppression Team (DCST) in their policing district;
- Maintenance of Problem Oriented Policing (POP) within guidelines established by Department policy and directives;
- Periodic meetings with supervisors to discuss problems, community needs, and progress;
- Recommending proper action relative to citizen complaints;
- Disposition of all citizen inquiries brought to their attention;
- Ensuring response to public service requests; and
- Personnel problems arising in their district.

B. Assistant District Commander Responsibilities

- Assistant District Commanders are assigned to each policing district.
- Their base hours will be 1000-2000 hours (Exception: 1100-1900 hours one day every 2 weeks).
- They will normally work Monday through Friday.
- Every fifth weekend, each assistant district commander will work 0800-1700 hours.
- The position is primarily a uniformed assignment. The shift will be 9 hours if in uniform, 10 hours if in civilian attire.

Assistant District Commanders responsibilities include, but are not limited to:

- Operational control of all district personnel during the assistant district commander's work hours;
- Involvement in any major operations within their district;
- On-going review and coordination of watch one and two patrol personnel, district investigators, POP, traffic, crime analysis, and crime prevention in their district;
- Providing coordinated management of enforcement needs between districts and/or jurisdictional boundaries;
- Monitoring of planned multi-district/jurisdictional field responses;
- Management of emergency response to multi-district/jurisdictional events;
- Monitoring the utilization of Patrol Division resources and redirecting personnel as needed to include cross-district dispatching of resources;
- Staff review of certain specified investigative reports after supervisor approval. These reports include:
 - Officer-involved collisions;
 - Incidents involving injured prisoners;
 - Any reported officer injury;
 - Officer involved as a suspect;
 - Any unusual involvement of members of this Department in any police investigations;
 - Police investigations involving potential City liability; and
 - Any unusual involvement of personnel of other governmental agencies in a police investigation.
- Maintaining the continuance of routine police services during emergencies;

- Handling of all personnel matters requiring immediate attention;
- Operational activities and the operational needs of their district;
- Keeping the district commander informed of problems, needs and progress;
- Conducting periodic inspections of personnel and equipment under their command;
- Promotion and stimulation of supervision in their district;
- Investigation of citizen complaints when the complaint is of the type that can be handled at the divisional level;
- Maintenance of POP within the guidelines established by Department policy and directives;
- Advising the district commander in advance of any special details or planned activities; and
- Serving as PIO as assigned.

C. Field Commander Responsibilities

Field commanders have city-wide responsibility during their shift and work under the direction of the district commander they are assigned to. The hours and responsibilities of assistant district commanders and field commanders may overlap. The field commander position is a uniformed assignment with base hours of 1900-0500 hours.

The field commander's responsibilities include, but are not limited to:

- Being the official representative of the Chief of Police during the absence of higher authority and assuming the administrative duties of the Chief of Police;
- Ongoing review and coordination of watch two and three patrol personnel;
- Involvement in any major operation during their shift;
- Providing coordinated management of enforcement needs between districts and/or jurisdictional boundaries;
- Monitoring of planned multidistrict/jurisdictional field responses;
- Management of emergency response to multi-district/jurisdictional events;
- Monitoring the utilization of Patrol Division resources and redirecting personnel as needed to include cross-district dispatching of resources;
- Maintaining the continuance of routine police services during emergencies;
- Handling of all personnel matters requiring immediate attention;
- Keeping the district commanders informed of problems, needs and progress; and
- Coordinating information exchange with media in the absence of the P.I.O.

Medical MarijuanaCorresponding Policy 452: Medical Marijuana**A. Enforcement**

Although federal law does not currently permit possession of marijuana for medical use, California has created a limited defense for certain qualified individuals possessing small quantities of marijuana for medical use under strict conditions.

- California does not provide any exception for individuals driving under the influence of marijuana. All such cases should be handled with appropriate enforcement action.
- Possession, cultivation and sales of marijuana in quantities beyond that which might reasonably be construed for personal use should be handled as criminal cases with appropriate enforcement action taken pursuant to H&S § 11357, 11358 and 11359.
 - Unless a doctor has expressly recommended a greater amount, no qualified patient or primary caregiver may possess more than eight ounces of dried marijuana per individual H&S § 11362.77(a).
 - A qualified patient or primary caregiver may also maintain no more than six mature or 12 immature marijuana plants per individual.
- If a claim of medicinal use is made, the officer should proceed as outlined below.

B. Medical Use Claims

In order to qualify for a medicinal marijuana defense, the individual(s) making such a claim must affirmatively establish the following information. If the individual(s) cannot or will not provide all of the required information, the officer should note such in any related report and proceed with appropriate enforcement action.

C. Qualified Patients

An individual may establish his/her status as a qualified patient by presenting a current and valid identification card issued by the Department of Health (H&S § 11362.735). Such identification cards shall contain the following information:

- A unique serial number;
- An expiration date;
- The name and telephone number of the county health department approving the application;
- A 24-hour toll-free number for law enforcement to verify the card; and
- A photograph of the cardholder.

No officer shall refuse to accept a properly issued identification card unless the officer has reasonable cause to believe that the information contained in the card is false or that the card is being used fraudulently (H&S §11362.78)

If the individual does not possess a valid identification card, the individual claiming status as a “qualified patient” must minimally provide the following information:

- Satisfactory identification establishing current residency in California;
- A current and valid recommendation for marijuana from a licensed California physician; and
- Obtain a written waiver from the involved individual(s) authorizing the release of all related medical records.

D. Primary Caregivers

A primary caregiver is not authorized to use, sell, or possess marijuana for sale.

Additionally, a primary caregiver:

- Must provide sufficient proof that he/she is responsible for the patient's housing, health and/or safety; and
- Must provide sufficient proof of personal knowledge of the patient's medical needs and the details of the attending physician's recommendation.

E. Claim Requirements Met

Once the handling officer is satisfied that the individual(s) making a medicinal marijuana use claim meets the above requirements, the officer should proceed as follows:

- A sample of the involved marijuana should be seized and booked into evidence;
- Any small amount of marijuana left in possession of a qualified individual for the limited purpose of medicinal use should be described and noted in the related report;
- If the handling officer has already taken the individual(s) into custody (vs. detention only) prior to establishing qualification for a potential medicinal use defense and there are no other criminal charges pending or being investigated, the individual(s) should be released pursuant to PC § 849(b);
- If the individual remains in custody on any charge(s), the individual will not be permitted to use marijuana while being detained or held in jail or other law enforcement facility (H&S § 11362.785(c)); and
- The handling officer shall complete a report, which will be submitted to the District Attorney with all of the aforementioned documentation for a determination of whether or not the medicinal marijuana defense will apply.

F. Return of Marijuana

Regardless of the prosecution status or disposition of any related criminal case, the Department will not be responsible for the return of any marijuana seized as evidence unless presented with a valid court order requiring it to do so. (H&S § 11362.785(d))

G. Medical Marijuana Dispensary

Members should contact an SIB supervisor before initiating actions / investigations regarding locations claiming to be medical marijuana dispensaries listed in FMC § 12-306 N (19).

Fresno Police Department Procedures Manual
Traffic Function and Responsibility
Corresponding Policy 500: Traffic Function and Responsibility

A. Use of Temporary Traffic Control Devices

Traffic control can be provided by any member of the Department utilizing items such as flares, cones, portable warning signs, and other similar devices, as appropriate, when directing traffic.

The following is a list of situations, which may result in traffic control:

- Traffic collision scenes;
- Special events (parades, races, sporting events, etc.);
- Emergency conditions (fires, earthquakes, floods, other disasters, etc.);
- Traffic signal light failure with approval from a supervisor;
- Inclement weather conditions;
- Traffic collision and/or traffic hazard; or
- Any unusual circumstances, which may require traffic control as deemed necessary by a field supervisor.

Requests for temporary barricades can be utilized for any of the above situations. All requests shall be made through ComCen and should include the type of barricades and/or control devices needed.

B. Manual Operation of Traffic Control Devices

Department members who are trained in the manual operation of traffic control devices (that are designed for manual use) may, under certain circumstances, control traffic. These circumstances include, but are not limited to, the following:

- Facilitating movement at traffic signals with field supervisor approval; or
- Special events.

Reflective vests/belts shall be worn when Department members are manually controlling traffic control devices.

C. Directing Traffic

Reflective Vests & Flashlights:

- Anytime a member is on a roadway (day or night) directing traffic, investigating a [collision](#), or at the scene of a disaster, they shall wear a Department authorized reflective vest.
- An operable flashlight is required for directing traffic during inclement weather and during hours of darkness.

Hand Signals:

Hand signals shall consist of the following, but are not limited to:

- **Stopping Traffic** - To stop traffic you should give one long blast of the whistle and raise your hand up so that your palm is facing the driver. Hold your hand up until the driver stops. This same technique can be used to stop traffic from both directions by holding both hands up simultaneously towards the directions of the traffic you want stopped.
- **Starting Traffic** - Give two short whistle blasts and point your arm and forefinger toward the car you want to start. Hold it until you get their attention. Then, with your palm up, swing your hand up and over your chin, bending your arm at the elbow. Use this signal to give the go-ahead for slow and or timid drivers.
- **Signaling for Turns** - Point towards the driver, giving him/her time to see the gesture. Then, point with your arm and forefinger in the direction that you want the driver to go. While one arm is pointing in the direction of the turn, use the other arm in the "starting traffic motion" to wave the driver into the turn.

Traffic CollisionsCorresponding Policy 502: Traffic Collisions**A. Duties on Arrival at a Collision Scene**

The traffic collision procedures outlined in the following subsections shall be followed by the first unit(s) to arrive at a collision scene, regardless of which unit will ultimately handle the investigation. The first arriving officer on scene shall be in charge of the scene and direct the response of assisting units. Once the Primary unit assigned to the traffic collision arrives on scene, he/she will assume responsibility for the scene and/or any related investigation.

Care for Injured

Members shall:

- Check for injuries and shall request EMS, Fire, and any other assistance as needed;
- Provide care and first aid for the injured pending the arrival of an EMS and/or Fire;
- Encourage injured parties to remain in their vehicle(s) until the arrival of medical assistance; and
- NOT attempt to remove an injured person from a vehicle absent a life-threatening situation.

Protection of the Scene

Members shall see to the protection of:

- Involved vehicles;
- Other traffic at the collision scene; and
- Personal property.

As soon as practical, members shall:

- Remove damaged vehicles and debris from the roadway; and
- Restore the flow of traffic.

Exceptions: Members shall take every precaution to preserve any and all evidence at the scene of a major injury or fatal collision until it is determined that it is no longer necessary to do so.

Positioning of Police Vehicles

- When possible, police vehicles should be parked legally at the collision scene.
- When it is necessary to park in the street to protect persons or property, the emergency lights shall be activated to alert approaching traffic.
- Flares or Lite Flares shall be used as needed.

Major Traffic Congestion

Members responding to a traffic collision, where there is significant traffic congestion, may utilize their Code 3 equipment in order to access the scene of the collision. Once they have arrived, members should assess the scene and determine what additional resources are needed. These resources may include, but are not limited to:

- Personnel;
- Barricades;
- Signs; and
- Other resources as identified by the officer in charge.

If it appears that the incident is going to be lengthy the officer in charge shall advise ComCen who will subsequently relay the information to other agencies (FAX, Fire Department, EMS, Cal Trans, etc.).

Fatalities

When there is any question as to death, medical aid shall be requested and appropriate first aid rendered.

Deceased persons shall be covered from public view whenever possible.

Response to Disturbances at Traffic Collisions

When Members are dispatched to traffic collisions and receive information of a disturbance or fight occurring at the collision scene, members shall follow the guidelines in Procedure §316B regarding authorized code three responses.

Exception: CSO's and Cadet II's are not authorized to respond code three. When a CSO or Cadet II is dispatched to a traffic collision involving a disturbance or fight, they shall confirm with the ESD that a disturbance/fight is occurring and request that a sworn member respond until the scene is stabilized.

B. Collision Documentation

The following subsections shall be used to determine which type of collision format is required and the contents of that documentation. Except for those situations described in this section, no collision report will be taken.

Collision Investigation

A Collision Investigation shall consist of all elements and forms required by the Collision Investigation Manual (CIM) to document a collision that involves any of the following:

- A fatality;
- Any injury defined in the CIM as "severe injury";
- The possibility of civil litigation against the City, the Department, or any other public agency;
- The arrest or citation (notice to appear or notice of violation) of a driver for a misdemeanor or felony traffic violation causing the collision (including DUI);
- The potential for a felony prosecution absent an arrest (e.g., Hit and Run); or
- A Department Vehicle Collision (DVC - Defined as a motor vehicle traffic collision involving any City owned or leased vehicles, or other vehicles used during the course and scope of official Department business.)

Collision Report

The Report Writer system (RPW) shall be the primary method for documenting collisions, unless express permission has been granted by the division commander to utilize another method of reporting (i.e. handwritten, alternate computer software, etc.).

A Collision Report shall be used to document a collision that involves any of the following:

- Hit and run collisions when there is sufficient information available to identify the hit and run driver through follow-up investigation;
- Injury collisions (other than "severe injury") that result in the immediate removal of any person(s) by ambulance to a medical facility;
- Damage to City property (Vehicles, light poles, traffic signs, buildings, etc.); or
- The issuance of a notice of violation to a driver for a traffic infraction causing the collision.

The Collision Report shall consist of all of the elements and forms required by the CIM. This shall include documenting any insurance information presented by the driver, regardless of its expiration date.

Notices of Violation at Collision Scenes

When issuing a Notice of Violation, per VC §40600, the issuing officer shall check the box "Offense(s) not committed in my presence, completed on information and belief." The officer shall give the violator the yellow copy of the form and admonish him/her that failure to take care of the matter with the Traffic Court, within the prescribed time, may result in a complaint being issued by the DA's Office. The

violation shall not sign the Notice of Violation form. Instead, officers shall insert the words: "Notice of Violation, VC 40600" on the signature line.

Officers issuing a Notice of Violation at a collision scene shall document the incident as a Collision Investigation (for misdemeanor violations) or as a Collision Report (for infraction violations). Either form of documentation shall include the description and details of any violations which have been substantiated by witnesses and/or evidence.

A citation issued as a Notice of Violation shall be attached to the collision documentation and submitted to Records. The case number of the report shall be listed on the Notice of Violation.

Notices to Appear at Collision Scenes

When a driver has no valid license [VC §12500(a)] or has a suspension or revocation action, officers shall investigate the license violation including service of notice and taking enforcement action where permissible (e.g., citizen's arrest). Driver's license violations do not, in and of themselves, require the collision to be documented as an investigation.

When violations exist which would justify issuance of both a Notice of Violation and a Notice to Appear, the charges may not be combined. Instead, separate citations shall be issued for the respective violations. The Notice of Violation and the Notice to Appear shall be clipped together and processed as a single complaint.

C. Special Collision Documentation

Private Property Collisions

Collisions that occur on private property will be reported under the same criteria established under the above stated section: Collision Report.

Property Damage Collisions

Members responding to the scene of a collision resulting in property damage only (including vehicle damage) shall ensure that involved parties comply with the notification requirements of VC §20002. Except as provided under section B – Collision Documentation, no report is required for collisions producing property damage only.

Criminal Violations

When a collision involves an arrest for a criminal violation, the arrest shall be documented in a CR in addition to any required collision report.

Exception: Hit and run arrests do not require a CR but may be addressed solely in a Collision Investigation. Hit and run collisions with no suspect information should be documented as a Synoptical Report.

Examples:

DUI with collision: A Collision Investigation and Sobriety Report are required. The collision investigation need contain only those narrative details dealing with the collision while the Sobriety Report need contain only those narrative details which address the DUI arrest, evidence, etc. Both reports will use the same case number but each will be numbered separately.

