Child Abuse

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

330.1.1 DEFINITIONS
Definitions related to this policy include:

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

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

Child abuse or neglect includes
(a) Physical injury or death inflicted by other than accidental means upon a child by another person
(b) The willful harming or injuring of a child or the endangering of the person or health of a child
(c) Unlawful corporal punishment or injury

Child abuse or neglect does not include
(a) An altercation between minors
(b) An injury caused by reasonable and necessary force used by a peace officer acting within the course and scope of his/her employment as a peace officer

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

330.3 MANDATORY NOTIFICATION
The child protection agency shall be notified when (Penal Code § 11166):
(a) There is a known or suspected instance of child abuse or neglect reported, which is alleged to have occurred as a result of the action of a person responsible for the child's welfare, or
(b) A person responsible for the child's welfare fails to adequately protect the child from abuse when the person knew or reasonably should have known that the child was in danger of abuse.

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

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

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

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

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

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

330.3.2 RELEASE OF REPORTS
Reports of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to Penal Code § 11167.5 and Policy Manual § 810 - Release of Records and Information.

330.4 QUALIFIED INVESTIGATORS
Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Ensure medical assessment and/or treatment for the victim.

(b) Be responsible for the follow up interviews and investigation, collection of evidence, and preliminary preparation for prosecution of all cases of child abuse and molestation.

(c) Investigating the deaths of children that could be attributed to abuse or molestation.

(d) Investigating any instance of Sudden Unexplained Infant Death (SUID).

(e) Present all cases of alleged child abuse to the prosecutor for review.

(f) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(g) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(h) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).
330.5 INVESTIGATIONS AND REPORTING
In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:
(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected child abuse victim was contacted.
(b) The exigent circumstances that existed if officers interviewed the child victim without the presence of a parent or guardian.
(c) Any relevant statements the child may have made and to whom he/she made the statements.
(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.
(f) Whether the child victim was transported for medical treatment or a medical examination.
(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.
(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.
(i) Previous addresses of the victim and suspect.
(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

All cases of the unexplained death of a child should be investigated as thoroughly as if it had been a case of suspected child abuse (e.g., a sudden or unexplained death of an infant).

330.5.1 EXTRA JURISDICTIONAL REPORTS
If a report of known or suspected child abuse or neglect that is alleged to have occurred outside this jurisdiction is received, department members shall ensure that the caller is immediately transferred to the agency with proper jurisdiction for the investigation of the case. If the caller cannot be successfully transferred to the appropriate agency, a report shall be taken and immediately referred by telephone, fax or electronic transfer to the agency with proper jurisdiction (Penal Code 11165.9).

330.5.2 INVESTIGATING OFFICER
As with any other investigation, the initial investigating officer shall be responsible for determining the facts of the case and the proper documentation of those facts in a report.

Additionally, they shall immediately notify the Shift Supervisor, Watch Commander, or Investigations Supervisor in cases where a child has sustained severe trauma or recent sexual assault (acute cases - 72 hours or less) to determine if a Detective, formally trained in child abuse investigations, is needed.

330.6 PROTECTIVE CUSTODY
Before taking any child into protective custody, the officer should make reasonable attempts to contact CPS. Generally, removal of a child from his/her family, guardian or
other responsible adult should be left to the child welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove a child from his/her parent or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the child. Prior to taking a child into protective custody, the officer should take reasonable steps to deliver the child to another qualified parent or legal guardian, unless it reasonably appears that the release would endanger the child or result in abduction. If this is not a reasonable option, the officer shall ensure that the child is delivered to CPS.

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

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

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

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

(c) The child is in the company of, or under the control of, a person arrested for Penal Code § 278 or Penal Code § 278.5.

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

330.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW

An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.
330.6.2 NEWBORNs TESTING POSITIVE FOR DRUGs
Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

Officers shall instead follow the provisions of Welfare and Institutions Code § 305.6 to ensure that the newborn is placed with the adoptive parents when it is appropriate.

330.7 INTERVIEWS

330.7.1 PRELIMINARY INTERVIEWS
Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigators should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

330.7.2 INTERVIEWS AT A SCHOOL
A parent/legal guardian should be notified prior to an interview at school, unless the parent is the alleged offender. Any student at school who is a suspected victim of child abuse shall be afforded the option of being interviewed in private or selecting any qualified available adult member of the school staff to be present. The purpose of the staff member's presence is to provide comfort and support. The staff member shall not participate in the interview. The selection of a staff member should be such that it does not burden the school with costs or hardship (Penal Code § 11174.3).

330.8 MEDICAL EXAMINATIONS
If the child has been the victim of abuse that requires a medical examination, the investigating officer should obtain consent for such examination from the appropriate parent, guardian or agency having legal custody of the child. The officer should also arrange for the child's transportation to the appropriate medical facility.

In cases where the alleged offender is the custodial parent or guardian and is refusing consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the child for a medical examination, the notified supervisor should consider obtaining a court order for such an examination.

330.9 DRUG-ENDANGED CHILDREN
A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

330.9.1 SUPERVISOR RESPONSIBILITIES
The Investigations Unit supervisor should:

(a) Work with professionals from the appropriate agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors to develop community specific procedures for responding to situations where there are children endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
(b) Activate any available interagency response when an officer notifies the Investigation Unit supervisor that the officer has responded to a drug lab or other narcotics crime scene where a child is present or where evidence indicates that a child lives there.

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

330.9.2 OFFICER RESPONSIBILITIES
Officers responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigation Unit supervisor so an interagency response can begin.

330.10 STATE MANDATES AND OTHER RELEVANT LAWS
California requires or permits the following:

330.10.1 RELEASE OF REPORTS
Information related to incidents of child abuse or suspected child abuse shall be confidential and may only be disclosed pursuant to state law and the Release of Records and Information Policy (Penal Code 841.5; Penal Code § 11167.5).

330.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSE CENTRAL INDEX (CACI)
Any person whose name has been forwarded to the California Department of Justice (DOJ) for placement in California's CACI, as a result of an investigation, may request that his/her name be removed from the CACI list. Requests shall not qualify for consideration if there is an active case, ongoing investigation or pending prosecution that precipitated the entry to CACI (Penal Code § 11169). All requests for removal shall be submitted in writing by the requesting person and promptly routed to the CACI hearing officer.