DUI with collision, driver in possession of a loaded, concealed handgun: A Collision Investigation, Sobriety Report, and a LERF (to document the PC §§12025 and 12031 charges) are required.

Intentional Collisions/Legal Intervention

Collisions that are caused intentionally or instances of "legal intervention" (as defined in the CIM) are not motor vehicle collisions and shall not be documented as such. Instead, the incident shall be documented in the applicable CR or GIR.

Industrial Traffic Collisions

Collisions/Accidents involving work vehicles (or mobile machinery) on private or public property which are in use as industrial equipment (graders, back-hoes, water trucks, etc.) which result in injury or death will be classed as industrial accidents and will be reported as outlined in Policy §360.

Collisions involving such machinery, when it is not in use as industrial equipment (e.g., in transport from one job to the next), shall be reported as traffic collisions consistent with the requirements of this order.

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 (GI) 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; and
- There is no damage.

When there is damage to a City vehicle, a Vehicle Damage Report shall be completed and forwarded to the appropriate Division Commander. Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

D. Department Vehicle Collisions (DVC)

Collisions involving members operating City owned or leased vehicles, or other vehicles used during the course and scope of official Department business shall be investigated and reported by an officer of the Department other than an officer driving or riding in a vehicle involved in the collision. The investigation shall be completed under the on scene direction of a supervisor. The report shall be reviewed for completeness and approved by the same on scene supervisor.

Investigations Outside of the City

When a DVC occurs outside of the City, the investigation should be completed by the agency that has responsibility for the jurisdiction in which the collision occurred.

When a DVC occurs in close proximity to the City limits, a supervisor shall respond to survey the collision scene. When the investigating agency is unable to provide the necessary photographs, measurements, and/or evidence collection normally provided by the [Crime Scene Bureau \(CSB\)](#), a CSB Technician should be requested.

When a DVC occurs in another jurisdiction, the investigating agency shall be requested to forward a copy of their report(s) to the Department Collision Review Officer as soon as possible.

When a CSB Tech responds to a DVC scene outside of the City, he/she shall complete a memo describing his/her actions. Copies of the memo shall be sent to the designated Patrol Division administrative clerk for inclusion in the package to be forwarded to the Collision Review Officer.

Special Provisions for Collision Documentation

When completing the Collision Investigation for the DVC:

- Involved members may use the address of the Department as their residence address;
- The City assigned vehicle number shall be written in the "miscellaneous" box;
- The name(s) of the insurance carrier(s) for involved parties other than members shall be listed in the designated space on the face sheet;
- The words "On Duty Emergency Vehicle" shall be written in the "Special Conditions" box and in the name box above the member's name when the collision involves an on duty sworn member (including reserves) operating an "authorized emergency vehicle" as defined in VC §165. When

the vehicle involved is not registered to the Department or the City, an explanation establishing it as an authorized emergency vehicle shall be included in the report narrative;

- *The provisions of VC §21806 shall be considered during the investigation and subsequent documentation of the collision; and*
- *The investigation shall be reviewed/approved by a supervisor.*

Administrative Processing and Review

"Administrative Processing" refers to the gathering and distribution of the documents generated as a result of a DVC. "Administrative Review" refers to the actual review of the investigation to determine if the member acted in accordance with statutory requirements, established Department guidelines and procedures, and with the degree of care required.

Administrative processing and review commences with the supervisor present at the scene and culminates with a final decision by the Chief of Police. This review will result in a finding that the driving behavior either was or was not within Department vehicle operation guidelines defined in Policy & Procedure §703 and other related orders.

Supervisor's Responsibilities

Supervisors shall request a Traffic Unit (Special Investigation Team) response for any City vehicle involved collision resulting in the transport of any involved person to a medical facility. The report will be reviewed by a CRU detective prior to its submission for approval. The supervisor of the scene will combine a copy of the Collision Investigation, Automobile Accident Loss Notice, and Unusual Occurrence Report (when required) to form the package that will be forwarded to the Collision Review Officer for review. The supervisor will also prepare and submit a memo addressed to the Collision Review Officer. In this memo, the supervisor will:

- Describe the circumstances surrounding the collision;
- Indicate whether or not the member acted in accordance with established guidelines and procedures and with the care and caution required;
- Render a finding that the driving behavior was or was not within Department guidelines;
- Provide sufficient justification for the finding rendered;
- Prior to completion of their shift supervisors shall notify the Internal Affairs Bureau secretary via voicemail of the:
 - Collision date;
 - Officer(s) involved;
 - Reviewing supervisor;
 - Supervisor's area of assignment;
 - Location; and
 - Case number.

The supervisor will submit this package to the Collision Review Officer within 24 hours of the collision.

When a supervisor determines that a DVC may result in disciplinary action, he/she shall conduct the investigation consistent with the requirements of the Public Safety Officers Procedural Bill of Rights (GC §3300, et seq.)

Collision Review Officer

The Collision Review Officer is appointed by the Chief of Police and is responsible for:

- Creating a log to track each collision package and sending the original insurance forms and a copy of the collision investigation to Risk Management,
- Reviewing the collision package and arriving at a finding, as defined above in 'Administrative Processing and Review', without taking statements or conducting interviews; and
- Attaching a memo containing his/her findings and reasoning to the package and forwarding the entire package, within two working days of receipt, to the commanding officer of the involved member.

Commanding Officer Responsibility

The commanding officer of the member involved in the DVC shall prepare a memo of concurrence or disagreement with the Collision Review Officer's findings within one working day of receipt of the package.

When the review by the commanding officer is in concurrence with the findings of the Collision Review Officer, the commanding officer shall forward the entire package to the Chief of Police, through the division commander.

When the review by the commanding officer is in disagreement with the findings of the Collision Review Officer, the commanding officer shall return the package to the Collision Review Officer. The Collision Review Officer and the commanding officer shall then meet to attempt to reconcile the differences. When the differences are reconciled in this meeting, the Collision Review Officer shall prepare a report to the Chief of Police indicating the results of the meeting and the final findings. The entire package shall then be forwarded to the Chief of Police through the involved member's chain of command.

When the findings of the Collision Review Officer cannot be reconciled with those of the commanding officer, the Collision Review Officer shall prepare a report detailing the differences and forward the report to the Chief of Police through the involved member's chain of command.

Review of Findings by Chief of Police

The Chief of Police will review the entire package and make a preliminary decision as to a course of action. Notification of the involved member of the decision of the Chief of Police will be handled by the Internal Affairs Bureau consistent with established procedures on internal investigations.

Maintenance of Files

Upon completion of the entire review process, collision review packages shall be maintained by Internal Affairs for 37 months, after which they may be purged.

Records of DVC's may be considered as "disciplinary history" in connection with a subsequent collision for only 37 months from the date of completion of the entire review process for prior collision(s).

E. Requesting Collision Reconstruction Unit (CRU) Response

The investigating member's supervisor shall make the initial determination that a CRU response is required. A district commander or field commander will review the supervisor's recommendation and make the final decision to have the Duty Office contact the on-call CRU Supervisor. In the absence of a district commander or field commander, the on-scene supervisor shall make the decision to notify the CRU Supervisor.

Upon arrival at the scene, the CRU member shall assume responsibility for direction and coordination of the collision investigation. The CSB, Coroner, and tows shall not be requested on calls involving a CRU response until approval has been given by the CRU member.

CRU- Response Criteria

CRU members shall respond to:

- Fatal or severe injury collisions involving on duty members, on duty City employees, and on duty members of allied law enforcement agencies;
- Fatal collisions where the investigating member and scene supervisor believe a prima facie case exists to support a charge of murder, or vehicular manslaughter;
- Collisions likely to result in a fatality, where criminal charges may result;
- Fatal collisions where the cause cannot be determined by on scene personnel;
- Collisions with a fatality in which there is a reasonable belief that the collision did not cause the fatality;
- Collisions that result in the response of investigators of the National Transportation Safety Board;

- Collisions that result in the spillage of a significant amount of hazardous material(s);
- Fatal or severe injury collisions where it is likely the City is exposed to civil liability; and
- Any other collisions where the on scene supervisor believes technical assistance is required, and the response is approved by a district commander or field commander.

Removal of vehicles During CRU Investigations

In the event of a CRU call-out, only tow companies from the CRU rotation tow list shall be utilized to impound vehicles.

In any collision investigation meeting the above stated criteria, all vehicles shall be impounded for mechanical inspection. In cases other than those listed in the above stated criteria, impounds for mechanical inspection should be limited to felony investigations where a specific need exists.

When a member feels a vehicle inspection is necessary, he/she shall contact his/her immediate supervisor who shall evaluate the request.

Upon approval, the investigating member shall have the ComCen contact the appropriate tow company from the CRU rotation tow list. A Police Hold shall be placed on the vehicle and it shall be impounded as evidence pursuant to VC §22655.5. The member will ensure that the tow truck operator is aware that the impound is for CRU follow-up, to ensure proper disposition of the vehicle. When the collision investigator is not a CRU member, he/she shall notify the CRU office of the request for a mechanical inspection by voice mail.

F. Opinions About Traffic Engineering Issues

Opinions about possible contributing factors to a collision which involve City traffic signals, signs, roadway designs, etc. should not be entered into a collision report.

These concerns or opinions shall be submitted on a memo addressed to the Traffic Safety Section Commander who will follow up on the concerns with the City Traffic Engineer.

G. Hazardous Situations

When a collision results in damage to traffic signs or signals or other property creating an immediate hazard, the investigating member shall immediately notify the ComCen and arrange for the direction of traffic until the proper right-of-way controls are restored or temporary devices are installed.

Vehicle Fires

Members responding to collisions involving a vehicle on fire shall adhere to the guidelines in Procedure §316B – Authorized Code 3 Responses and upon arrival the incident shall be handled in a manner consistent with the guidelines outlined in Procedure §345A – Member's Duties Before Fire Department Arrival.

Hazardous Materials Spills

Members encountering collisions involving suspected hazardous materials spills shall proceed as outlined in Procedure §412 – Hazardous Material Response.

H Photographs and Measurements

Photographs, measurements, and evidence collection will be requested of CSB personnel when:

- A collision involves a fatality or potential fatality;
- Necessary to assist with the prosecution of a felony charge resulting from the collision;
- There is a probability of future litigation against the City; or
- Other circumstances are present in which a supervisor deems necessary.

I. Area of Impact (AOI)

An AOI shall be included in all required collision reports.

- Collisions occurring:
 - In an intersection, the AOI shall be identified by measurements from the curb lines or roadway edges of the intersecting streets.
 - Outside of an intersection, the AOI shall be identified by measurements from the curb lines or roadway edges of the street involved and the nearest cross street.
- Measurements shall be expressed in approximate feet unless an accurate measuring device is used.
- When the distance to the nearest cross street is too great to measure in feet, the odometer of a vehicle may be used to measure the distance, which will be expressed in approximate tenths of a mile.
- When it is necessary to more precisely indicate the AOI, a second description of the AOI may be included in the narrative of the report. This measurement shall be made from any nearby permanent fixed object and the roadway curb or edge. The second measurement will supplement, not replace, the measurement to a cross street.

J. Follow-Up Investigations

Special routing of a collision investigation for follow-up investigation may occur where the collection of off-scene data, collisions reconstruction, or expert technical assistance is required to support felony charges.

When the follow-up investigation is limited to obtaining additional witness or victim statements, the primary investigative officer should respond when possible.

When follow-up is needed, a copy of the original investigation should be routed to the CRU Investigators, through the member's immediate supervisor, with an explanation of what follow-up is needed.

Members requesting a collision reconstruction or expert technical assistance:

- Are required to support felony charges; and
- Shall have completed the required factual diagram and have the CSB take appropriate photos of the scene.

Vehicle Towing

Corresponding Policy 510: Vehicle Towing

A. Definitions

Owner's Preference Tow – A specific tow company requested by the driver/owner of a vehicle needing to be towed. If not available, an "Owner's no-preference" tow will be substituted. Owner's preference and owner's no-preference tows shall not be used for impounds and do not require a CHP 180 Form.

Owners No-Preference Tow – An owner's request to use one of the Department's contracted tow companies in non-enforcement impound situations. Owner's no-preference tow requests do not require a CHP 180 Form.

Storage – A non-enforcement tow, generally considered a courtesy to the public. Storage does not require a CHP 180 Form, the registered owner or legal owner to pay any City Administrative Fees, but will require the payment of tow charges.

Impound – A member has a legal authority to cause the removal of a vehicle by one of the Department's contracted tow companies. Impounds are considered an enforcement action and will require the completion of a CHP 180 Form, the registered owner or legal owner to pay City Administrative Fees, and pay all tow charges.

B. Vehicle Impound Requirements

Vehicles may be impounded:

- For further investigation/evidence (i.e. the vehicle itself constitutes evidence in a crime, to secure the vehicle while obtaining a search warrant, VIN discrepancy, contains evidence, etc.);
 - The member shall request an "evidence tow". ComCen will then contact the appropriate tow company from the evidence rotation tow list *in the Dispatch Towing Software Program (DTS)*.
 - The requesting member shall contact the investigative unit the vehicle is being held for and advise them of the tow; and
 - Investigative unit supervisors are responsible for ensuring that vehicles are released from evidence holds in a timely manner, and notification regarding the release is made to the *Tow Coordinator*, and the Registered Owner of the vehicle.
- Exception: Recovered stolen vehicles shall be towed utilizing the normal tow rotation list *in DTS*.
- Pursuant to VC §23109.2 when the vehicle was involved in:
 - Reckless driving on a highway, as described in VC §23103(a);
 - Reckless driving in any off-street parking facility, as described in VC §23103(b);
 - A motor vehicle speed contest, as described in VC §23109(a); or
 - Exhibition of speed on a highway, as described in VC §23109(c).
- For registration expired in excess of six months, and/or evidence of false registration (False Tabs) [VC §22651(o)]
- When the driver has been cited for VC §12500 and has no active license suspensions, the vehicle can only be impounded if, pursuant to the Community Care Doctrine (CCD), leaving the vehicle at the scene would:
 - Jeopardize public safety;
 - Jeopardize the efficient movement of traffic; or
 - Subject the vehicle to vandalism or theft.

Note - Members will include a notation on the *CHP 180 Form* indicating which CCD applied. DO NOT impound when the driver is cited for VC §12500 simply because no other licensed driver is available when the Community Care Doctrine does not apply.

Members must get supervisor approval before releasing a vehicle on scene after having issued a citation for any of the above violations.

Vehicles shall be impounded:

- When the driver has been cited for VC §12500, and DMV, citation data, or RMS records indicate the driver has been previously cited for the same offense. This indicates “prior knowledge” and proof the offense will continue, therefore the vehicle shall be impounded pursuant to VC §22651(p);
- When the driver has been cited for VC §12500, but has an active suspension on their license. Regardless of knowledge of the suspension, the vehicle shall be impounded pursuant to VC §22651(p);
- When the driver has been arrested/cited for any violation of sections VC §14601; Violations of VC §14601 require knowledge of the suspension or revocation. Knowledge is established by a valid service code indicated in the drivers DMV record. The service codes are listed below;
 - A - First Class Mail, not returned unclaimed
 - B – Served, Signed Document on File
 - D- Personal Service Document On File
 - H- Acknowledgement, No Signature
 - I- Returned Unclaimed
 - J – Written Notice Service By Officer
 - K- Refused Service
 - L – Reported Deceased
 - M – Verbal Notice Document on File
 - P- Personal Service
 - R- Personal Service Unsuccessful

All of the service codes constitute proof of knowledge of the suspension or revocation for enforcement purposes, with exception of “I”, “K”, “R”.

When knowledge of the suspension or revocation can not be established through service codes the driver shall be issued a DL310 verbal notice by Peace officer and cited VC §12500(a) and the vehicle shall be impounded.

*NOTE: Pursuant to VC §14601 through VC §14601.5(a) service code “A” First class mail, not returned unclaimed, knowledge of suspension or revocation is “conclusively presumed” and therefore service is valid. VC §13106 refers to that presumption of knowledge as a “rebuttable presumption”. Any request of “personal service needed” with service code “A”, does not affect the valid service, it is merely a secondary notification that eliminates the “rebuttable presumption” provision of VC §13106. The District Attorney’s Office WILL NOT file on service code “A”, unless the driver admits to having knowledge and this information is included in the police report. Therefore, if the driver refuses to acknowledge the suspension on an “A” service code, the driver shall be cited for CVC 12500(a) and the vehicle shall be impounded. The “Community Care Doctrine” does not apply in this situation since the driver’s privileges have been suspended. It is imperative that members complete a DL 310 so that the service code can be updated showing the driver has been advised of the suspension by law enforcement. *ComCen shall be advised that the vehicle is being impounded for an unlicensed driver.*

- When the driver has been arrested/cited for VC §§23140, 23152, or 23153:
 - DUI impounds for VC §§23140, 23152, 23153 will follow the guidelines set forth in VC §§22651(h)(1) & 22651(h)(2);
 - Officers shall check the DMV record of all DUI offenders to determine prior convictions for DUI. Vehicles of repeat DUI offenders shall be impounded as follows:

- Impound for 5 Days when the driver has been determined to have been convicted one time of violating VC §23140, VC §23152 or VC §23153 within the prior 10 years, per VC §14602.8(a)(1) and at least one of the following criteria:
 - The driver has a BAC of .10% or more; or
 - The driver refuses to submit to or complete a chemical test requested by an investigating officer.
- Impound for 15 days when the driver has been determined to have been convicted two or more times of violating any combination of VC §23140, VC §23152 or VC §23153 within the prior 10 years, per VC §14602.8(a)(1) and at least one of the following criteria:
 - The driver has a BAC of .10% or more; or
 - The driver refuses to submit to or complete a chemical test requested by an investigating officer.
- Officers should indicate the length of the hold (5 or 15 days on the *CHP 180 Form*); and
- Officers shall check the DMV record to determine any requirements for any ignition interlock devices. Any vehicle of a DUI offenders found in violation of this requirement shall be impounded pursuant to the provisions of VC §14602.6(a).

30 day impounds:

30 day impounds will follow the guidelines set forth in VC §14602.6(a) and/or VC §23109.2 when the driver has been arrested/cited for any violation of sections VC §14601, VC §23103 or VC §23109.

Vehicles may only be impounded for 30 days pursuant to VC §14602.6(a), when the driver is the registered owner and all other provisions have been met. *Vehicles impounded for VC §12500 will not be impounded for 30 days.*

C. Vehicle Towing Rules

- To enhance public safety, members should make reasonable attempts to secure transportation for occupants when their vehicle is impounded, and:
 - Occupants are unable to arrange their own transportation, or;
 - Occupants request assistance in arranging transportation. This may include calling a taxi for the occupants at their expense, or phoning a friend/family member to pick them up. With supervisor approval, members may transport occupants to a safe location within a reasonable distance.
- Responding tows are required to respond within 30 minutes after being contacted by ComCen *through the DTS System*. Tows being requested during commuting hours (0700-0900 and 1600-1800) are given a 45 minutes response time. When a tow service fails to respond within the required 30 or 45 minutes, the ComCen should be notified to cancel the original tow and dispatch a different tow service. A canceled tow service is considered unauthorized and will not be allowed to remove the vehicle. Members will refrain from requesting ETA's from the ComCen within this 30 to 45 minute period.
- All motor vehicles, including off highway vehicles stored or impounded by members, shall be inventoried (completion of a *CHP 180 Form*).
- Vehicles such as dirt/mini bikes, go-carts, etc., are illegal for street operation. Officers who encounter off highway vehicles should consider citing for VC §24002(b) – Vehicle not equipped as provided by the Vehicle Code, or VC §4000(a) – Unregistered vehicle on a highway. Operators who are unlicensed, suspended, or with revoked driving privileges should be charged with the appropriate violation and the vehicle impounded under VC §22651(p). *Members shall advise ComCen of the reason for the tow and that they need a tow for a dirt/mini bikes, go-carts, etc.*
- When a vehicle is stored or impounded and the driver/owner is present, he/she will be provided with a completed "Towed Vehicle Information Sheet."
- When a vehicle needs to be impounded after being involved in a major crime or collision, a CRU (Collision Reconstruction Unit) tow will be requested.
- Officers may impound a vehicle as evidence in a crime, with or without the owner's permission, based on probable cause. When vehicles are towed as evidence, the member shall request an

“evidence tow”. *Members are required to advise ComCen of the investigative unit for which the vehicle is being held as evidence. ComCen will enter the investigative unit into the DTS program on evidence tows.* Evidence tows include vehicles held for evidence for Hit & Run, evading, VIN verification, arson, recovered stolen vehicles involved in a crime or cases which require follow-up investigation by a detective.

Exception: Recovered stolen vehicles not requiring follow-up investigation shall be towed utilizing the normal rotation tow list.

- Except under unusual or emergency situations, no other tow company than the one dispatched will be allowed to tow a vehicle.
- Vehicles to be towed shall not be driven by members, unless necessary to move the vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant, *at a DUI Checkpoint*, or to comply with posted signs.
- The driver/owner will be advised the Department is not responsible for theft or damage to the vehicle.

D. Completion of a CHP 180 Form

Members initiating the towing and storage of a vehicle will complete a *CHP 180 Form* and submit it to Records prior to the completion of their shift.

- The *Yellow* copy is given to the tow operator. All other sheets are sent to the Records Bureau.
- The *CHP 180 Form* will be completely filled out and will include a description of property within the vehicle (see below).
- The member who completes the *CHP 180 Form* will notify Teletype as soon as reasonably possible from the time the vehicle was towed, *except at Checkpoints where the CHP 180 Forms will be turned in to Records at the conclusion of the Operation.*
- When a member removes a vehicle and uses the electronic *inventory in RPW* to document the removal, the report shall be sent to Records electronically as soon as it is completed.

Vehicle Inventory Searches

Property in a stored or impounded vehicle will be inventoried and listed on the *CHP 180 Form*. All property of evidentiary value found in a vehicle in plain view and/or resulting from a legal search shall be seized from the vehicle prior to impound and shall be booked consistent with normal booking procedures. This includes the trunk and any compartments or containers, even if closed and/or locked. When a container is locked and the key is not present, members will contact a supervisor and advise them of the circumstances, prior to forcing open the locked container. Members shall inventory all items that can legally be opened without damaging the containers or the contents. When something is not opened due to probability of damage or not legal to do so, it shall be noted on the *CHP 180 Form*. Members conducting inventory searches should be 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.

E. Towing Services

The Department contracts with specific tow companies when towing department vehicles. *Should a member need a tow for a City owned vehicle, a request will be made through ComCen for a “City” Tow.*

Complaints Against Tow Companies

Complaints regarding the performance of tow services shall be sent to the Traffic Bureau for review by the Tow Coordinator. Members who observe, or who are subject to, unprofessional and/or rude behavior by the tow service, or who observe the tow service failing to comply with Department procedure or any requirement of law shall notify the Tow *Coordinator*, via *Department email or voicemail*.

Should a tow service fail to arrive to a call within the 30 to 45 minute time period, or cancel themselves from a call after 10 minutes, the Tow *Coordinator* shall be notified by ComCen.

F. Removal of Disabled Vehicle in Traffic Collision

When a vehicle has been involved in a traffic collision and must be removed from the scene:

- *If a vehicle is blocking any portion of the roadway and cannot be moved by the driver or responsible party, the member shall request a tow for a collision with road blockage. A CHP 180 Form will be required for this tow under the authority of VC §22651(b). An owner's preference will NOT be allowed in these circumstances.*
- *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 member will request a tow for a collision with road blockage. A CHP 180 Form will be required for this tow under the authority of VC §22651(g). An owner's preference will not be allowed in these circumstances.*
- *If a vehicle is out of the roadway or can be moved out of the roadway, the driver or responsible party will be allowed to take possession of the vehicle. If the driver requests a tow, the member will ask the driver if they prefer a specific tow service and, if possible, advise ComCen of the request for an "owner's preference" (no CHP 180 Form required).*
- *If a "no preference" tow is requested, a company will be selected from the "owner's no preference" (rotational list of towing companies in DTS) by ComCen (no CHP 180 Form required).*

Per the VC §27700, tow truck operators shall remove broken glass, spilled fluid, and other debris from the scene of traffic collisions. Members shall ensure that the tow operator complies with the removal requirements. If the tow driver leaves the scene prior to cleaning the area, the member shall contact ComCen to have the tow driver return to complete the cleanup. The member shall notify the Tow Coordinator, via Department email or voicemail.

G. Notifications

Records Bureau is responsible for the notification of vehicle owners as required by VC §22852.

Records will send *the original CHP 180 Forms* to the Tow Unit. The Tow Unit will review *the CHP 180 forms for accuracy and return them to the Records Bureau*. If it is determined that the charges do not meet the 30 day impound criteria, or a Post Storage Hearing has been conducted and it is decided that the vehicle can be released prior to 30 days, it will be the responsibility of the Tow Unit to notify the registered owner of the vehicle of the release by letter or telephone.

Any modifications to vehicle release dates or fees will be made by the Tow Coordinator in the DTS program.

H. DTS Tow Reason Codes

ComCen shall be advised by the member requesting a tow truck of the reason for the tow. The reason must be accurate as it sets the administrative fees the driver or the registered owner will pay to have their vehicle released. As an example, if a member requested a tow truck for a collision blocking a roadway, but later determines that this driver was suspended, the member shall advise ComCen to update the reason for the tow to "suspended driver."

Reason Codes and Administrative Fees:

- | | |
|--|----------|
| • Owners Preference / Owners Non Preference / Recovered Stolen | \$No Fee |
| • Collision with Road Blockage | \$60.00 |
| • Illegal Parker / Expired Registration | \$116.00 |
| • Expired Registration / Unlicensed Driver | \$189.00 |
| • Suspended Driver / Driver Arrested | \$266.00 |
| • DUI | \$450.00 |

See the attached Towing, Storage & Impound Guide for a complete list of Reason Codes and corresponding VC authority codes. The fees listed are the Department's administrative fees and do not include the towing charges.

| Fresno PD - Towing, Storage, & Impound Guide | | | | | | |
|---|-------------|--|-------------------|------------|------|----------|
| Reason Code | Type of Tow | Violation Section | Storage Authority | Hold Time | 180? | Cost |
| City Vehicle | Storage | n/a | n/a | n/a | No | \$0.00 |
| Owners Preference | Storage | n/a | n/a | n/a | No | \$0.00 |
| Owners Non Preference | Storage | n/a | n/a | n/a | No | \$0.00 |
| Stranded Vehicle | Storage | n/a | n/a | n/a | No | \$0.00 |
| Recovered Stolen | Impound | VC 10851(A) recovered on Public Roadway | VC 22651(C) | n/a | Yes | \$0.00 |
| | Impound | VC 10851(A) recovered on Private Property | VC 22653(A) | n/a | Yes | \$0.00 |
| Collision with Road Blockage | Impound | Disabled & Blocking Vehicle @ Scene of TC | VC 22651(B) | n/a | Yes | \$60.00 |
| | Impound | Injured Driver @ Scene of TC | VC 22651(G) | n/a | Yes | \$60.00 |
| Illegal Parker | Impound | 72 Hour Parker In Violation of Local Muni-Code | VC 22651(K) | 1 | Yes | \$116.00 |
| | Impound | Blocking Private Driveway | VC 22651(D) | 1 | Yes | \$116.00 |
| | Impound | Blocking Fire Hydrant | VC 22651(E) | 1 | Yes | \$116.00 |
| | Impound | Parked or Left Abandoned in the Roadway | VC 22651 (B) | n/a | Yes | \$116.00 |
| Expired Registration | Impound | VC 4000(A)(1) Expired over 6 Months | VC 22651(o)(1)(A) | Until Paid | Yes | \$189.00 |
| | Impound | Lic Plate or Lic Tab not issued to veh displaying | VC 22651(o)(1)(B) | Until Paid | Yes | \$189.00 |
| Unlicensed | Impound | VC 12500(A) Expired or None Issued | VC 22651(P) | 1 | Yes | \$189.00 |
| | Impound | VC 12500(A) in lieu of 14601 w/ no proof of service | VC 22651(P) | 1 | Yes | \$189.00 |
| Evidence | Impound | Used to Commit Crime | VC 22655.5(A) | Variable | Yes | Varies |
| | Impound | Contains Evidence of Crime or is Evidence of a Crime | VC 22655.5(B) | Variable | Yes | Varies |
| Hit & Run Misdemeanor | Impound | Hit & Run - Public Roadway | VC 22655(A) | 48 Hours | Yes | \$266.00 |
| | Impound | Hit & Run - Private Property | VC 22655.5(B) | 48 Hours | Yes | \$266.00 |
| Hit & Run Felony | Impound | Hit & Run - Public Roadway | VC 22655(A) | Variable | Yes | \$266.00 |
| | Impound | Hit & Run - Private Property | VC 22655.5(B) | Variable | Yes | \$266.00 |
| Other 30 Day (Reckless, Speed Contest, Interlock) | Impound | VC 23103 - Reckless Driving | VC 23109.2(A)(1) | 30 Days | Yes | \$266.00 |
| | Impound | VC 23109(A) - Speed Contest | VC 23109.2(A)(1) | 30 Days | Yes | \$266.00 |
| | Impound | VC 23109(C) - Exhibition of Speed | VC 23109.2(A)(1) | 30 Days | Yes | \$266.00 |
| | Impound | VC 2800 (Felony or Misd.) - Evading/Pursuit | VC 22655.5(A) | 30 Days | Yes | \$266.00 |
| | Impound | VC 23247 - Ignition Interlock Device | VC 14602.6(A)(1) | 30 Days | Yes | \$266.00 |
| Suspended | Impound | VC 14601 - Suspended Driver | VC 22651(P) | 1 | Yes | \$266.00 |
| Suspended 30 Day | Impound | VC 14601 - Suspended Driver + R/O of the Vehicle | VC 14602.6(A)(1) | 30 | Yes | \$266.00 |
| Driver Arrested | Impound | Driver Arrested & Custodial Arrest | VC 22651(H)(1) | 1 | Yes | \$266.00 |
| DUI | Impound | VC 23152 - Misdemeanor DUI | VC 22651(H)(1) | 1 | Yes | \$450.00 |
| | Impound | VC 23153 - Felony DUI | VC 22651(H)(1) | 1 | Yes | \$450.00 |
| | Impound | VC 23550.5 - 4th DUI within 10 years (Fel.) | VC 14602.8(A)(1) | 15 | Yes | \$450.00 |
| | Impound | VC 23154(A) - DUI Probation Violation | VC 22651(H)(2) | 1 | Yes | \$450.00 |
| | Impound | VC 23136 or VC 23140 - Under 21 DUI | VC 22651(H)(2) | 1 | Yes | \$450.00 |
| DUI 5 Day | Impound | DUI Arrest w/ 1 Prior DUI Conviction within 10 years+current .10 BAC test or ref chem test | VC 14602.8(A)(1) | 5 | Yes | \$450.00 |
| DUI 15 Day | Impound | DUI Arrest w/ 2+ Prior DUI Convictions within 10 years+current .10 BAC test or ref chem test | VC 14602.8(A)(1) | 15 | Yes | \$450.00 |
| DUI 30 Day | Impound | DUI Arrest + Suspended DL + R/O of the Vehicle | VC 14602.6(A)(1) | 30 | Yes | \$450.00 |

Vehicle Impound HearingsCorresponding Policy 512: Vehicle Impound Hearings

The Department will provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a post-storage hearing to determine if a stored or impounded vehicle meets the criteria for an early release pursuant to Vehicle Code §22852. All requests for a full or partial refund of vehicle impound and tow fees shall be processed by the City of Fresno Risk Management Division.