330.10.3 CACI HEARING OFFICER
The Investigation Unit supervisor will normally serve as the hearing officer but must not be actively connected with the case that resulted in the person's name being submitted to CACI. Upon receiving a qualified request for removal, the hearing officer shall promptly schedule a hearing to take place during normal business hours and provide written notification of the time and place of the hearing to the requesting party (Penal Code § 11169(d)).

330.10.4 CACI HEARING PROCEDURES
The hearing is an informal process where the person requesting removal from the CACI list will be permitted to present relevant evidence (e.g., certified copy of an acquittal, factual finding of innocence) as to why his/her name should be removed. The person requesting the hearing may record the hearing at his/her own expense.

Formal rules of evidence will not apply and the hearing officer may consider, in addition to evidence submitted by the person requesting the hearing, any relevant information including, but not limited to, the following:

(a) Case reports including any supplemental reports

(b) Statements by investigators
(c) Statements from representatives of the District Attorney's Office
(d) Statements by representatives of a child protective agency who may be familiar with the case

After considering all information presented, the hearing officer shall make a determination as to whether the requesting party's name should be removed from the CACI list. Such determination shall be based on a finding that the allegations in the investigation are not substantiated (Penal Code § 11169).

If, after considering the evidence, the hearing officer finds that the allegations are not substantiated, he/she shall cause a request to be completed and forwarded to the DOJ that the person's name be removed from the CACI list. A copy of the hearing results and the request for removal will be attached to the case reports.

The findings of the hearing officer shall be considered final and binding.

330.10.5 CHILD DEATH REVIEW TEAM
This department should cooperate with any interagency child death review team investigation (Penal Code § 11174.32).

330.11 TRAINING
The Department should provide training on best practices in child abuse investigations to members tasked with investigating these cases. The training should include:
(a) Participating in multidisciplinary investigations, as appropriate.
(b) Conducting forensic interviews.
(c) Availability of therapy services for children and families.
(d) Availability of specialized forensic medical exams.
(e) Cultural competence (including interpretive services) related to child abuse investigations.
(f) Availability of victim advocate or guardian ad litem support.
Missing Person Reporting

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

332.1.1 DEFINITIONS
At risk - Includes, but is not limited to (Penal Code § 14213) the following:
• A victim of a crime or foul play
• A person missing and in need of medical attention
• A missing person with no pattern of running away or disappearing
• A missing person who may be the victim of parental abduction
• A mentally impaired missing person

Missing Person - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14213).

Missing person networks - Those databases or computer networks available to law enforcement and that are suitable for information related to missing persons investigations. These include the National Crime Information Center (NCIC), the California Law Enforcement Telecommunications System (CLETs), Missing Person System (MPS) and the Unidentified Persons System (UPS).

332.2 POLICY
The Turlock Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until the facts reveal otherwise. The Turlock Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14205).

332.3 REQUIRED FORMS AND DNA COLLECTION KITS
The Special Operations supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:
• Department report form for use in missing person cases
• Missing Person Investigation Checklist, providing investigation guidelines and resources available in the early hours of a missing person investigation (Penal Code § 13519.07)
• Missing Person School Notification Form
• Medical Records Release Form from the California Department of Justice
• California DOJ missing person forms as appropriate
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- DNA Missing Persons Specimen Collection Kits

332.3.1 MISSING PERSONS INVESTIGATION CHECKLIST

Initial Report:

(a) Complete DOJ form CJIS 8568.
(b) Get the MP's information to Dispatch as soon as practical to comply with the two hour rule for MUPS entry (supplying a copy of page one of the completed CJIS 8568 form).
(c) Complete a written BOL and post it in the appropriate locations.
(d) Complete the incident page in Field Reporting to include all fields.
(e) Index all persons involved in the case including, but not limited to, the MP and the reporting party.
(f) Be sure to complete the "BOL Box" when indexing the MP on the Missing Persons Page.
(g) Select and enter the appropriate Case Status.

Recovery / Returned Report:

(a) MUPS Entry
   1. If a local recovery / returned MP, notify Dispatch to cancel the MUPS entry.
   2. If an outside recovery / returned MP, confirm Dispatch canceled the MUPS entry.
(b) Complete a Supplement in Field Reporting to include the following
   1. Index all persons involved in the case.
   2. Fill out all recovery / returned information for the MP (Missing Persons Report)
   3. Add supplemental narrative.
   4. Select and enter the appropriate Case Status.
(c) Be sure the written BOL completed by the initiating officer is removed from appropriate locations.

332.4 ACCEPTANCE OF REPORTS

Any employee encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14205). This can be accomplished by accepting the report via telephone or in person and initiating the investigation. Those employees who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert an employee who can take the report.

A report shall be accepted regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14205).

332.5 INITIAL INVESTIGATION

Officers or other employees conducting the initial investigation of a missing person should take the following investigative actions as applicable:

(a) Respond to a dispatched call for service as soon as practicable.
(b) Interview the reporting person and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
**Missing Person Reporting**

(c) Notify a supervisor immediately if there is evidence that a missing person is at risk.

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 16 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast by the investigating officer as soon as practicable but in no event more than one hour after determining the missing person is under 16 or may be at risk (Penal Code § 14205).

(e) Ensure that entries are made into the appropriate networks as follows:

1. Immediately when the missing person is at risk
2. In all other cases, as practicable but not later than two hours from the time of the initial report

(f) Notify a supervisor if the missing person may qualify for a public alert, as provided in the Public Alerts Policy.

(g) Complete the Department's missing person report forms accurately and completely.

(h) Collect and/or review the following:

1. A photograph and a fingerprint card of the missing person, if available
2. A voluntarily provided DNA sample of the missing person, if available (toothbrush, etc)
3. Any documents that may assist in the investigation, such as court orders regarding custody
4. Any other evidence that may assist in the investigation, including personal electronic devices (cell phones, computers, etc)

(i) Contact the lead agency if the report relates to a previously made missing person report and another agency is actively investigating that report. When this is not practical, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at risk missing person, the officer should notify a supervisor and proceed with reasonable steps to locate the missing person.

**332.6 REPORT PROCEDURES AND ROUTING**

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review.

**332.6.1 SUPERVISOR RESPONSIBILITIES**

The supervisor shall review and approve missing person reports upon receipt and ensure resources are deployed as appropriate. The reports should be promptly sent to the Records Unit.

The supervisor shall also ensure applicable notifications and public alerts are made and documented and that records have been entered into the appropriate missing person networks.

The supervisor should also take reasonable steps to identify and address any jurisdictional issues to ensure cooperation between agencies.