Under certain circumstances, the City Manager has granted the Fresno Police Department the authority to provide an immediate refund to the registered or legal owner of an improperly towed vehicle. These situations are limited to vehicles that have been clearly towed in error. This request for refund will be forwarded by the Traffic Bureau Commander to the Division Commander in memo form. Upon approval, the Fresno Police Department's Fiscal Affairs Bureau will be instructed to process a refund. When contacted by the Tow Coordinator, the registered or legal owner shall respond to the Traffic Bureau to receive the refund and complete a release of liability form. The Tow Coordinator will maintain a file of all refund requests along with the release of liability form.

A. Stored or Impound Hearing

When a vehicle is stored or impounded by any member, the registered owner or legal owner may request a hearing.

The "Tow Coordinator" will contact the requesting party within 48 hours, (excluding weekends and holidays), to arrange for an appointment for a hearing.

B. Hearing Procedures

The member 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 must be submitted in person, writing, or by telephone within ten days of the date appearing on the notice.

The "Tow Coordinator" will usually serve as the "Hearing Officer".

The person requesting the hearing may record the hearing at his/her own expense.

The Hearing Officer will consider all information provided, Vehicle Code §§14602.6(a) and 23109.2, and then render a decision as to the number of days of storage.

C. Vehicles Impounded as Evidence

Detectives may *only* waive administrative impound fees on vehicles impounded for *evidence that belong to a victim*.

For all evidence vehicles, the releasing detective shall contact the *tow coordinator by email* and advise the vehicle is available for release. The releasing detective shall notify *the registered or legal owner that the vehicle is available for release and direct them to the tow yard*. Unless otherwise noted, all *City Administrative fees and tow charges* are due to the tow company.

D. Requests for Fee Reimbursement

All requests for the reimbursement of administrative impound and storage fees shall be forwarded by the person requesting the hearing to the City's Risk Management Division.

Fresno Police Department Procedures Manual
Driving Under the Influence (D.U.I.)
Corresponding Policy 514: Driving Under the Influence (D.U.I.)

B. Officer's Responsibility

During an arrest for DUI, the officer, acting on behalf of the DMV, shall do the following:

Confiscate any California Driver's License(s) (CDL) in the possession of the driver. If the subject has an Admin Per Se (APS) temporary license document, it will not be confiscated; another order pursuant to the current DUI arrest shall be issued; and

Complete and serve the Administrative Per Se Order of Suspension (DMV form DS367, DS367m or DS367s -Officer's Statement and Order of Suspension), 4th page (pink copy) on the driver, regardless of license status and submit this paperwork to Records along with the confiscated license for transmittal to the DMV. This will serve as the driver's temporary license. If the driver's privilege to drive is suspended or revoked, the order will not be a valid temporary license.

C. Implied Consent

Drivers arrested for DUI shall be admonished per the DS 367 form.

When the driver in question is unconscious, unable to give consent, or refuses a test, the test may be administered.

Administrative Per Se/Officer's Statement Form (DS 367)

This form shall be completed for all DUI arrests except when the arrest is for a drug only DUI. All three pages, front and back, must be completed.

Note: When a DUI arrest is for drugs only, a DMV notice of priority re-examination form shall be completed. The pink copy shall be given to the driver.

Documenting "Under 21" Blood Alcohol Violations (DS 367M)

When a violation of VC §§23136, 23140, 23152, and/or 23153 has occurred, the officer shall take possession of the driver's CDL and complete a DS 367M (Under Age 21 - Officer's Statement / Admin Per Se Form). A copy of the DS 367M shall be provided to the suspect.

When a police report is written documenting an incident relating to one of the above sections, the case number shall be inserted on all applicable DMV forms.

When the DS 367M form is the only form completed, the officer shall draw a case number and insert it on the DMV form. The DS 367M form becomes the original report, so the officer shall also write "ORIGINAL" in the top margin of the form and submit the document to Records.

D. Evidence Collection

EPAS (Breath) Test

If the arrestee chooses a breath test and it can be accomplished without undue delay, the officer shall request another unit to bring an EPAS to the scene or the arrested person shall be transported to the EPAS' location.

EPAS Administration (Under Age 21)

When an officer comes into contact with a driver under the age of 21 who is suspected of having consumed an alcoholic beverage, the driver shall be advised of the requirement to submit to an EPAS test.

Collecting Blood as Evidence

Blood evidence collection will be done in accordance with Procedure §373.

Detection of Drug Influence

When a driver displays the objective symptoms of DUI and he/she registers a BAC lower than .08, the officer shall determine whether or not the subject is under the influence of a controlled substance.

E. Refusal to Take Chemical Test

Officers are not required to offer alternative tests on refusal. They shall allow a person refusing any test an opportunity to change their mind and be tested, within a reasonable period of time after the initial refusal.

Before accepting a refusal, officers shall read the refusal section of DS 367 verbatim to the suspect, explaining the consequences of a refusal.

An officer should make every effort to obtain a complete evidence sample and avoid refusals. This may include the use of forced blood draws for the purpose of obtaining evidence necessary for prosecution. A forced blood draw should only be completed when the use of force required to obtain a sample is reasonable as to not "shock" the conscience, the process will not require a great expenditure of time, and the method used is medically acceptable. The use of force shall be documented in the Sobriety Report. The use of restraints can be considered reasonable force.

When an attending physician refuses to allow a forced blood draw a supervisor shall be contacted immediately.

Refusal Form

When, after reading and clarifying the required admonishments, the suspect still refuses any test, officers shall complete Form DS 367 "Officer's Statement" - Section 13353 VC. A refusal form shall be completed when a forced blood draw is necessary.

F. Crime Report (CR)

When a suspect arrested for DUI is charged with additional, non-traffic violations, a CR shall be prepared with the Sobriety Report used as a supplement.

G. Confiscation of California Driver's Licenses

The driver's license of a person arrested of driving under the influence of alcohol shall immediately be confiscated and returned to DMV as previously indicated in this order.

H. Suspect Disposition

Persons arrested for Misdemeanor DUI violations (CVC §23152) may be cited and released on a Notice to Appear when the arrestee is able to be released to a sober adult who will assume responsibility for the intoxicated person. Officers will document the name of the responsible person the suspect was released to in the related police report. Any person arrested for DUI that is belligerent, combative, or otherwise uncooperative, shall be booked into the Fresno County Jail. Officers should use sound judgment when making this determination.

I. Vehicle Impound Authority and Procedures

When the driver has been arrested/cited for VC §§23152, 23153:

DUI impounds for VC §§23140, 23152, 23153 will follow the guidelines set forth in VC §§22651(h)(1) & 22651(h)(2);

Officers shall check the DMV record of all DUI offenders to determine prior convictions for DUI. Vehicles of repeat DUI offenders shall be impounded as follows:

- Impound for 5 Days when the driver has been determined to have been convicted one time of violating VC §23140, VC §23152 or VC §23153 within the prior 10 years, per VC §14602.8(a)(1) and at least one of the following criteria:
 - The driver has a BAC of .10% or more; or
 - The driver refuses to submit to or complete a chemical test requested by an investigating officer.
- Impound for 15 days when the driver has been determined to have been convicted two or more times of violating VC §23140, VC §23152 or VC §23153 within the prior 10 years, per VC §14602.8(a)(1) and at least one of the following criteria:
 - The driver has a BAC of .10% or more; or
 - The driver refuses to submit to or complete a chemical test requested by an investigating officer.
- Officers should indicate the length of the hold (5 or 15 days on the VIR); and

Officers shall check the DMV record to determine any requirements for any ignition interlock devices. Any vehicle of a DUI offenders found in violation of this requirement shall be impounded pursuant to the provisions of VC §14602.6(a).

Traffic CitationsCorresponding Policy 516: Traffic Citations**A. General Citation Provisions**Citation Completion

Refer to the Report Writing Manual in Appendix B at the rear of the Procedure Manual for specific completion instructions.

Citation Continuation Form

The citation continuation form shall be used whenever there are more violations charged than will fit on the standard citation form. Two different citations should not be issued to the same person for the same incident except when violations exist which would justify issuance of both a Notice of Violation and a Notice to Appear.

Distribution of Citations

Citations will be distributed as follows:

The green original is the court's copy. It is submitted to Records;

The yellow copy is given to the violator;

The pink copy is retained for four years by the member (except in a private person's / citizen's 's arrest or cancellation); and

The white "hard" copy is submitted the same as the green original.

B. Juvenile Citations

Completion of traffic citation forms for juveniles varies slightly from the procedure for adults.

The Juvenile box shall be checked and the juvenile's telephone number shall be included, if available.

The location for court appearance information shall be left unchecked. A checkmark shall be placed in the box corresponding with "To be notified by mail by Juvenile Traffic Division". The juvenile should be advised that they will be notified by mail; however, if he/she does not wish to contest the citation, he/she may contact the County Traffic Division prior to receiving the written notification.

The date and time of appearance shall be left blank.

C. 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.

The member shall write "cancelled" across all copies of the citation with the member's initials and date of cancellation.

The member shall write an explanation for the cancellation on the backside of the hard copy. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation.

The supervisor shall review the explanation and sign the back of the hard copy indicating the review of the reason for voiding the citation.

The voided citation and copies shall then be forwarded to the Records Bureau.

Reasons for voiding a citation can be, but are not limited to:

When a violator is booked; or

When an officer determines the charges are invalid.

D. Correction of Traffic Citations

When an error is identified while the violator's copy of the citation is still available, the citing officer shall:

Correct the error on all four copies by drawing a single line through the error and legibly printing the correct information as close as possible to the error;

Initial the correction; and

Mark the box in the lower right-hand corner, "Violators Copy Corrected".

When a traffic citation is issued and in need of correction, members shall not correct the error or omission on the remaining copies of the citation. Instead the members shall:

Complete a Notice of Correction and Proof of Service Form;

Mail the yellow copy of the completed form to the violator; and

Attach the original copy (first page) and the second copy (white page) of the Notice of Correction and Proof of Service Form to the court (green) and hard copy of the citation (when available) and submit the citation in the normal manner.

When the court copy of the citation is not available, the Notice of Correction and Proof of Service Form will be submitted to Records. Members shall:

Maintain the pink copy for their records; and

Send the white copy to Records.

When the Notice of Correction and Proof of Service Form is issued to correct an error or omission on a citation returned from the Traffic Court, members shall correct the error or omission and return the Notice of Correction and Proof of Service Form to the Traffic Court with the returned citation.

E. Dismissal of 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 Commander. Upon a review of the circumstances involving the issuance of the traffic citation, the Traffic Bureau Commander may recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal.

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.

Traffic EnforcementCorresponding Policy 517: Traffic Enforcement**A. General Enforcement Provisions**

Traffic violations of the VC and MC may be handled by:

- Verbal warning/instruction;
- Traffic citation issued as:
 - A NOTICE TO APPEAR for violations occurring in the member's presence; or
 - A NOTICE OF VIOLATION at collision scenes where the violation was not observed by the officer and the citation is completed on information and belief per VC §40600. Only those officers who have received the training required by VC §40600 may issue a Notice of Violation; or
- Arrest, when authorized by law.

Traffic Violations Involving City Employees

Citations may be issued to City employees committing violations while operating City vehicles. When one is issued, the issuing officer shall direct a memo to his/her commander who shall notify the City Manager by memo of the citation. In no case shall any administrative communication (e.g., memo, phone call, letter, etc.) be used in lieu of a citation, nor shall any administrative communication be forwarded to an employee's supervisor when a citation is not issued.

Citations on Private Property

When vehicles are parked on private property without the permission of the owner or other person in charge of such property, members shall, when such action is lawful, cite the vehicle(s) under MC § [14-802](#) at the request of the property owner or his/her agent. The owner or agent must be present at the time of issuance of the citation and his/her name shall be included in the "Description" section.

Exception: The owner/agent need not be present to request citing of vehicles when:

- Signs are clearly posted prohibiting parking and listing the Department phone number; and
- A letter signed by the owner/agent is on file with the Department authorizing the citing of vehicles at a specified location for a period not to exceed six months from receipt of the letter. Members shall note the existence of such a letter in the description box of the citation.

New Traffic Laws/Regulations

Members should use discretion when enforcing newly enacted traffic legislation. RCTB's related to new traffic laws and regulations are distributed by the Planning & Research Bureau after the beginning of a calendar year and should be referred to when enforcing new legislation.

Members should contact their supervisor when they have questions relating to the enforcement of new laws. The supervisor may contact the Department's Legal Advisor if additional clarification is needed.

B. Reporting Incompetent Drivers

Request for Reexamination of Driver

When an officer has reason to believe that a citizen is not a competent driver, he/she shall forward a "Request for Reexamination of Driver" (Form DL 412) to the DMV. One copy of the form shall be completed describing the reasons for the requested reexamination. Officers completing the form shall:

- Record all observations which substantiate the opinion that the driver needs to be reexamined for driving ability;
- List any statements made by the driver regarding his/her own physical condition or defects and driving ability; and
- Submit the completed form to the designated Support Division administrative clerk who will mail it to the DMV.

Priority Reexamination Requests

When the following conditions are present a Notice of Priority Reexamination shall be completed:

- The driver must be cited or arrested for violation of provisions of VC §§21000 through 23336; and
- The driver must show evidence of incapacity and the incapacity must immediately affect driving safety. Incapacity is defined as serious physical injury or illness, mental impairment, or disorientation which leads the officer to "reasonably believe" that a clear or potential danger or risk of injury to that person or others exists if the person is allowed to resume driving.

The three part form is used only for Priority Reexaminations and is to be completed by the officer at the time enforcement action is taken against the driver. Issuance of the Notice of Priority Reexamination shall be noted on the citation or AR for the violation.

Upon completion of the form, the driver should be asked to sign it and should be instructed to read the printed information on the form, appear at a DMV Driver Safety Office for a reexamination, immediately telephone a Driver Safety Office listed on the back of the form for an appointment, and bring their copy of the form to a Driver Safety Office within five work days to complete a reexamination or they may be suspended from driving.

C. Unlawful Use of Licenses

Persons found to have unlawfully used a driver's license (VC §14610) or DMV identification card (VC §13004) are subject to enforcement action consistent with regulations surrounding other misdemeanor crimes. The license or identification card involved in the violation shall be confiscated and booked into evidence. The license or identification card shall not be retained by the officer or returned to the owner.

D. Suspended or Revoked Drivers Licenses

When a check of a traffic violator's license status reveals a suspended or revoked drivers license:

- Seize the license if still in possession;
- Verbally advise of the suspension or revocation;
- Impound the vehicle if it meets the guidelines of Procedure §510 – Vehicle Towing;
- Issue the citation; and
- Fill out the Verbal Notice form (DMV form DL-310)

When proof of service of an active suspension or revocation action can be established by teletype or admission, officers shall take enforcement action.

E. Moving & Mechanical Violations Committed by Bicyclists

Officers who observe bicyclists commit VC violations may cite the bicyclist for the violation using the Notice to Appear. The same procedures utilized for the citing of motorists and pedestrians shall be used in completing a Notice to Appear for bicycle violations committed by either adult or juvenile violators.

Disabled VehiclesCorresponding Policy 520: Disabled Vehicles**A. Officer Responsibility**

When an on-duty member observes a disabled vehicle on the roadway, the member shall make a reasonable effort to provide assistance.

If the member is assigned to a call of higher priority (0 and 1 priority) the ESD shall be advised of the location of the disabled vehicle and the possible need for assistance. The ESD shall then assign another available member to respond for assistance as soon as practical.

B. Mechanical Repairs

Members 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.

C. Extent of Assistance

In most cases, a disabled motorist will require assistance.

Members shall determine:

- If the vehicle poses some type of hazard;
- If the vehicle can be moved out of the roadway to a position of safety; and/or
- If the vehicle is movable or what assistance is needed (e.g. tow, timely repair, etc.).

Members shall remain at the scene providing assistance, such as traffic control, until the problem is abated, including transporting the motorist to the nearest telephone or safe area.

Continued involvement by members will be contingent on the time of day, the location, the availability of Departmental resources, and the vulnerability of the disabled motorist.

Fresno Police Department Procedures Manual
Abandoned and Unregistered VehiclesCorresponding Policy 524: Abandoned and Unregistered Vehicles**A. Checking "Stops"**

Authorized members investigating abandoned vehicles will initiate a license plate and VIN check to be informed of "stops".

C. Citations

If, after 72 hours, the marked vehicle has not been removed, it will be cited for violation of FMC §10-005a or VC §22523(b) as appropriate. If the vehicle has been moved a short distance in an effort to circumvent the ordinance, the vehicle may still be considered abandoned.

D. Obviously Abandoned Vehicles

Vehicles which are parked, resting, or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield or any other part or equipment necessary to operate safely are a hazard to public health, safety and welfare and may be removed immediately upon discovery rather than waiting the normal 72 hours VC §22669(d).

E. Abandoned Vehicle Removal

Any vehicle deemed abandoned will be towed/stored or impounded by one of the Department approved rotational tow companies and a Vehicle Inventory Report (VIR) shall be completed authorizing the storage of the vehicle. All notifications and submission of the VIR form should be done as soon as practical in accordance with Procedure §510. No other report is required.

A VIR will be completed and should include, in the narrative section, a description of the violation and:

- Evidence that convinced the member that the vehicle had not been moved (e.g., chalk mark on tire, cobwebs, debris under vehicle, warning card on vehicle, flat tires, etc.);
- The citation number;
- A description of the member's attempt to contact the registered owner; and
- Any other pertinent information.

F. Expired Registration

When a parked, unattended vehicle with expired registration is encountered on a highway, public lands or off-street parking facility, it may be cited.

If the vehicle has expired registration in excess of six months the vehicle may be impounded under the authority of VC §22651(o)(1).

The member shall complete a VIR form and explain the reason for the tow in the narrative including the date the registration expired.

No other report is necessary.

NOTE: If the vehicle is impounded under this authority, it shall not be cited.

G. Abandoned on Private Property

When a vehicle is abandoned on private property, the complaining party will be referred to the [Code Enforcement](#) Division of the [Planning and](#) Development Department to initiate removal proceedings under City zoning restrictions.

However, an officer may cite the vehicle for VC §22523 at the request of the property's owner/manager. The property's owner/manager or reporting party shall be documented on the citation in the description section. The member shall not remove the vehicle unless authorized by law.

Investigation and ProsecutionCorresponding Policy 600: Investigation and Prosecution**A. Preliminary Criminal Investigations**

Members assigned to reports of crimes are responsible for the satisfactory disposition of the call including investigation, enforcement, and necessary reports.

Depth of Initial Investigation

The primary member is responsible for conducting the initial investigation at least far enough to establish the basic facts and elements of the crime. When leads as to identity and location of a suspect, witness, evidence, or property are immediately present, the field officer shall pursue the investigation as far as practical. However, when extensive follow-up investigation will be necessary to clear the crime it will normally be completed by follow-up investigators unless the field officer obtains prior approval of his/her supervisor to continue the investigation. Nothing in this section is intended to prevent an officer from pursuing leads during uncommitted time between calls so long as the activity does not interfere with an ongoing investigation by follow-up investigators.

Officers shall attempt to obtain statements/admissions from suspects in criminal matters in which prosecution is likely. In major felony cases (i.e., child molest, child abuse, rape, robbery, kidnap, assault with a deadly weapon, etc.) officers may utilize available detectives to conduct suspect interviews when possible. Officers are not relieved of the responsibility to question suspects due to the unavailability of detectives.

Responsibility for Assumed Investigations

When follow-up investigators respond to a crime scene to assist with an investigation, they assume overall control of and responsibility for the investigation. Unless instructed otherwise, the primary member assigned to the call will retain responsibility for completing and reporting the preliminary investigation.

Reporting Questionable Circumstances

When the investigating member on a call cannot clearly establish the elements of a crime he/she should title the investigation a "possible" crime.

B. Basic Follow-up Guidelines

It is the responsibility of the supervisor of the investigative unit to ensure that appropriate follow-up investigations are completed. When cases are assigned for follow-up, investigators should:

- Review and analyze all pertinent reports, records, and lab exams;*
- Conduct additional interviews of victims and witnesses as needed, and conduct interviews and interrogations of suspects when appropriate;*
- Seek additional information from other sources (i.e. uniformed officers, informants);*
- Plan, organize, conduct searches, and identify physical evidence to be collected;*
- Identify and take appropriate steps to effect the apprehension of suspects;*
- Determine possible involvement of suspect(s) in other crimes;*
- Investigate the background and criminal history of suspect(s) involved, and when appropriate, other parties involved; and*
- Organize and prepare the criminal case for submission to the District Attorney, City Attorney, or Court when a suspect has been identified.*

Case Screening

Cases shall be screened by the assigned member and prioritized for investigation based on the following criteria:

Priority 1

- *In-Custody, arrested, or cited suspects;*
- *Crimes of a serious nature or related to other cases involving serious crimes, such as homicide, robberies, kidnapping, sexual assault, domestic violence, at risk missing persons, crime series, etc.; or*
- *Assigned by a supervisor or staff member as a priority.*

Priority 2

- *Suspect has been identified or is identifiable through latent fingerprints, useable physical evidence, or other investigative leads, and for property crimes, the loss amount is over \$10,000 to a business or over \$5,000 to an individual;*
- *In conjunction with other units or agencies; or*
- *Involving crime patterns with leads.*

Priority 3

- *Suspect has been identified or is identifiable through latent fingerprints, useable physical evidence, or other investigative leads and, for property crimes, the loss amount is \$10,000 or less to a business or \$5,000 or less to an individual.*

Priority 4

- *A possible suspect has been identified but, the case has low solvability factors.*

All other cases will be suspended until such time that additional information is developed raising the priority as outlined above.

C. Victim Information

Juvenile Victims

When a juvenile is the victim of a misdemeanor act committed by an adult and a complaint is desired (when no arrest is made), the parent/guardian of the juvenile shall be referred to the DA's Office to sign a complaint.

Victim Follow-Up

Members SHALL NOT advise victims that an investigator will contact him/her at a later time. Instead, the phone number of the investigative bureau with follow-up responsibility for the case shall be provided.

Victims of Juvenile Crime

Any member who is contacted by a victim about restitution for a crime committed by a juvenile shall refer the victim to the County of Fresno Juvenile Probation Department for assistance.

Victims wishing to know the disposition of cases in which they were involved shall be referred to Juvenile Probation or the DA's Office.

D. At Large Suspects

At Large Felons

Victims with inquiries about cases with felony suspects should be directed to the bureau with normal follow-up responsibility for the type of crime involved.

At Large Misdemeanants - Adults

When a misdemeanor adult suspect is identified and is at large the victim shall be referred to the DA's Office no sooner than 5 business days, but no longer than 30 calendar days after the report is written.

The victim shall be instructed to appear in person between the hours of 0900-1100 or 1330-1500. The victim shall also be advised that if they fail to respond as directed, no charges will be filed.

The citizen complaint process shall also be explained to victims and involved parties in any incident which may not clearly constitute a misdemeanor (e.g., disturbances, possible crimes, etc.) but where some prospect of future prosecution exists.

For the purpose of this subsection, a suspect is considered "identified" when his/her first and last names are known along with either a DOB or address.

At Large Misdemeanants – Juveniles

When a juvenile misdemeanor suspect is at large and cannot be located by the investigating member, a report shall be prepared as required. The assigned follow-up investigator shall attempt to locate and arrest or cite the suspect. Any other member with reasonable cause to believe the juvenile falls within the provisions of WIC 602 may also arrest or cite the suspect.

Victims of misdemeanor crimes with at large juvenile suspect(s) SHALL NOT be advised to contact the DA's Office to seek a complaint. Any inquiries by the victim should be referred to the appropriate investigative bureau of the Department. Follow-up investigation units are responsible for reviewing cases with at large juvenile suspects and for completing applications for petitions when appropriate.

E. Responses to Crimes by Follow-Up Investigators

Mandatory Responses

A follow-up investigator(s) shall be requested and will respond to all:

- Homicides;
- Attempted homicides and/or assaults that are likely to become homicides;
- Officer involved shootings;
- Bombings; and
- In custody deaths.

Mandatory Notifications

Members investigating sexual assaults or child abuse which involve any of the following circumstances shall notify their supervisor. The Supervisor shall contact the appropriate investigative unit supervisor to determine the need for response or involvement by a follow-up investigator:

- Sexual assault involving serious injury;
- Child molests involving serious injury;
- Offenses which are part of a recognized pattern of criminal sexual activity; or
- Child abuse involving serious injury.

Optional Notifications

When a crime scene in the following categories is determined likely to contain evidence, a field supervisor shall be contacted to evaluate the need for an immediate response by a follow-up investigator(s):

- Kidnappings;
- Citizen involved shootings, with injury, resulting from an in-progress crime;
- Incidents where there is a probability of future litigation against the City;
- Suicides involving unusual circumstances;
- Serious felonies in which the suspect has just become known or for which information has been developed that creates a reasonable likelihood that the suspect can be quickly identified and/or arrested; or
- Other unusual incidents where special expertise is required or would be beneficial to the investigation of the scene and/or incident.

Requesting Immediate Follow-Up

Required and optional callouts of follow-up investigators are outlined above. In addition to those provisions, a follow-up investigator may be requested to respond to the scene or otherwise assist with a criminal investigation with the approval of a field supervisor.

Notification Procedure

During normal working hours, the unit supervisor of the affected follow-up unit shall be contacted to determine the level of response and notify the assigned investigators. In the supervisor's absence, the commander over the unit or a member of the unit may be contacted to initiate a response. After normal hours, the night detective unit shall be contacted. When night detectives are unavailable, the affected unit supervisor shall be called at home by the Duty Officer.

Case Investigation Coordination Responsibility

In all cases where a follow-up investigator responds to a location, the investigator shall be briefed by the members on the scene as to the status of the investigation. The investigator is responsible for the coordination of the investigative effort from that point in time until completion.

The responding follow-up investigator has the authority to direct and coordinate the crime scene investigation consistent with established investigative procedures. This order does not reassign authority or responsibility from field units or supervisors during "in-progress" situations. It does reassign that authority once the situation has stabilized and a follow-up investigator arrives and assumes responsibility for the crime scene investigation. Authority over the entire incident shall remain with the supervisor/commander in charge.

F. Case Management and Review

All open assigned cases shall be periodically reviewed by supervisors to ensure that investigative efforts continue as required and that appropriate clearance and closure is completed by the assigned member. Victims and witnesses should, when necessary, be contacted in a timely manner on priority cases. Statements, evidence and other investigative material shall be documented in a timely manner. Quarterly reviews of case files shall be conducted by the supervisor to justify keeping the case open.

Closed cases shall be reviewed for appropriate clearance to ensure compliance with the guideline in the DOJ Uniform Crime Reporting Handbook.

Case Suspension

A case shall be suspended for the following:

- (a) Insufficient evidence; or*
- (b) Waiting for new evidence. Exceptions can be made at the discretion of the unit supervisor. (e.g. homicide cases held open pending new information.)*

G. Extended Investigations

During certain in-depth investigations victims, witnesses, and suspects/arrestees may be at HQ for extended periods of time without food (in excess of 6 hrs). With supervisor approval, members may offer the individual a meal in an effort to meet their basic needs. When requested, the investigating member may phone the Denny's Restaurant at 141 N. Abby (485-2320) to request the necessary meals. Each single meal serving shall not exceed \$12.00 (including tax). The member that picks up the meals shall complete the meal receipt form with the name of the member requesting the meals, the division/bureau/unit they are assigned to, the related case number, and their signature & badge number. This service shall not be used to purchase meals for members.

Fresno Police Department Procedures Manual

Threats to Public Officials/Department Members

Corresponding Policy 605: Threats to Public Officials/Department Members

Threats to public officials and FPD members shall be handled by members of the Criminal Intelligence Unit of the Special Investigations Bureau (SIB) unless directed otherwise by the Chief of Police.

A. Member Responsibility

Threats to Department Members

Whenever threats are directly made to Department personnel they are to take the appropriate enforcement action (i.e., pc422, pc69.....). When Department members become aware of an anonymous or third party threat directed at them, another member, or a public official, they are to document the incident in an appropriate police report and notify their immediate supervisor of the threats.

Special Routing

A copy of reports regarding threats of harm to public officials or prominent persons shall be forwarded by the Records Bureau to SIB through Special Routing.

B. Supervisor Responsibility

The supervisor, through their chain of command, shall notify the Department's Criminal Intelligence Unit supervisor for assessment and investigation.

Asset Forfeiture

Corresponding Policy 606: Asset Forfeiture
CALEA 74.4.1

A. Asset Forfeiture Procedure

The primary responsibility for investigation of asset seizures rests with the Special Investigations Bureau (SIB).

Before seizing any currency, vehicle, or personal property pursuant to H&S § 11470, members will contact a narcotics supervisor.

If seizure approval is given, the following procedures will apply:

- The seizing officer, asset forfeiture member or Narcotics supervisor will verbally notify any interested parties. The person in possession of a vehicle and the registered owner which is to be seized will be served a "Notice to Interested Party" form. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle, or property seized;
- When someone has made notification other than the "asset forfeiture" member, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the "asset forfeiture" member in SIB, for review;

B. Asset Forfeiture Log

A computerized inventory of all asset forfeiture cases will be kept in the SIB.

The inventory will include the following:

- Case number;
- Date of seizure;
- Value;
- Type of seizure (federal or state); and
- Status of the seizure.

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.

C. Seized Property

Property seized subject to forfeiture will be turned over to the "asset forfeiture" member or Narcotics supervisor.

D. Seized Currency

Currency seized subject to forfeiture will be counted by the seizing officer and a supervisor.

- The currency will be:

- Placed in a money envelope with the denominations of the currency; and
- Totals of each denomination and total amount of currency enclosed noted on the money envelope.
- The officer counting and supervisor verifying money will initial and sign the envelope when sealed.
- If the currency will not fit into a standard money envelope, place the currency in a larger envelope or bag, sealing and affixing a completed money envelope to the outside of the larger envelope or bag which contains the currency.
- Currency seized will be given to the “asset forfeiture” member or Narcotics Unit supervisor.
- As soon as practical the “asset forfeiture” member or Narcotics Unit supervisor will convert the currency into a cashier’s check and deposit it into the Litigation Trust Fund.

E. Seized Vehicles

Vehicles seized subject to forfeiture will be taken to a designated secure storage facility.

A seized vehicle should not be impounded. Prior to an officer seizing the vehicle he/she shall notify the “asset forfeiture” member or Narcotics supervisor of the seizure of the vehicle and circumstances of the seizure.

Personal property located in a seized vehicle shall be removed and booked into Property as either evidence or for safekeeping.

G. Proceeds From Forfeiture

Equitable shares received from seized assets will be maintained in separate funds, subject to accounting controls and annual financial audits.

All property acquired through the civil process is accounted for in Department records and is disposed of by the Department pursuant to legal authority.