**332.6.2 RECORDS UNIT RESPONSIBILITIES**

The receiving employee shall:

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(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14205).

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen.

(c) Notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's intended or possible destination, if known (Penal Code § 14205).

(d) Forward a copy of the report to the Investigation Unit.

332.7 INVESTIGATION UNIT FOLLOW-UP
The investigator assigned to a missing person investigation:

(a) Shall ensure that the missing person's school is notified within 10 days if the missing person is a juvenile.

1. The notice shall be in writing and should also include a photograph (California Education Code § 49068.6).

2. The investigator should meet with school officials regarding the notice as appropriate to stress the importance of including the notice in the child's student file, along with contact information if the school receives a call requesting the transfer of the missing child's files to another school.

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

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

(d) Shall verify and update CLETS, NCIC and any other applicable missing person networks within 60 days of the original entry into the networks and every 45 days thereafter until the missing person is located (42 USC § 5780).

(e) Should continue to make reasonable efforts to locate the missing person and document these efforts at least every 45 days.

(f) Shall maintain a close liaison with the National Center for Missing and Exploited Children if the missing person is under the age of 21 (42 USC § 5780).

(g) Should make appropriate inquiry with the coroner or medical examiner and obtain and forward medical records, photos, x-rays and DNA samples pursuant to Penal Code § 14206 and Penal Code § 14250.

(h) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14209).

(i) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs). (NamUs is a free online system that can be searched by medical examiners, coroners, law enforcement officials and the general public to solve these cases).
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332.8 WHEN A MISSING PERSON IS FOUND
When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report and notify the reporting party and other involved agencies.

The Records Supervisor shall ensure that upon receipt of information that a missing person has been located, the following occurs:

(a) Notification is made to California DOJ.
(b) The missing child's school is notified.
(c) Entries are made in the applicable missing person networks (Penal Code § 14207).
(d) When a child under 12 years of age or a person who is at risk is found, the report of finding shall be made within 24 hours to the California Attorney General's Office (Penal Code § 14207(b)).
(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation (Penal Code § 14207(b)).

332.8.1 UNIDENTIFIED PERSONS
Department members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.
(b) Enter the unidentified person's description into the NCIC Unidentified Person File.
(c) Use available resources, such as those related to missing persons, to identify the person.

332.9 CASE CLOSURE
The Investigation Unit supervisor may authorize the closure of a missing person case after considering the following:

(a) Closure is appropriate when the missing person is confirmed returned or evidence has matched an unidentified person or body.
(b) If the missing person was a resident of Turlock or this department is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.
(c) If this department is not the lead agency, the case can be made inactivate if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks as appropriate.
(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.
Victim and Witness Assistance

336.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that crime victims and witnesses receive appropriate assistance, that they are provided with information from government and private resources, and that the agency meets all related legal mandates.

336.2 POLICY
The Turlock Police Department is committed to providing guidance and assistance to the victims and witnesses of crime. The employees of the Turlock Police Department will show compassion and understanding for victims and witnesses and will make reasonable efforts to provide the support and information identified in this policy.

336.3 CRIME VICTIM LIAISON
The Records Unit shall liaison with the Victim-Witness Assistance Program office. It shall be the Unit's responsibility to forward copies of police reports requested by the local victim centers to verify the criminal activity upon which the application for assistance is based. The Release of Records and Information Policy in this manual regarding the release of reports shall be followed in all cases (Government Code § 13962(b); 2 CCR 649.35; 2 CCR 649.36).

336.4 CRIME VICTIMS
Officers should provide all victims with the applicable victim information handouts.

Officers should never guarantee a victim's safety from future harm but may make practical safety suggestions to victims who express fear of future harm or retaliation. Officers should never guarantee that a person qualifies as a victim for the purpose of compensation or restitution but may direct him/her to the proper written department material or available victim resources.

336.5 VICTIM INFORMATION
The Support Operations Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

(a) Shelters and other community resources for victims of domestic violence.

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams (42 USC § 3796gg; Penal Code § 13823.95(a)).

(d) An explanation that no victim of sexual assault shall be required to participate or agree to participate in the criminal justice system, either prior to examination or at any other time (Penal Code § 13823.95(b)).

(e) An advisement that a person who was arrested may be released on bond or some other form of release and that the victim should not rely upon an arrest as a guarantee of safety.

(f) A clear explanation of relevant court orders and how they can be obtained.

(g) Information regarding available compensation for qualifying victims of crime.
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(h) VINE® information (Victim Information and Notification Everyday), including the telephone number and whether this free service is available to allow victims to check on an offender's custody status and to register for automatic notification when a person is released from jail.

(i) Notice regarding U-Visa and T-Visa application processes.

(j) Resources available for victims of identity theft.

(k) A place for the officer's name, badge number and any applicable case or incident number.

(l) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.05; Penal Code § 679.026).

336.6 WITNESSES

Officers should never guarantee a witness' safety from future harm or that his/her identity will always remain confidential. Officers may make practical safety suggestions to witnesses who express fear of future harm or retaliation.

Officers should investigate allegations of witness intimidation and take enforcement action when lawful and reasonable.
Hate Crimes

338.1 PURPOSE AND SCOPE
This department recognizes and places a high priority on the rights of all individuals guaranteed under the Constitution and the laws of this state. When such rights are infringed upon by violence, threats or other harassment, this department will utilize all available resources to see that justice is served under the law. This policy has been developed to meet or exceed the provisions of Penal Code § 13519.6(c) and provides members of this department with guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

338.2 DEFINITIONS
Hate crimes - Penal Code § 422.55(a) defines a hate crime as a criminal act committed in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(a) Disability
(b) Sex
(c) Nationality
(d) Race or ethnicity
(e) Religion
(f) Sexual orientation
(g) Association with a person or group with one or more of these actual or perceived characteristics
(h) Examples of hate crimes include, but are not limited to:
   1. Interfering with, oppressing or threatening any other person in the free exercise or enjoyment of any right or privilege secured by the constitution or laws because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6).
   2. Defacing a person's property because of one or more of the actual or perceived characteristics of the victim (Penal Code § 422.6(b)).
   3. Terrorizing a person with a swastika or burning cross (Penal Code § 11411).
   4. Vandalizing a place of worship (Penal Code § 594.3).

The federal Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act expands federal hate crimes to include crimes motivated by a victim's actual or perceived sex, sexual orientation, gender identity or disability (18 USC § 245).