Eyewitness IdentificationCorresponding Policy 607: Eyewitness Identification

When conducting a physical line-up, photographic line-up, or in-field show-up, members shall avoid any conduct prior to, during, or after the identification which might be suggestive in any way to the person making the identification.

For the purposes of this procedure, the term 'witness' is used to describe a person who has seen the event first hand, including victim's.

A. General Procedures

Prior to conducting a line-up or in-field show-up, the investigating member will obtain a thorough description of the suspect and details surrounding the incident. This should include:

- Physical description of suspect (Height, weight, hair/eye color, clothing worn, tattoos, etc.);*
- The witness' opportunity to view the perpetrator at the time of the crime (length of time, lighting, distance, etc.); and*
- The witness' degree of attention at the time of the crime (was he/she concentrating to remember the perpetrator's looks; was the witness sober; did the victim know the suspect?).*

Composition of Line-ups

When composing a line-up, all participants must be similar in appearance, though "there is no requirement that a defendant in a line-up must be surrounded by people nearly identical in appearance." [Van Tran (9th Cir. 2000) 212 F.3d 1143, 1156; Blair (1979) 25 Cal.3d 640; Wimberly (1992) 5 Cal.App.4th 773, 790.]

Multiple Witnesses

When more than one witness is available to view a line-up/show-up, each witness must view the line-up/show-up separately. Witnesses must not be allowed to communicate or hear another's comments during a line-up/show-up or "compare notes" about the description of the suspect(s).

Identification during Line-up/Show-up

If identification is made by the witness, the investigator should ask the witness to state in their own words their level of certainty related to identification or non-identification. Investigators should not ask for this as a percentage or on a 1-10 scale. Investigating members shall not provide feedback to the witness during the identification.

B. Physical Line-ups

Physical line-ups are conducted at the Fresno County Jail and are coordinated through the Detention Bureau's Watch II Administrative Sergeant.

Use of Video and/or Audio Recording

If video and/or audio equipment is used to record the line-up proceedings, the original copy of the recording shall be booked into evidence under the associated case number for the incident being investigated.

Witness Admonition

Prior to viewing a physical line-up, witnesses will be admonished:

- To keep an open mind;*
- That the person who committed the crime may or may not be among those present;*
- That just because a person is in custody does not mean that he/she committed the crime; and*
- Not to discuss their identification with other witnesses before, during, or after the line-up procedure.*

Documentation

The investigator's procedure for creating the line-up, showing the line-up, and the results, shall be documented in the related Follow-up Report. The exact words used by each witness in viewing the line-up, and whether a positive or negative identification occurred, shall also be documented.

C. Photographic Line-ups

When conducting photographic lineups, the following minimum guidelines shall be followed

Use a Minimum of Six Photographs

All of the photos should depict similar looking suspects -size, hair, race, age, etc. Photographs for photographic identification may be obtained from the FPD Prisoner Processing Section, Sheriff's Department, DMV, Department of Corrections, State Parole, etc.

Block Out or Cover all Visible Notations

In particular, names, dates, and other information should not be visible to witnesses. The Photo Display Folder will usually block out this information. If it is necessary to block-out or cover a notation on one photograph, then similar block-out or covering marks should be placed on all photos so that all will appear alike. It is considered impermissibly suggestive for one photograph to have marks that are not on the other photos.

Witness Admonition

Prior to showing the Photo Display Folder to a witness, the Photo Show-up Admonition which appears below must be read to the witness.

"In a moment I am going to show you a group of photographs. This group of photographs may or may not contain a picture of the person who committed the crime now being investigated. Keep in mind that hair styles, beards, and moustaches may be easily changed. Also, photographs may not always depict the true complexion of a person - it may be lighter or darker than shown in the photo. Pay no attention to any markings or numbers that may appear on the photos or any other differences in the type or style of the photographs. When you have looked at all the photos, tell me whether or not you see the person who committed the crime. Do not tell other witnesses that you have or have not identified anyone."

'Six-Pack' Photo Display Folder

Each witness should view the folder separately and individually (Separate folder and set of photos for each witness). Do not allow witnesses to talk to one another during the photo line-up procedure. Witnesses must not be allowed to consult with one another about their identification either before, during or after the line-up procedure. Each witness making an identification should initial and date the back of the photograph he/she identifies.

The Photo Display Folder containing all photographs used in the photographic line-up shall be photocopied, and the copy retained in the Investigator's Case folder. The original folder and photos shall be booked into evidence under the associated case number for presentation in any subsequent court proceeding.

Documentation

Comments by a witness who is shown photographs in a Photo Display Folder shall be documented in the related Follow-up Report. When an identification is made, the detective should ask each witness if there is anything significant that caused the witness to select a particular photograph, how the witness recognized the person, if the photo is different in any way from the witness' recollection of the suspect, etc. Witnesses should not be told they have picked the "right" or "wrong" photo.

NOTE: If a witness cannot make an identification, he may then be read the following: "Do any of the persons shown in the photographs resemble the person you saw?" If the witness then

selects a photo, he/she should be questioned about the reasons that particular photo resembles the suspect.

D. In-field Show-ups

When an in-field show-up is necessary to quickly determine whether a detainee was the perpetrator of a recently committed offense, the following minimum guidelines shall be followed.

Transportation

As a general rule, witnesses should be transported individually to the location where the suspect is detained. The suspect may be transported to the victim's location when:

- You have probable cause to arrest the suspect;*
- You obtain a valid, voluntary consent from the detainee to move him/her to the witness' location for a show-up; or*
- It is impossible or impractical to bring the witness to the suspect (e.g. the witness is injured or incapacitated, or the availability of officers is limited).*

Witness Admonition

Prior to viewing a detainee during an in-field show-up, witnesses will be admonished:

- To keep an open mind;*
- That the person who committed the crime may or may not be among those present;*
- That just because a person is in custody does not mean that he/she committed the crime; and*
- Not to discuss their identification with other witnesses before, during, or after the show-up procedure.*

Documentation

The in-field show-up procedure, comments during witness identification, and the results shall be documented in the appropriate Original/Follow-up Report. The exact words used by each witness in viewing the show-up should be included in the report.

Investigative FundsCorresponding Policy 609: Investigative Funds

Investigative Funds are established for designated amounts from which payments and/or reimbursements for expenditures may be made. At all times, the cash on hand plus the dollar amount of expenses supported by expenditure vouchers should equal the designated amount of the particular Investigative Fund.

A. General Procedures**Approved Expenses**

Investigative Fund expenses include, but are not limited to, the following:

- *Purchasing narcotics;*
- *Purchasing contraband (i.e. weapons, stolen property, etc.);*
- *Direct payment to informants;*
- *Purchase of meals/beverages for informants, victims, witnesses, and suspects/arrestees; and*
- *Items or services needed during any other approved investigation.*

Prohibited Uses

The following transactions are prohibited uses of Investigative Funds, except where specifically pre-approved by the City Manager or the City Controller:

- *Entertainment, office supplies, travel reimbursements, and personal expenses are specifically excluded from authorized Investigative Fund cash disbursements;*
- *Reimbursements for member meals;*
- *For alcoholic beverages; or*
- *Tickets to social, cultural or athletic events.*

Informant Expenditures

All monies expended in connection with the use of the informant shall be recorded in the informant's individual file:

- *Upon payment, the informant must sign the "Investigative Funds Expenditure Voucher" unless directed otherwise by the district, bureau, section, or unit Commander; and*
- *The golden rod signed "Investigative Funds Expenditure Voucher" will be kept in the informant's individual file.*

B. Establishment of Investigative Funds

All Investigative Funds will be established through the City Controller's Office. Written requests are to be sent to the City Controller's Office for approval and action. Requests for these funds should contain:

- *Reason for the fund;*
- *The account, fund and organization to be charged;*
- *The amount requested; and*
- *Individual assigned responsibility (custodian) and backup for the fund.*

Increase of Investigative Funds

Increasing an existing Investigative Fund requires a written memo from the respective district, bureau, section, or unit Commander, through the chain of command, to the Finance Department. Requests should contain:

- *Reason for the increase;*
- *The account, fund and organization to be charged; and*
- *The amount requested.*

Termination or Reduction of Investigative Funds

An Investigative Fund may be terminated or reduced at any time at the request of the respective district, bureau, section, or unit Commander and through the chain of command, or as directed by the City Controller. To close an Investigative Fund, the cash balance on hand and all receipts for the fund are to be returned to the Finance Department. If the total of the cash to be returned plus the receipts does not equal the total amount authorized for the Investigative Fund account, an explanation, in writing, signed by the fund custodian and Commander, must be provided.

Security of Funds

Investigative Funds shall be maintained in the safe of the respective district, bureau, section, or unit assigned, under the control of the lead custodian.

C. Custodians

Custodian Designation

The Commander of each district, bureau, section, or unit that is assigned Investigative Funds will designate one Lieutenant with one additional Sergeant (as back up) as the custodian of the Investigative Funds. The designated custodian will be communicated to the Finance Department. When the custodianship of the Investigative Fund changes, witnessed, physical count of the cash and receipts on hand must be performed and documented at the time of change. When custody of an Investigative Fund is transferred to another individual, the City Controller will be notified in writing.

Custodian Responsibilities

The Investigative Fund custodian shall be responsible for the following matters related to the operation of the fund:

- Safe and secure storage;
- Keeping each Investigative Fund separate from all other funds;
- Ensuring that each transaction is for the established purpose of the Investigative Fund;
- Providing proper documentation to support each expenditure, ensuring the completeness and accuracy of the Investigative Funds Expenditure Voucher;
- Replenishing the Investigative Fund in a timely manner;
- Notifying the City Controller or other designee when changing a custodian, changing the location of the Investigative Fund, or changing the physical security of the Fund; and
- Reporting discrepancies or theft of the Investigative Fund in a timely manner to the respective district, bureau, section, or unit Commander and the City Controller.

C. Accounting of Expenditures

Investigative Funds Expenditure Voucher

Personnel who expend funds should be reimbursed upon presentation of a voucher, completed in ink, and containing the following information:

- Date and time – Enter the exact date and time that the expenditure occurred;
- Vice/narcotics number - Enter the vice/narcotics number assigned to the investigation;
- Fresno Police Department (FPD) case number – When FPD case number has been issued;
- Location – Exact location where expenditure was made;
- Details – Briefly describe the reason for the funds;
- Amount spent – When expenses are incurred in the furtherance of a police investigation, they shall be delineated as follows:
 - Expenses – List all expenses other than a narcotics purchase or payments to a CI;
 - Narcotics Buy – List the exact amount expended for an undercover narcotics purchase;
 - Total – All listed categories shall be totaled. When the amount expended is for only one or two categories, a line shall be drawn through the unused categories;
- Contraband seized – When expenditure has resulted in the seizure of narcotics, stolen property, or other contraband, the quantity of contraband shall be listed (Note: When more than one

voucher is submitted for the investigation involved in any one seizure of contraband, the amount of narcotics or stolen property seized shall be listed on only one voucher);

- Employee's signature – The employee requesting reimbursement shall sign his/her name and badge number and write out the total amount expended (e.g., twenty dollars);*
 - Approving supervisor – The supervisor (commanding officer or section supervisor) approving the expenditure shall review the voucher for content and completeness and sign his/her full name, rank, and badge number;*
-
- Witness – A sworn member shall sign/date and include his/her badge number as a witness for all expenditures of more than \$20.*

An original receipt properly documenting the purpose of each expenditure should be forwarded with the original voucher when possible. Receipts other than original receipts (or any other form of documentation) must be signed by the district, bureau, section, or unit commander and are subject to the approval of the City Controller.

Investigative Fund Reconciliation/Replenishment

The Investigative Fund shall be reconciled at least quarterly by the custodian or when fund replenishment is required. An Investigative Fund log shall be retained by the custodian in order to facilitate a running balance of funds currently on hand.

All expenditures submitted for reimbursement or are voided shall be recorded on the ledger cash control summary page with the following information:

- A brief description of the reason for the expenditure;*
- Vice/Narcotics report or case number entered;*
- Voucher number entered;*
- Date of transaction as it appears on voucher entered;*
- Dollar transaction (cash received, voucher expense and cash advance) entered; and,*
- Asset column listing the actual cash on hand following reimbursement for the voucher.*

Additions to the Fund must be recorded in the ledger cash control summary page by entering:

- The reason for the addition in the name/description column;*
- The date of addition of funds; and*
- The amount of the monies added to the revolving funds in the cash received column.*

D. Audits

The City Controller or designee is responsible for ensuring that each Investigative Fund is audited periodically. Custodians will not be notified in advance. The purpose of the audit is to ensure that the Department funds are properly safeguarded. This would, in turn, enable an effective verification of cash held by the custodian with the official records.

The following control procedures are in place and will be utilized to safeguard the Investigative Fund:

- Investigative Funds are subject to surprise cash counts by the City Manager, the City Controller, Assistant City Controller and/or the Internal Audit Division of the Finance Department;*
- Segregation of Investigative Funds from other funds should be monitored; and*
- Investigative Fund shortages exceeding \$5 should be reported to the City Controller or designee and to the Fiscal Affairs Bureau.*

Procedure Review/Approval

This procedure and any future revisions require the review and approval by the Finance Department prior to implementation.

Fresno Police Department Procedures Manual Care and Replacement of Department Owned and Personal Property

Corresponding Policy 700: Care & Replacement of Department Owned
& Personal Property

A. Care of Department Property

A member'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.

- *Members shall take reasonable steps to safeguard Department property entrusted to them, including the removal of unsecured property from within a locked vehicle (i.e. weapons, police radio, etc.);*
- Members shall promptly report through their chain of command, any loss, damage, or unserviceable condition of any Department issued property or equipment assigned or entrusted to them. *Lost, damaged, or stolen equipment shall be reported according to Procedure §701;*
- The use of damaged or unserviceable Department property should be discontinued as soon as practical and replaced if possible with comparable Department property as soon as available and following notice to a supervisor;
- Except when otherwise directed by a supervisor 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;
- Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority;
- In the event that any Department property becomes damaged or unserviceable, no member shall attempt to repair the property without prior approval of a supervisor; and
- At no time will any repairs be attempted or made to any Department issued, authorized, owned, leased, or acquired firearms, less lethal (kinetic energy projectile), TASER™, or any other apparatus, equipment (including vehicles) or weapon, unless authorized by the Chief of Police.

B. Filing a *Claim* for Personal Property Loss or Damage

Claims for reimbursement for loss or damage to personal property must be made on the Property Loss Notice form available on the Department Network ("L" Drive) or from a supervisor. This form is submitted to Risk Management.

Members always retain the right to personally seek redress from another, through the courts, for any loss or damage to personal property.

C. Loss or Damage of Property of Another

Any member who *loses*, damages, or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below:

- A verbal report shall be made to the member's immediate supervisor as soon as circumstances permit; and
- A written report shall be submitted before the member goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

Damage by Person of Another Agency

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to:

- Make a verbal report to his/her immediate supervisor as soon as circumstances permit; and
- Submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

D. Inspections

Supervisor Responsibility

Supervisors shall be responsible for conducting inspections of all subordinates assigned to them. Inspections shall be conducted in conjunction with required performance evaluations. Unannounced inspections may also be utilized to ensure that equipment issued to subordinates is maintained in good working condition. Inspections shall include, at minimum, uniforms, issued Department equipment, weapons, complete Policy & Procedures Manuals, periodic inspections of facilities, and vehicles.

Facilities Inspection

Supervisors shall ensure that facilities utilized by members of the Department are inspected annually for general condition, cleanliness, and to prevent costly repairs for neglected equipment in facilities. Observed defects, inoperable equipment, and general cleanliness issues shall be documented in a memorandum through the supervisor's immediate chain of command describing in detail the condition identified. Supervisors shall also re-inspect, as necessary, and document when the equipment or facilities have been repaired and/or replaced.

Fresno Police Department Procedures Manual

Department Issued and Optional Equipment

Corresponding Policy 701: Department Issued and Optional Equipment

A. Weapons Proficiency / Orientation

Members must demonstrate proficiency with each weapon issued, prior to being authorized to carry the weapon in the field. Demonstrated proficiency is established as follows:

- Members must attend a course of instruction specific to the weapon system. The course of instruction shall be taught by a certified weapons instructor and be an approved course of instruction through the Training Bureau.
- The course of instruction will provide attendees with information regarding the laws governing the use of the weapon, policies and procedures relative to the application of reasonable force up to and including the application of deadly force, medical treatment protocols after force application, reporting requirements, and safe handling procedures for the use of the specific weapon.
- Attendees must also obtain a minimum qualifying score on a prescribed course to successfully complete the course for the specific weapons system.

When the authorized course of instruction is provided by an agency or organization outside of the Department, members must provide Personnel Bureau with a copy of the course completion certificate prior to being authorized to carry the weapon in the field.

B. Lost, Damaged, or Stolen Equipment

Member Responsibility

Members whose Department issued property is lost, damaged, or stolen shall immediately advise a supervisor. *When the loss/damage/theft occurs outside of the City of Fresno, the member shall report the incident to the law enforcement agency with jurisdiction. Additionally, members shall complete a GI/Synoptical Report containing:*

- *A 'Narrative' describing the events surrounding the loss/damage/theft; and*
- *The outside agency's case number in the 'Related Rpts' section of the 'Dispo' tab.*

Incidents occurring within the City of Fresno shall be documented in a Crime Report or GI report as appropriate. In all cases, members shall:

- *List the location of occurrence;*
- *List the City of Fresno as a victim;*
- *Check the 'Department Property Lost/Damaged/Stolen' box as a case factor on the 'Case' tab;*
- *Complete the 'Prop' tab listing all lost/damaged/stolen Department property, including serial number and City asset number when known;*
- *Complete the 'Narrative' describing the circumstances surrounding the loss/damage/theft;*
- *List the replacement cost and private insurance claim information (when applicable); and*
- *Route a copy of the report to the 'Property Supervisor'.*

The *report* shall be submitted within three business days of the loss.

Members who receive compensation from their personal insurance company for a loss of Department issued property shall reimburse the City, through the Fiscal Affairs Bureau, for the amount collected from the insurance company. When the member's division commander has determined the loss was not the result of negligence, the reimbursed compensation shall be less any deductible.

Disciplinary action may be taken against members whose negligence results in loss of Department issued equipment. Members shall have the option of reimbursing the Department for the loss of

Department issued equipment in lieu of disciplinary action with the approval of their division commander.

Supervisor Responsibility

The member's supervisor shall investigate the circumstances surrounding the loss and complete:

- A memo detailing the results of his/her investigation;
- Loss Notice Report; and
- All other related documentation.

All documents shall be forwarded through the chain of command to the division commander. The documentation shall be submitted within five days of the loss. Loss Notice Report forms may be obtained from the Department network ("L" drive).

The supervisor shall provide the member with a memo authorizing replacement of the property when appropriate.

Unit supervisors shall ensure that any equipment issued to that unit is also kept in a state of operational readiness through periodic inspections.

Fiscal Affairs Bureau Responsibility

The Fiscal Affairs Bureau shall receive reimbursements from members who have been compensated for the loss of Department issued property.

When directed by a division commander the Fiscal Affairs Bureau shall bill members for the amount of the loss.

The Fiscal Affairs Bureau shall track all payments and billing to ensure member compliance. When the bill has remained unpaid for 90 days a notice will be forwarded to the billed member's division commander.

Division Commander Responsibility

Division commanders shall review the circumstances surrounding the loss of Department issued equipment and make a determination of accountability.

When a determination is made that the loss was the result of a member's negligence, the division commander may allow the member the opportunity to pay for the loss in lieu of disciplinary action. Payment shall be made to the Fiscal Affairs Bureau.

Upon receipt of a notice from the Fiscal Affairs Bureau that a member has failed to pay a bill, the division commander shall determine whether disciplinary proceedings shall be initiated.

C. Issued Equipment

Department Issued Handgun & Holsters

Uniformed officers shall carry the Department issued handgun in the Department issued holster at all times while in uniform.

Exception: Sworn members assigned to administrative positions may be exempted from carrying a weapon on-duty upon the approval of their commanding officers. (See Procedure §312)

Body Armor

Body armor vests are issued to all sworn personnel and are made available to non-sworn field personnel because they are effective in reducing deaths and life threatening injuries. Personnel are only authorized to wear Department issued or Department approved body armor.

The Department strongly encourages all on-duty officers to wear body armor (ballistic vests). (See

Procedure §1024)

All officers participating in a pre-planned tactical operation shall wear their Department issued ballistic vest (See Procedure §323).

Flashlights

On-duty field members shall have a flashlight immediately accessible, either as issued by the Department or one personally owned. Flashlights shall not be used to knock on doors, windows, etc.

Reflective Vests

Anytime a member is on a roadway (day or night) directing traffic, investigating an accident, or at the scene of a disaster, they shall wear a Department authorized reflective vest.

Issued Books and Manuals

Members shall maintain issued books and manuals as revisions are issued. Members shall have these books and manuals immediately accessible while on-duty in either a printed or electronic format.

Department Keys

Members who routinely need access to an area that their issued key will not operate shall obtain the proper key from the PECS with authorization from their commander. When the PECS determines the member would not normally be authorized the key(s), then the member must submit a memo through his/her immediate supervisor to his/her section or bureau commander explaining the need for access. The section or bureau commander shall indicate approval on the memo and return a copy to the member originating the memo. The original memo shall be sent to PECS and will serve as authorization to issue the member a key for the lock.

Department Photo Identification Card (ID Card)

Members shall have their Department Photo Identification (ID Card) with them at all times. Sworn members shall have either their Department badge or an off-duty badge in their possession when on-duty.

- When on-duty or acting in an official capacity representing the Department, members shall display their Department issued identification in a courteous manner to any person upon request and as soon as practical.
- Officers working specialized assignments may be excused from the possession and display requirements when directed by their Division Commander.
- Members working undercover details are exempt from these provisions.

Business Cards

Whenever necessary, business cards shall be:

- Used for official business only;
- Used to record case or event numbers to provide such information to a member of the public;
- Provided to the subject of a traffic enforcement stop when a citation is not issued; and
- Provided whenever any person requests a member's name and/or badge number in person.

Cellular Telephones

A member assigned to a position that has a cellular telephone shall acknowledge receipt at [the Accountability & Compliance Bureau](#). The member who has departed from the assignment shall ensure that the responsibility for the telephone has been transferred. Members shall notify the [Accountability & Compliance Bureau](#) when they are no longer assigned the cell phone number *or are re-assigned to a different position with a new number*.

Broken or malfunctioning cellular telephones shall be taken to the [Accountability & Compliance Bureau](#) for repair. A request for a cellular telephone to be assigned to a position, for which one is not currently authorized, shall be forwarded through the chain of command to the Office of the Chief of Police.

D. Optional Equipment

Provisions in this section shall govern the use of personal equipment on-duty that is not issued by the Department. Except as provided herein, personal equipment not provided by the Department shall not be used in lieu of Department issued equipment, unless approved by the Chief of Police or his designee.

Vehicles

Except with the expressed permission of his/her supervisor, no member may use a personal vehicle in the performance of his/her duties while on-duty. No member shall be required to use his/her personal vehicle for official purposes unless use of a personal vehicle is a job requirement (e.g., Crime Prevention Unit CSO's).

E. Department Equipment Used Off-Duty

Department issued oleoresin capicum spray (OC), Taser™, hobbles, handcuffs, keys, whistles, flashlights, and holsters may be carried and used off duty.

F. Separation From Service

Supervisors shall ensure that members under their command return Department equipment upon separation. When all Department equipment has not been returned upon separation of a member that member's supervisor shall notify the Fiscal Affairs Bureau so that appropriate action can be taken.

Fresno Police Department Procedures Manual

Vehicle Operations & Equipment

Corresponding Policy 703: Vehicle Operations & Equipment
CALEA 41.3.2A. **General Rules** (all vehicles)

- No modifications to any Department vehicle are authorized (including disabling any equipment or accessory. e.g., passenger seat airbag, seatbelt sensor, etc).
- No passengers except ride-a-longs, witnesses/involved parties and arrestees are permitted, unless authorized by a supervisor.
- No smoking is allowed inside any Department vehicle.
- No personal business is to be done using a Department vehicle.
- All vehicles will be inspected prior to use, for safety, usability, contraband and proper equipment. (siren check should be minimal)
- All lethal and (less-than-lethal) projected impact weapons are to be inspected for function and use. (see Procedure § 432).
- Any damage found will be reported to a supervisor prior to the use of the vehicle and checked against the damage log. If not already noted, the supervisor will make the necessary entry and inquiries.
- Keys issued (including spares/remotes if used) are to be turned in immediately after use. Each division or districts may have specific instructions regarding vehicles and keys issuance.
- Lost or stolen items, contraband and evidence, (including keys), are to be reported immediately to a supervisor. The supervisor will decide how it is to be reported, returned or booked into PECS.
- Any required supplies are to be replaced by the user prior to turning in the vehicle.
- Vehicles are to be used only by the division or district assigned unless authorized by a supervisor, and notifications made.
- Older high mileage vehicles are to be issued first to maximize use and ensure timely rotation out of the fleet.
- All available vehicles can be utilized as the need arises to maintain shift deployment in a timely fashion. (except those tagged for safety reasons)
- Push bumpers are to be used only to move a disabled vehicle a short distance, to a place of safety and at the discretion of the officer, exercising due caution.
- Escorting any vehicle is prohibited unless authorized by a supervisor.
- Transportation of sick/injured persons is prohibited unless authorized by a supervisor.
- Seatbelts are a mandatory use safety item for all drivers and passenger seat occupants, while the vehicle is in motion. (Exception: tactical exits and exigent circumstances).
- Anytime there is contact with any object or surface with the undercarriage or suspension component of any Department vehicle, it must be reported to a supervisor. Lacking any obvious damage, the vehicle will be "tagged" for inspection.
- Any damage done as a result of a criminal act or theft of or from the Department vehicle and/or its equipment will be reported immediately to a supervisor.
- Only an authorized tow company will be used to tow a Department vehicle. (ComGen will process the request)
- Vehicles left at the City Shop can be exchanged for another on the ready line as long as it is from the same division or district.
- When transporting a child that requires a child seat, all efforts to locate and utilize one will be made. However, under exigent circumstances, they may be transported in a marked patrol vehicle without one provided they are seat belted and authorization is made by a supervisor.

- *When patrol vehicles are expected to be unattended, employees shall turn their engines off, unless the vehicle's emergency equipment is activated. In this instance, secure idle shall be utilized with the engine running. Department members who expect to be out of their patrol vehicles for more than 4 hours should consider shutting down their computer, to avoid significant delays in rebooting.*

(Refer to Procedure § 704, Vehicle Maintenance, for additional info)

B. Unmarked/ Plain Vehicles

- The Chief of Police has the authority to assign or reassign vehicles and the criteria under which they will be used, including allowable distances and availability of storage (refer to current MOU).
- Vehicles not assigned to an individual officer shall not be used by anyone not assigned to the unit, unless authorized by a supervisor of that unit.
- Vehicles are not to be taken outside the city limits without prior approval of a supervisor.
- Unassigned vehicles will not be checked out more than 5 minutes prior to use, and must be checked back in no more than 5 minutes after use.
- Vehicles are not to be used for personal errands or solely for going to meals.
- Assigned (take-home) vehicles should be parked in an enclosed garage, driveway, carport, stall or other secure area and not on any street or alleyway.
- When not secured inside a lockable, enclosed garage, all Department equipment will be removed and secured away from the vehicle.
- Assigned vehicles must be returned to the unit for any prolonged absence from work, including vacation, injury, illness or a leave of more than 3 working days.

C. Police Motorcycles

- Motorcycles are assigned to an individual traffic officer for official use only.
- Motorcycles may be ridden to and from work only.
- Motorcycles may be stored at another location with prior supervisor authorization.
- Motorcycles must be stored (parked) in a secure and sheltered facility.
- Motorcycles shall not be ridden off-duty without prior supervisor authorization.
- Passengers are prohibited.
- Headlamps and tail lamps must be on at all times when ridden.
- No modifications are permitted without authorization of the Chief of Police.
- Repairs shall only be made by an authorized dealer or repair facility.
- Motorcycle condition, including care and cleanliness, as well as maintenance issues are the responsibility of the assigned officer.

D. Radar and Speedometer Calibration

Radar Equipment

Prior to issuing any traffic citation using a radar as the speed measuring device, the member shall have completed a P.O.S.T. certified 24hr radar operator's course. The radar equipment being utilized shall have been calibrated by either the manufacturer or by RHF, Inc. and the operator will insure that the unit is working properly by performing the required calibration and function tests. These tests will be completed using the assigned tuning forks and internal light function tests and will be performed both before and at the end of the members shift. The tuning forks shall be kept with the assigned radar unit.

It is the District Commanders' responsibility to designate a supervisor to coordinate and track the radar units assigned to the district. When the radar equipment fails either the calibration or function test and/or the calibration is due, it shall be the district supervisors' responsibility to ensure the unit is shipped to RHF, Inc for repair and/or calibration. The supervisors shall ensure that all units within their district are working properly and calibrated before putting them back into service. Units assigned to the Traffic Bureau shall be maintained by the Radar Coordinator. The calibration due date shall be checked periodically as both the Decatur and Stalker units must be factory calibrated every three years.

The maintenance, repair and calibration records for radar units assigned to the districts shall be kept at that district's dressing station. The Traffic Bureau radar units' records will be maintained at the Traffic Bureau. A master copy of all radar unit records will be maintained by the Radar Coordinator and kept at the Traffic Bureau.

Vehicle Speedometers

Fleet Maintenance shall have all marked police vehicle speedometers calibrated semi-annually.

Exception: Police motorcycles shall be calibrated annually using a calibrated radar unit and will be done by the Traffic Bureau's Radar Coordinator. A copy of the results will be kept with the motorcycle and a master copy will be maintained by the Radar Coordinator.

Upon completion of calibration CSAA will mail Fleet Management two copies of the calibration results. These copies shall contain information similar to the following:

| | | | | | | | |
|--------------|----|----|----|----|----|----|----|
| VEH # _____ | 30 | 40 | 50 | 55 | 60 | 65 | 70 |
| ACTUAL _____ | 29 | 40 | 50 | 54 | 59 | 64 | 68 |

One set of copies shall be forwarded to the appropriate areas to be placed in each vehicle in a spot visible to the driver.

When a citation for speeding is issued as a result of the vehicle being paced by the police vehicle, the member should take into consideration any differences in the speedometer reading and the actual speed determined by the calibration. This information should be listed on the back of the pink copy of the citation, with the member's notes. The member also shall take a photo copy of the vehicles calibration with them to present as evidence in court.

E. Parking Vehicles at HQ/City Hall Annex

Only persons authorized by the Chief of Police or a Division Commander may park on the HQ/City Hall Annex (Annex) parking lot consistent with the following provisions.

24 Hour Regulation

Parking is restricted on the HQ/Annex parking lot as follows:

- Parking in handicap stalls is restricted to handicapped persons who display appropriate handicap identification as required by the VC; and
- Stalls marked "GSD" or "loading" adjacent to the Annex shall not be utilized.