338.3 PREVENTING AND PREPARING FOR LIKELY HATE CRIMES
While it is recognized that not all crime can be prevented, this department is committed to taking a proactive approach to preventing and preparing for likely hate crimes by, among other things:

(a) Officers should make an affirmative effort to establish contact with persons and groups within the community, who are likely targets of hate crimes, to form and cooperate with prevention and response networks.
Hate Crimes

(b) Accessing assistance by, among other things, activating the California Department of Justice Hate Crime Rapid Response Protocol when necessary.

(c) Providing victim assistance and follow-up as outlined below, including community follow-up.

338.4 PROCEDURE FOR INVESTIGATING HATE CRIMES

Whenever any member of this department receives a report of a suspected hate crime or other activity that reasonably appears to involve a potential hate crime, the following should occur:

(a) Officer(s) will be promptly assigned to contact the victim, witness, or reporting party to investigate the matter further as circumstances may dictate

(b) A supervisor should be notified of the circumstances as soon as practical

(c) Once in progress aspects of any such situation have been stabilized (e.g., treatment of victims, apprehension of present suspects, etc.), the assigned officer(s) will take all reasonable steps to preserve available evidence that may tend to establish that a hate crime was involved

(d) The assigned officer(s) will interview available witnesses, victims and others to determine what circumstances, if any, indicate that the situation may involve a hate crime. 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))

(e) Depending on the situation, the assigned officer(s) or supervisor may request additional assistance from detectives or other resources to further the investigation

(f) The assigned officer(s) will include all available evidence indicating the likelihood of a hate crime in the relevant report(s). All related reports will be clearly marked as Hate Crimes and, absent prior approval of a supervisor, will be completed and submitted by the assigned officer(s) before the end of the shift

(g) The assigned officer(s) will provide the victim(s) of any suspected hate crime with a brochure on hate crimes (Penal Code § 422.92). Such brochures will also be available to members of the general public upon request. The assigned officer(s) should also make reasonable efforts to assist the victim(s) by providing available information on local assistance programs and organizations

(h) 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).

338.4.1 INVESTIGATION UNIT RESPONSIBILITY

If a case is assigned to the Investigation Unit, the assigned detective will be responsible for following up on the reported hate crime as follows:

(a) Coordinate further investigation with the District Attorney and other appropriate law enforcement agencies, as appropriate

(b) Maintain contact with the victim(s) and other involved individuals as needed

(c) Maintain statistical data on suspected hate crimes and tracking as indicated and report such data to the Attorney General upon request pursuant to Penal Code § 13023
Hate Crimes

338.5 TRAINING
All members of this department will receive POST approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6.
Conduct

340.1 PURPOSE AND SCOPE
This policy establishes standards of conduct that are consistent with the values and mission of this department and are expected of its members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning member conduct. Members are also subject to provisions contained throughout this manual as well as any additional guidance on conduct that may be disseminated by the Department or the member's supervisors.

This policy applies to all employees (full- and part-time), reserve officers and volunteers.

340.2 DISCIPLINE POLICY
The continued employment of every employee of this department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure of any employee to meet the guidelines set forth in this policy, whether on-duty or off-duty, may be cause for disciplinary action.

An employee's off-duty conduct shall be governed by this policy to the extent that it is related to act(s) that may materially affect or arise from the employee's ability to perform official duties or to the extent that it may be indicative of unfitness for his/her position.

340.3 CONDUCT WHICH MAY RESULT IN DISCIPLINE
The following list of causes for disciplinary action constitutes a portion of the disciplinary standards of this department. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient department service:

340.3.1 ATTENDANCE
(a) Leaving job to which assigned during duty hours without reasonable excuse and proper permission and approval.
(b) Unexcused or unauthorized absence or tardiness on scheduled day(s) of work.
(c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties without reasonable excuse.
(d) Failure to notify the Department within 24 hours of any change in residence address, home phone number, or marital status.

340.3.2 CONDUCT
(a) Unauthorized or unlawful fighting, threatening, or attempting to inflict unlawful bodily injury on another.
(b) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment without first notifying the Chief of Police of such action.
(c) Using departmental resources in association with any portion of their independent civil action. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenad records.
Conduct

(d) Engaging in horseplay resulting in injury or property damage or the reasonable possibility thereof.

(e) Unauthorized possession of, loss of, or damage to department property or the property of others or endangering it through unreasonable carelessness or maliciousness.

(f) Failure of any employee to promptly and fully report activities on their own part or the part of any other employee where such activities may result in criminal prosecution or discipline under this policy.

(g) Failure of any employee to promptly and fully report activities that have resulted in official contact by any other law enforcement agency.

(h) Using or disclosing one's status as an employee with the Department in any way that could reasonably be perceived as an attempt gain influence or authority for non-departmental business or activity.

(i) The use of any information, photograph, video or other recording obtained or accessed as a result of employment with the Department for personal or financial gain or without the expressed written consent of the Chief of Police or his/her designee may result in a criminal prosecution and/or discipline under this policy (Penal Code § 146g).

(j) Seeking restraining orders against individuals encountered in the line of duty without the expressed permission of the Chief of Police.

(k) Discourteous, disrespectful or discriminatory treatment of any member of the public or any member of this department.

(l) Unwelcome solicitation of a personal or sexual relationship while on duty or through the use of a Department member's official capacity.

(m) Engaging in on-duty sexual relations including, but not limited to sexual intercourse, excessive displays of public affection or other sexual contact.

340.3.3 DISCRIMINATION

(a) Discriminate against any person because of age, race, color, creed, religion, sex, sexual orientation, national origin, ancestry, marital status, physical or mental disability or medical condition.

340.3.4 INTOXICANTS

(a) Reporting for work or being at work following the use of intoxicants where such use may impair the employee’s ability to perform assigned duties or where there is an immediate suspicion of ineffectiveness during public contact resulting from the use of intoxicants

(b) Unauthorized possession or use of, or attempting to bring intoxicants to the work site, except as authorized in the performance of an official assignment. An employee who is authorized to consume intoxicants is not permitted to do so to such a degree that it may impair on-duty performance

(c) Reporting for work or being at work following the use of a "controlled substance" or any drug (whether legally prescribed or otherwise) where such use may impair the employee's ability to perform assigned duties

(d) Unauthorized possession, use of, or attempting to bring controlled substance or other illegal drug to any work site

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340.3.5 PERFORMANCE

(a) Unauthorized sleeping during on-duty time or assignments.

(b) Careless workmanship resulting in spoilage or waste of materials or work of an unacceptable nature as applicable to the nature of the work assigned.

(c) Unsatisfactory work performance, including but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or instructions of supervisors without reasonable and bona fide excuse.

(d) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.

(e) Disobedience or insubordination to constituted authorities, including refusal or deliberate failure to carry out or follow lawful directives and orders from any supervisor or person in position of authority.

(f) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit or any other improper purpose.

(g) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of the Department or subverts the good order, efficiency and discipline of the Department or which would tend to discredit any member thereof.

(h) Knowingly making false, misleading or malicious statements that are reasonably calculated to harm or destroy the reputation, authority or official standing of the Department or members thereof.

(i) The falsification of any work-related records, the making of misleading entries or statements with the intent to deceive, or the willful and unauthorized destruction and/or mutilation of any department record, book, paper or document.

(j) Wrongfully loaning, selling, giving away or appropriating any department property for the personal use of the employee or any unauthorized person.

(k) The unauthorized use of any badge, uniform, identification card or other department equipment or property for personal gain or any other improper purpose.

(l) The receipt or acceptance of a reward, fee or gift from any person for service incident to the performance of the employee’s duties (lawful subpoena fees and authorized work permits excepted).

(m) Any knowing or negligent violation of the provisions of the department manual, operating procedures or other written directive of an authorized supervisor. Employees shall familiarize themselves with this manual and be responsible for compliance with each of the policies contained herein.

(n) Work-related dishonesty, including attempted or actual theft of department property, services or the property of others, or the unauthorized removal or possession of departmental property or the property of another person.

(o) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship, whether on or off duty.

(p) Failure to disclose, or misrepresenting material facts, or the making of any false or misleading statement on any application, examination form, or other official document, report or form, or during the course of any work-related investigation.

(q) Failure to take reasonable action while on-duty and when required by law, statute, resolution or approved Department practices or procedures.

(r) Associating with or joining a criminal gang, organized crime and/or criminal syndicate when a department member knew or reasonably should have known of the criminal
nature of the organization. This includes any organization involved in a definable criminal activity or enterprise, except as specifically directed and authorized by the Department.

(s) Offer or acceptance of a bribe or gratuity.
(t) Misappropriation or misuse of public funds.
(u) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.
(v) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions: while on department premises; at any work site; while on-duty or while in uniform; or while using any department equipment or system. Gambling activity undertaken as part of an officer's official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.
(w) Substantiated, active, continuing association on a personal rather than official basis with a person or persons who engage in or are continuing to engage in serious violations of state or federal laws, where the employee has or reasonably should have knowledge of such criminal activities, except where specifically directed and authorized by the Department.
(x) Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position while on-duty, on department property or while in any way representing him/herself as a member of this agency, except as expressly authorized by the Chief of Police.
(y) Engaging in political activities during assigned working hours except as expressly authorized by the Chief of Police.
(z) Violating any misdemeanor or felony statute.
(aa) Any other on-duty or off-duty conduct which any employee knows or reasonably should know is unbecoming a member of the Department or which is contrary to good order, efficiency or morale, or which tends to reflect unfavorably upon the Department or its members.
(ab) Any failure or refusal of an employee to properly perform the function and duties of an assigned position.
(ac) Failure to maintain required and current licenses (e.g., driver's license) and certifications (e.g., first aid).
(ad) Giving false or misleading statements, or misrepresenting or omitting material information to a supervisor, or other person in a position of authority, in connection with any investigation or in the reporting of any department-related business.

340.3.6 SAFETY

(a) Failure to observe posted rules, signs and written or oral safety instructions while on duty and/or within department facilities or to use required protective clothing or equipment.
(b) Knowingly failing to report any on-the-job or work-related accident or injury within 24 hours.
(c) Substantiated employee record of unsafe or improper driving habits or actions in the course of employment.
(d) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.
Conduct

(e) Any personal action contributing to involvement in a preventable traffic collision, or other unsafe or improper driving habits or actions in the course of employment.

(f) Violating departmental safety standards or safe working practices.

340.3.7 SECURITY

(a) Unauthorized, intentional release of designated confidential information, materials, data, forms or reports

340.3.8 SUPERVISION RESPONSIBILITY

(a) Failure of a supervisor to take appropriate action to ensure that employees adhere to the policies and procedures of this department and the actions of all personnel comply with all laws

(b) Failure of a supervisor to timely report known misconduct of an employee to his or her immediate supervisor or to document such misconduct appropriately or as required by policy

(c) The unequal or disparate exercise of authority on the part of a supervisor toward any employee for malicious or other improper purpose

340.4 INVESTIGATION OF DISCIPLINARY ALLEGATIONS

Regardless of the source of an allegation of misconduct, all such matters will be investigated in accordance with Personnel Complaint Procedure Policy Manual § 1020. Pursuant to Government Code §§ 3304(d) and 3508.1, the investigation should be completed within one year of the discovery of the allegation unless such investigation falls within one of the exceptions delineated within those provisions.

340.4.1 WRITTEN REPRIMANDS

Any employee wishing to formally appeal a written reprimand must submit a written request to his/her Division Commander within ten 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.

340.5 POST INVESTIGATION PROCEDURES

340.5.1 DIVISION COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Division Commander of the involved employee shall review the entire investigative file, the employee's personnel file and any other relevant materials.

The Division Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

(a) Prior to forwarding recommendations to the Chief of Police, the Division Commander may return the entire investigation to the assigned detective or supervisor for further investigation or action.
Conduct

(b) When forwarding any written recommendation to the Chief of Police, the Division Commander shall include all relevant materials supporting the recommendation. Actual copies of an employee's existing personnel file need not be provided and may be incorporated by reference

340.5.2 RESPONSIBILITIES OF THE CHIEF OF POLICE

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials.

The Chief of Police may modify any recommendation and/or may return the file to the Division Commander for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, to be recommended.

In the event disciplinary action is recommended, the Chief of Police shall provide the employee with written (Skelly) notice of the following information within one year of the date of the discovery of the alleged misconduct (absent an exception set forth in Government Code § 3304(d) or Government Code § 3508.1):

(a) Specific charges set forth in separate counts, describing the conduct underlying each count.

(b) A separate recommendation of proposed discipline for each charge.