During Business Hours

Parking is restricted on the HQ/Annex parking lot, from 0700 to 1800 hours, M-F, as follows:

1. The five stalls marked: "No Parking Anytime" may be utilized only by personnel authorized by the Chief of Police;
2. Marked and unmarked Department vehicles may be parked in any non-posted stalls;
3. Police Chaplains' personal vehicles displaying a business card or identifying placard on the dashboard may park in any non-posted stall except as provided in (4) below;
4. The two rows of parking immediately adjacent to the Annex are reserved for those holding a City issued permit and assigned to offices in the Annex, or as otherwise marked or posted;
5. Only the Department Employee of the Quarter may park in the "Employee of the Quarter" parking stall during that employee's normal duty shift; and
6. The private vehicles of members may be parked on the lot only when the member is in possession of the appropriate City issued parking permit and he/she is authorized to utilize the lot by the Chief of Police or the member's Division Commander.

When no authorized parking is available on the parking lots, members driving vehicles with exempt license plates or having dashboard parking placards may park in adjacent parking meter stalls.

Other Department Facilities

Members may park on other Department facility parking lots only with the express permission of the commander/manager in charge of the facility.

F. In Field Parking

Members shall make every effort to park Department vehicles legally. When vehicles must be parked in a manner that interferes with traffic, emergency lights shall be activated. The vehicle shall be moved and legally parked as soon as practical.

G. Court Parking

Members responding to court may park their personal vehicles in the underground parking garage or in the north lot of the Memorial Auditorium. When parking at these locations, members shall place a copy of their subpoena on the dash so it is visible from the exterior.

H. Parking of Private Vehicles During Duty Hours

Members are responsible for making their own arrangements to park their private vehicles at their work site. Members parking on the street shall not interrupt their duties to move their vehicles or "feed" parking meters to avoid citations. Members who receive parking citations on their private vehicles shall not attempt to have the citation canceled or voided for any reason. Should on duty members be called to cite vehicles and discover that the vehicle to be cited belongs to another member, no attempt shall be made to contact the owner in lieu of issuing the citation.

I. Visitor Parking

Personnel of other law enforcement agencies who are conducting business at HQ will be allowed to park in the HQ lot. Members who are conducting business with visiting law enforcement personnel shall direct them to display a business card on the dashboard when the vehicle is unmarked.

Vehicle MaintenanceCorresponding Policy 704: Vehicle Maintenance**A. Vehicle Equipment**

Certain items shall be maintained in all Department vehicles for emergency purposes and to perform routine duties.

Patrol Vehicles

Members 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:

- 10 Emergency road flares
- 1 Roll crime scene tape
- 1 Fingerprint kit
- 1 Fire extinguisher (fully charged)
- 1 Personal Protective Equipment (bio-hazard kit), "Red Box"
- 1 Disposable blanket
- 1 Bottle of water (1qt for O/C exposure)

In addition to the above, supervisor vehicles shall have:

- 1 Set of jumper cables
- 1 Complete set of evidence number stands

B. Non-Sworn Employee Use

Non-sworn members using marked vehicles shall insure all weapons are removed from vehicles before going into service.

Non-sworn members should not operate the emergency lights or siren of any vehicle unless they have received prior authorization by a supervisor.

C. Defective Vehicles

When a Department vehicle becomes inoperative or in need of repair that affects the safe operating ability of the vehicle, that vehicle should be removed from service for repair. A vehicle repair "tag" shall be promptly completed by the member who first becomes aware of the defective condition, describing the problem or correction needed. The vehicle should not be driven until repaired.

D. Routine Maintenance

When a Department vehicle is in need of routine maintenance as indicated by the shop mileage sticker, a repair tag should be completed, and the vehicle issued only as a last resort or in emergency situations.

If no mileage sticker is found, then a repair tag should be completed, to have it replaced.

E. Vehicle Refueling

Absent emergency conditions or supervisor approval, members driving patrol vehicles shall not leave the vehicle with less than one-quarter tank of fuel at the end of their shift.

Vehicles shall only be refueled at authorized locations.

F. Washing of Vehicles

All vehicles shall be kept clean at all times. Weather conditions permitting, they should be washed as necessary.

- Department vehicles will only be washed at authorized locations.
- Members shall put themselves out "Vehicle Service" when responding to the car wash.
- Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.
- Members 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.

G. Supervisor Responsibilities

Supervisors shall conduct inspections *periodically* to ensure that all Department vehicles are maintained in a condition of operational readiness. *An annual vehicle inspection shall be performed by supervisors of all vehicles not covered by the Special Vehicle Operations Manual. The inspection shall occur prior to the patrol matrix rotation.* The inspections will comply with the existing requirements of Procedure §§ 703A, 704A and be documented on a Vehicle Inspection Form.

Any vehicle deficiencies shall be noted on the Vehicle Inspection Form along with the corrective measures taken. Vehicle Inspection Forms shall be retained in the Bureau, District, Section, or Unit where the vehicle is assigned.

Supervisors shall re-inspect vehicles where deficiencies are identified, after corrective measures are taken to ensure the adequacy and safety of the vehicle. This re-inspection and correction shall be noted on the Vehicle Inspection Form.

Temporary Holding CellCorresponding Policy 900: Temporary Holding Cell**A. Officer's Duties at the Street Violence Bureau (SVB) Temporary Holding Cells****Secure Detention of Juveniles**

Juveniles requiring secure detention shall be placed in the temporary holding cells located in the Street Violence Bureau Detective offices. Officers shall retrieve the key to the temporary holding cells and the secure detention log from the SVB Night Detective Office.

Officers will be responsible for the following:

- Completion of all appropriate entries on the *detention* log;
- Maintaining constant auditory contact with *any* juvenile;
- Performing random visual checks of *any person detained within a cell* at least once every 30 minutes (which must be noted by officers writing their initials on the log);
- Ensuring that juveniles are not detained longer than six hours for any reason;
- Restricting contact between juveniles and adults in accordance with WIC §208; and
- Informing the juvenile of the reason for secure detention and the expected length of the detention.

Officers shall provide written justification in their police report when they place a juvenile in secure detention.

B. Officer's Duties at the SVB Interview Rooms**Interviews / Interrogations**

Prior to conducting an interview / interrogation, officers shall ensure that only those items necessary to safely conduct the interview / interrogation remain inside the location.

To prevent the appearance of a coercive effect during lengthy interviews, officers conducting interviews should:

- Provide reasonable breaks as needed;
- Provide water and/or food as appropriate; and
- Inform the interviewee that he/she has access to restrooms and water if needed.

When the interview will last over 3 hours, officers shall provide food if requested.

Security Concerns

Assisting officers shall monitor all interviews for security and safety unless there are two interrogators present during the interview. Due to the size of the interview rooms and for security purposes, it is recommended that only a total of three persons be in the room while conducting the interview. If there is a need to have more people assisting with the interview, (e.g., interpreters) then a larger room will be used. Members shall frequently monitor any unattended detainees / interviewees that are secured within an Interview Room.

C. Members' Duties at the Prisoner Processing Section Holding Cells

Any in-custody prisoner transported to the Prisoner Processing Section shall remain under the control and supervision of the arresting/*transporting* officer until the prisoner is released from custody or transported to FCJ. Any prisoner brought into the Prisoner Processing Section for identification verification or processing purposes shall be accompanied by a minimum of two personnel. This includes sworn officers, Cadet II's, or Criminology 108 Reserves. Both personnel shall remain with the prisoner at all times during the identification process to provide prisoner security for Identification personnel and Department members. While in the Prisoner Processing Section, the officer's duties shall include:

- *Documenting the reason, date/time in and out of the facility, and any meals provided;*
- Maintaining constant supervision of prisoners within the Prisoner Processing Section;
- Maintaining control of unruly or combative prisoners as necessary to prevent physical harm to themselves or others;
- Visually inspect prisoners every 30 minutes for signs or symptoms which would result in the need for immediate medical or mental health attention;
- Visually inspect all cells both prior to placement and after removal of a prisoner from a cell;
- Ensure persons entering the Prisoner Processing Section are in compliance with weapons restrictions; and
- Ensure that prisoner property is properly disposed of (e.g., returned to prisoner after being cited or released, accompanies prisoner to FCJ, etc.)

Members transporting prisoners from FCJ to HQ at the request of Detectives shall take the prisoner directly to the temporary holding cells located on the ground floor near the SVB work area and interview rooms.

Emergency First-Aid

Department approved first-aid kits shall be available for use in the Prisoner Processing Section. CSB personnel will inspect and maintain first-aid kits and replenish supplies as needed.

D. Use of Restraint Devices

Arresting officers shall use only those restraining devices authorized by policy when deemed necessary for the safety of the arrestee and/or members. When safe or practical, restraint devices should be removed while prisoners are secured in a temporary holding cell, to allow freedom of movement within the cell. Arrestees with leg restraint devices applied shall be monitored for signs/symptoms of positional asphyxia as referenced in RCTB 99-14.

Transportation of PrisonersCorresponding Policy 901: Transportation of Prisoners**A. Male Prisoners**

Male prisoners shall be transported in security vehicles to the extent it is practical.

It is permissible to utilize transportation wagons/vans when:

- There are multiple prisoners,
- When the prisoner is violent,
- When the prisoner is extremely dirty, or
- Approved by a supervisor.

B. Female Prisoners

Female prisoners shall be transported in security vehicles to the extent it is practical.

Transportation wagons/vans may be used under the same circumstances as provided for males.

Male Department members transporting females (prisoners and non-prisoners alike) shall, prior to moving their vehicle from the location of the pick up, give the ESD a mileage check and receive a time check as acknowledgment. On arrival at their destination, the transporting member shall give the ESD the arrival mileage and shall be acknowledged with an arrival time check.

C. Juvenile Prisoners

The same guidelines listed in this procedure which govern the transportation of adult prisoners shall apply to the transportation of juvenile prisoners.

D. Separation of Males / Females / Juveniles

Male prisoners may only be transported with female prisoners in vehicles equipped with separate compartments that allow for no contact between separated prisoners.

E. Restraint of PrisonersHandcuffs

Refer to Procedure § 354

Hobble

Refer to Procedure § 306

Temporary Plastic Restraining Straps

When a large number of persons are arrested at one location, they may be handcuffed with plastic restraints available from the PECS.

Suspects arrested in this manner should be restrained with their hands behind their back, with the wrists crossed and the palms facing outward. Caution should be taken to ensure that the straps are adjusted to restrict movement and prevent removal with allowance for adequate circulation.

Expectorant Shield

When a prisoner attempts to bite and/or spit on members the Department approved expectorant shield may be used to protect the safety of the member.

The expectorant shield will be applied by securing the tie strings beneath the arrestee's armpits.

Members shall monitor the condition of the prisoner to ensure that normal respiration is maintained.

F. Member / Prisoner Separation

For safety reasons and to reduce escape attempts, prisoners shall not be transported in the front of a prisoner transport vehicle (e.g. patrol unit or transportation wagon/van).

All prisoners shall be secured behind the prisoner safety barrier which separates the prisoners from the transporting Department member(s).

Exception: With supervisor approval, a prisoner may be transported in other than secured areas within the vehicle where this is the most efficient and safe way to transport the prisoner (e.g. where the age of the prisoner or physical condition would limit his/her ability to safely enter the rear prisoner transport compartment of the vehicle and there is no other practical mode of transportation.)

A prisoner may only be transported in the rear passenger seat of an uncaged vehicle (e.g. plain vehicle) when another sworn member is sitting next to the prisoner and there is no other practical mode of transportation.

H. Search of Prisoner(s) Prior to Transport

Extreme care will be used in the preliminary search of a person taken into custody before placing the person in a police vehicle.

Members receiving custody of a prisoner from another member/agency shall thoroughly search the prisoner before placing him/her in a transportation wagon/van or a patrol unit.

I. Transporting Prisoners Without Delay

Members transporting prisoners shall:

- Proceed directly to their destination as soon as circumstances allow;
- Not engage in traffic pursuits, make traffic stops, or respond to any calls except other transportation calls;
- Not make unscheduled stops during the prisoner transport, except in those emergency situations which require immediate police action; and
- Deliver them to their appropriate destination as soon as practicable.

When the transporting member identifies a situation necessitating police action, he/she shall notify ComCen of the problem.

J. Responsibility During Transport / Delivery of Prisoners

Personal property belonging to a prisoner which is not booked as evidence shall be taken from him/her by the arresting officer or his/her designee at the time of arrest and prior to transportation.

- This property shall be put in a prisoner property envelope.
- A prisoner's money shall be placed in a prisoner money envelope.
- The spaces on the envelopes shall be thoroughly completed, including the arrestee's signature.
- When an arrestee refuses to sign the envelope, the member shall write Refused To Sign on the signature line.

- The envelopes shall be delivered to the FCJ booking officer.

Any property belonging to an arrestee that is not accepted by the FCJ booking officer shall be booked into the PECS.

- Members booking property from a prisoner into the PECS shall give a copy of the Property for Safe Keeping Receipt to the prisoner before he/she is booked.

A brief description of all property removed from the suspect shall be included in the Arrest Report.

K. Parking on Ramp

Department vehicles SHALL NOT be parked along the ramp entrance or adjacent to the trash receptacles during 0500-0630 hours daily.

During all other times, members may park their vehicles on the ramp temporarily when engaged in the delivery/pick up of prisoners, when booking evidence, or obtaining equipment and/or supplies from the PECS.

M. Search of Prisoner(s) at HQ/IDS

Members shall pat search and utilize a metal detector to wand every prisoner prior to entering the Prisoner Processing Section.

- This will occur inside the fenced area of the Prisoner Processing Section and prior to members securing their firearms and edged weapons.
- After the prisoner has been searched, wanded, and has entered Prisoner Processing, he/she shall be placed into a temporary holding cell.

N. Identification of Transported Prisoner(s)

Prior to transferring prisoners from Prisoner Processing to FCJ/FCJH, transporting members shall make every attempt to affirm the prisoner's proper identity, and ensure that the AR/JAR is completed. Proper identification will be verified by:

- Prisoners verbally providing their identity;
- The physical appearance of prisoners being the same as the physical description in RMS;
- The photo ID from a prisoner's property matches the prisoner;
- The mug photo matches the prisoner; or
- Identification by the arresting member or Crime Scene Bureau personnel who processed the prisoner.

Where practical, multiple steps to identify a prisoner should be utilized prior to releasing or transferring them to FCJ/FCJH. Transporting members shall also ensure that the prisoner processing, where appropriate, has been completed.

When transporting a prisoner from another agency to a Fresno Police Department facility, the transporting member will attempt to confirm the identity of the prisoner with the agency personnel releasing the prisoner to their custody prior to transport.

O. Prisoner Transports to FCJ/ FCJH

When a Department member transports a prisoner(s) to FCJ/FCJH, they will be responsible for the safety and security of the prisoner(s) until they are turned over to the receiving agency. Upon arrival at the receiving agency, Department members will:

- Secure their firearm and other weapons where required in an authorized gun locker;
- Remove the restraining devices only after prisoner is secured in the facility but prior to placing them in a holding cell;
- Provide the receiving agency with required report forms, arrest records, medical records when appropriate, and court documents; and
- Advise the receiving agency of any medical hazards and security risk or escape potential.

Q. Sick or Injured Prisoners

Members transporting prisoners who require medical attention will transport the prisoner to Community Regional Medical Center (CRMC) for treatment.

Upon arrival at FCJ members shall provide a complete synopsis of the circumstances surrounding the arrest to the pre-book nurse.

- In some cases, contrary to the prisoner's refusal to accept medical treatment, the nurse may require the Department member to transport the prisoner to CRMC prior to booking.

Special Needs Transportations Situations

Prisoners with special needs such as non-ambulatory prisoners, limited ambulatory prisoners (e.g. those utilizing crutches), prisoners utilizing wheel chairs, special medical treatment needs, or other special circumstances shall be brought to the attention of a field supervisor.