(c) A statement that the employee has been provided with or given access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(d) An opportunity to respond orally or in writing to the Chief of Police within five days of receiving the Skelly notice.
   1. Upon a showing of good cause by the employee, the Chief of Police may grant a reasonable extension of time for the employee to respond.
   2. If the employee elects to respond orally, the presentation shall be recorded by the Department. Upon request, the employee shall be provided with a copy of the recording.

340.6 EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

(a) This Skelly response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the Skelly response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results of such subsequent investigation prior to the imposition of any discipline.

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Conduct

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

(f) Once the employee has completed his/her *Skelly* response or, if the employee has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. Once the Chief of Police determines that discipline will be imposed, a timely written decision shall be provided to the employee within 30 days, imposing, modifying or rejecting the recommended discipline. In the event of a termination, the final notice of discipline shall also inform the employee of the reason for termination and the process to receive all remaining fringe and retirement benefits.

(g) Once the Chief of Police has issued a written decision, the discipline shall become effective.

**340.7 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE**

In the event that an employee tenders a written retirement or resignation prior to the imposition of discipline, it shall be noted in the file.

The tender of a retirement or resignation by itself shall not serve as grounds for the termination of pending discipline.

**340.8 POST SKELLY PROCEDURE**

In situations resulting in the imposition of a suspension, punitive transfer, demotion, termination of a non-probationary employee, the employee shall have the right to an evidentiary appeal of the Chief of Police's imposition of discipline pursuant to the operative Memorandum of Understanding (MOU) and personnel rules.

**340.9 DISCIPLINARY ACTION AGAINST PROBATIONARY EMPLOYEES**

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

(a) Termination of a probationary employee for such failure to pass probation shall be so reflected in the employee's personnel file

(b) In the event that a probationary employee is disciplined or terminated for misconduct, the employee shall only be entitled to appeal the decision in the same manner as set forth in the *Skelly* procedure as set forth above. This appeal process may be held prior to or within a reasonable time after the imposition of discipline

(c) At all times during any investigation of allegations of misconduct involving a probationary officer, such officer shall be afforded all procedural rights set forth in Government Code § 3303 and applicable Department policies

(d) A probationary employee's appeal of disciplinary action shall be limited to an opportunity for the employee to attempt to establish that the underlying allegations should not be sustained. Nothing in this policy or procedure, however, should be construed to establish any sort of property interest in or right to the employee's continuation of employment

(e) The burden of proof for any probationary employee's appeal of disciplinary action shall rest with the employee and will require proof by a preponderance of the evidence
Conduct

(f) In the event that a probationary employee meets his or her burden of proof in such a disciplinary appeal, the Department shall remove all reference to the underlying allegations of misconduct from the employee's personnel file.

(g) In the event that a probationary employee fails to meet his or her burden of proof in such a disciplinary appeal, the employee shall have no further right to appeal beyond the Chief of Police.
Department Technology Use

342.1 PURPOSE AND SCOPE
This policy describes the use of department computers, software and systems.

342.1.1 PRIVACY POLICY
Any employee utilizing any computer, electronic storage device or media, Internet service, phone service, pager service, information conduit, system or other wireless service provided by or funded by the Department expressly acknowledges and agrees that the use of such service, whether for business or personal use, shall remove any expectation of privacy the employee, sender and recipient of any communication utilizing such service might otherwise have, including as to the content of any such communication. The Department also expressly reserves the right to access and audit any and all communications, including content that is sent, received and/or stored through the use of such service.

342.2 DEFINITIONS
The following definitions relate to terms used within this policy:

Computer System - Shall mean all computers (on-site and portable), hardware, software, and resources owned, leased, rented, or licensed by the Turlock Police Department, which are provided for official use by agency employees. This shall include all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the agency or agency funding.

Hardware - Shall include, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

Software - Shall include, but is not limited to, all computer programs and applications including "shareware." This does not include files created by the individual user.

Temporary File or Permanent File or File - Shall mean any electronic document, information or data residing or located, in whole or in part, whether temporarily or permanently, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports or messages.

342.3 SYSTEM INSPECTION OR REVIEW
An employee's supervisor has the express authority to inspect or review the system, any and all temporary or permanent files and related electronic systems or devices, and any contents thereof when such inspection or review is in the ordinary course of his/her supervisory duties, or based on cause.

When requested by an employee's supervisor, or during the course of regular duties requiring such information, a member(s) of the agency's information systems staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the system.
Department Technology Use

Reasons for inspection or review may include, but are not limited to system malfunctions, problems or general system failure, a lawsuit against the agency involving the employee, or related to the employee's duties, an alleged or suspected violation of a department policy, or a need to perform or provide a service when the employee is unavailable.

342.4 AGENCY PROPERTY
All information, data, documents, communications, and other entries initiated on, sent to or from, or accessed on any department computer, or through the department computer system on any other computer, whether downloaded or transferred from the original department computer, shall remain the exclusive property of the Department and shall not be available for personal or non-departmental use without the expressed written authorization of an employee's supervisor.

342.5 UNAUTHORIZED USE OF SOFTWARE
Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. To reduce the risk of computer virus or malicious software infection, employees shall not install any unlicensed or unauthorized software on any department computer. Employees shall not install personal copies of any software onto any department computer. Any files or software that an employee finds necessary to upload onto a department computer or network shall be done so only with the approval of the Division Commander and City IT personnel and only after being properly scanned for malicious attachments.

No employee shall knowingly make, acquire or use unauthorized copies of computer software not licensed to the agency while on agency premises or on an agency computer system. Such unauthorized use of software exposes the agency and involved employees to severe civil and criminal penalties.

342.6 PROHIBITED AND INAPPROPRIATE USE
Access to department technology resources including Internet access provided by or through the Department shall be strictly limited to department-related business activities. Data stored on, or available through department systems shall only be accessed by authorized employees who are engaged in an active investigation, assisting in an active investigation, or who otherwise have a legitimate law enforcement or department business related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

An Internet site containing information that is not appropriate or applicable to departmental use and which shall not be intentionally accessed include, but are not limited to, adult forums, pornography, chat rooms and similar or related Web sites. Certain exceptions may be permitted with the approval of a supervisor as a function of an assignment.

Downloaded information shall be limited to messages, mail and data files, which shall be subject to audit and review by the Department without notice. No copyrighted and/or unlicensed software program files may be downloaded.

Employees shall report any unauthorized access to the system or suspected intrusion from outside sources (including the Internet) to a supervisor.
342.7 PROTECTION OF AGENCY SYSTEMS AND FILES

All employees have a duty to protect the system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the system.

It is expressly prohibited for an employee to allow an unauthorized user to access the system at any time or for any reason.
News Media Relations

346.1 PURPOSE AND SCOPE
This policy provides guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities.

346.1.1 DEFINITIONS
News Media Representative - Shall refer to individuals who are directly employed by agencies of the electronic or print media. Those individuals must carry two forms of identification; one of which must be an employer issued identification showing they are employed with the media agency. The other form of identification shall be government issued identification with a photograph such as a driver's license, identification card, military identification or valid passport.

Press Release - Shall refer to any release of department information, by any employee of this department, to any member of the news media, whether written or verbally provided, shall be considered a press release.

Authorized Members of Media - Shall refer to individuals who have complied with the identification process as defined in "News Media Representative."

Public Information Officer (PIO) - Shall be designated by the Chief of Police and works within the Special Operations Division. However, during a tactical incident or a disaster where the PIO is assigned as the media liaison, they shall report to the incident commander. The PIO serves as the central source of information for release by the department and responds to requests for information from the news media and the community. The PIO is a liaison between the department and the news media.

346.2 RESPONSIBILITIES
The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police, however, in situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Division Commanders, Watch Commanders and designated Public Information Officer(s) may prepare and release information to the media in accordance with this policy and the applicable law.

346.2.1 MEDIA REQUEST
Any calls received by Communications Center personnel regarding press release information dealing with an active scene or situation should be directed to the PIO. If the PIO is not on-duty, the news media should be referred to the Watch Commander or on-duty Supervisor. The Watch Commander or Supervisor shall be immediately notified that the news media is requesting information and they shall respond to those requests as soon as practical.

Any media request for information or access to a law enforcement situation shall be referred to the designated department media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:
News Media Relations

(a) At no time shall any employee of this department make any comment or release any official information to the media without prior approval from a supervisor or the designated department media representative;

(b) In situations involving multiple law enforcement agencies, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this department;

(c) Under no circumstance should any member of this department make any comment(s) to the media regarding any law enforcement incident not involving this department without prior approval of the Chief of Police.

346.3 MEDIA ACCESS

Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall have an employer issued identification clearly visible and prominently displayed on their person at all times while in areas otherwise closed to the public. They shall also have a second form of identification, as defined in Section 346.1.1 - "News Media Representative" and be prepared to show it upon a request by Turlock Police Department employees.

(b) Officers receiving information requests from news media should direct them to the PIO or Watch Commander/Supervisor on-scene.

(c) Media representatives may be prevented from interfering with emergency operations and criminal investigations.

1. Reasonable effort should be made to provide a safe staging area for the media that is near the incident but will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the department PIO or other designated spokesperson.

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (Federal Aviation Regulations § 91.137).

(d) No member of this department shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

(e) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police and the expressed consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the PIO.
346.3.1 PROVIDING ADVANCE INFORMATION
To protect the safety and rights of officers and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the news media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

Any exceptions to the above should only be considered for the furtherance of legitimate law enforcement purposes. Prior to approving any exception the Chief of Police will consider, at minimum, whether the release of information or presence of the media would unreasonably endanger any individual, prejudice the rights of any person or is otherwise prohibited by law.

346.4 SCOPE OF INFORMATION SUBJECT TO RELEASE
The Department will maintain a daily information log of significant law enforcement activities that shall be made available for public viewing via the City's website. This log will generally contain the following information:

(a) The date, time, location, case number, type of crime, and names of individuals (except confidential informants) involved in crimes occurring within this jurisdiction unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(b) The date, time, location, case number, name, age and charges for each person arrested by this department unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation.

(c) The time and location of other significant law enforcement activities or requests for service with a brief summary of the incident subject to the restrictions of this policy and applicable law.

At no time shall identifying information pertaining to a juvenile arrestee, victim or witness be publicly released without prior approval of a competent court.

Information concerning incidents involving certain sex crimes and other offenses set forth in Government Code § 6254(f) shall be restricted in accordance with applicable statutory provisions.

Identifying information concerning deceased individuals shall not be released to the media until notification of next of kin or otherwise cleared through the Coroner's Office.

Any requests for copies of related reports or additional information not contained in this log shall be referred to the designated department media representative, the custodian of records, or if unavailable, to the Watch Commander. Such requests will generally be processed in accordance with the provisions of the Public Records Act (Government Code § 6250, et seq.)

346.4.1 RESTRICTED INFORMATION
It shall be the responsibility of the authorized employee dealing with media requests to ensure that restricted information is not inappropriately released to the media by this department. When in doubt, authorized and available legal counsel should be obtained. Examples of such restricted information include, but are not limited to:

(a) Confidential peace officer personnel information (See Policy Manual § 1026)
1. The identities of officers involved in shootings or other major incidents may only be released to the media pursuant to consent of the involved officer or upon a formal request filed and processed in accordance with the Public Records Act.

(b) Copies of traffic collision reports (except to the involved parties and their authorized representatives) (Vehicle Code § 20012)

(c) Criminal history information

(d) Information that would tend to endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation

(e) Information pertaining to pending litigation involving this department

(f) Information obtained in confidence

(g) Any information that is otherwise privileged or restricted under state or federal law. (Government Code § 6254(k)).
Court Appearance And Subpoenas

348.1 PURPOSE AND SCOPE
This procedure has been established to provide for the acceptance of subpoenas and to ensure that employees appear when subpoenaed, or are available to appear in court when requested and present a professional appearance.

348.1.1 DEFINITIONS
On-Call - When an employee has appeared in court, or is at the time on-duty, and has been told by a member of the court that he/she is free to leave the court or return to duty, subject to being available by phone or pager if called back.

Standby - When an employee receives a subpoena of a type which allows him or her to not appear in court, but remain available by phone or pager so that he or she may be directed to appear in court within a reasonable amount of time.

Trailing Status - When an employee remains on standby status for additional court sessions until notified otherwise.

Mandatory Appearance - Subpoenas marked as mandatory appearance require an employee's physical appearance in the specified court. Failure to timely appear in the specified court, either intentionally or by negligence, may result in disciplinary action.

348.2 COURT SUBPOENAS
Employees who receive subpoenas related to their employment with this department are subject to the provisions of this policy. Employees should be aware that their compliance is mandatory on all cases for which they have been properly subpoenaed, or properly notified. This policy applies to civil and criminal subpoenas. Employees are expected to cooperate with the prosecution to ensure the successful conclusion of a case.

348.2.1 SERVICE OF SUBPOENA
Service of a subpoena requiring the appearance of any department employee in connection with a matter arising out of the employee's course and scope of official duties may be accomplished by personal service on the employee or by delivery of two copies of the subpoena on the employee's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)). Subpoena service is also acceptable by courier or court liaison from the court to this department.

348.2.2 VALID SUBPOENAS
No subpoena shall be accepted for an employee of this department unless it has been properly served and verified to have originated from a recognized legal authority.

348.2.3 ACCEPTANCE OF SUBPOENA
(a) Only the employee named in a subpoena, his/her immediate supervisor or the department subpoena clerk shall be authorized to accept service of a subpoena. (Penal Code § 1328(c)). Any authorized employee accepting a subpoena shall immediately provide a copy of the subpoena to the department subpoena clerk. The
subpoena clerk shall maintain a chronological log of all department subpoenas and provide a copy of the subpoena to each involved employee.

(b) Any supervisor or other authorized individual accepting a subpoena on behalf of another employee shall immediately check available schedules to determine the availability of the named employee for the date listed on the subpoena.

(c) Once a subpoena has been received by a supervisor or other authorized individual, a copy of the subpoena shall be promptly provided to the subpoena clerk as well as a copy to the individually named employee.

348.2.4 REFUSAL OF SUBPOENA

Except where previous arrangements with the issuing court exist, training, vacations and regularly scheduled days off are not valid reasons for refusing a subpoena or missing court. If, due to illness or injury, the named employee is unable to appear in court as directed by a previously served subpoena, he/she shall, at least one hour before the appointed date and time, inform the subpoena clerk or the Watch Commander of his/her absence. It shall then be the responsibility of the subpoena clerk to notify the issuing authority of the employee's unavailability to appear.

If the immediate supervisor or other authorized individual knows that he/she will be unable to deliver a copy of the subpoena to the named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or other authorized individual may refuse to accept service (Penal Code § 1328(d)).

If a subpoena is presented for service to an immediate supervisor or other authorized individual less than five working days prior to the date listed for an appearance and the supervisor or other authorized individual is not reasonably certain that the service can be completed, he/she may refuse to accept service (Penal Code § 1328(e)).

If, after initially accepting service of a subpoena, a supervisor or other authorized individual determines that he/she will be unable to deliver a copy of the subpoena to the individually named employee within sufficient time for the named employee to comply with the subpoena, the supervisor or the subpoena clerk shall notify the server or the attorney named on the subpoena of such not less than 48 hours prior to the date listed for the appearance (Penal Code § 1328(f)).

348.2.5 COURT STANDBY

To facilitate court standby agreements with the courts, employees are required to provide and maintain current information on their address and phone number with the Department. Employees are required to notify the Department within 24 hours of any change in residence address or home phone number, and to provide accurate and reasonably reliable means or methods for contact.

If an employee on standby changes his/her location during the day, the employee shall notify the subpoena clerk of how he/she can be reached by telephone. Employees are required to remain on standby each day the case is trailing. In a criminal case the Deputy District Attorney handling the case is the only person authorized to excuse an employee from standby status.

348.2.6 OFF-DUTY RELATED SUBPOENAS

Employees receiving valid subpoenas for actions taken off-duty not related to their employment with Turlock Police Department shall comply with the requirements of the subpoena. Employees receiving these subpoenas are not compensated for their
Court Appearance And Subpoenas

appearance and arrangements for time off shall be coordinated through their immediate supervisor.

348.2.7 FAILURE TO APPEAR
Any employee who fails to comply with the terms of any valid and properly served subpoena may be subject to discipline as well as court imposed civil and/or criminal sanctions.

348.3 CIVIL SUBPOENAS
The Department will compensate employees who appear in their official capacity on civil matters arising out of the employee's official duties as directed by the current Memorandum of Understanding. In such situations, the Department will also reimburse any officer for reasonable and necessary travel expenses.

The Department will receive reimbursement for the officer's compensation through the civil attorney of record who subpoenaed the officer.

348.3.1 PROCEDURE
To ensure that the officer is able to appear when required, that the officer is compensated for such appearance, and to protect the Department's right to reimbursement, officers shall follow the established procedures for the receipt of a civil subpoena.

348.3.2 CIVIL SUBPOENA ACCEPTANCE
Subpoenas shall not be accepted in a civil action in which the officer or Department is not a party without properly posted fees pursuant to Government Code § 68097.6.

348.3.3 PARTY MUST DEPOSIT FUNDS
The party in the civil action that seeks to subpoena an officer must deposit the statutory fee of $275 (Government Code § 68097.2) for each appearance before such subpoena will be accepted. Parties seeking to have the officer make multiple appearances must make an additional deposit in advance.

348.4 OVERTIME APPEARANCES
If the officer appeared on his/her off-duty time, he/she will be compensated in accordance with the current employee Memorandum of Understanding.

The overtime on such appearance will be paid from the time the officer left his/her residence until he/she returned.

348.5 COURTROOM PROTOCOL
Employees must be punctual when appearing in court and shall be prepared to proceed immediately with the case for which they are subpoenaed.

348.5.1 PREPARATION FOR TESTIMONY
Before the date of testifying, the subpoenaed officer shall request a copy of relevant reports and become familiar with their content in order to be prepared for court.
348.5.2 COURTROOM ATTIRE
Employees shall dress in uniform or business attire. Suitable business attire for men would consist of a coat, tie, and dress pants. Suitable business attire for female employees would consist of a dress jacket, dress blouse, and skirt or slacks.

348.6 COURTHOUSE DECORUM
Employees shall observe all rules of the court in which they are appearing, refrain from smoking or chewing gum in the courtroom, and shall remain alert to changes in the assigned courtroom where their matter is to be heard.

348.7 TESTIFYING AGAINST THE INTEREST OF THE PEOPLE OF THE STATE
Any member or employee who is subpoenaed to testify, who has agreed to testify, or who anticipates testifying or providing information on behalf of or at the request of any party other than the People of the State of California, any county, any city, or any of their officers and employees in which any of those entities are parties, will notify their immediate supervisor without delay. The supervisor will then notify the Chief of Police, District Attorney's Office in criminal cases, County Counsel or City Attorney, as may be indicated by the case.

This includes, but is not limited to the following situations:

(a) Providing testimony or information for the defense in any criminal trial or proceeding;
(b) Providing testimony or information for the plaintiff in a civil proceeding against any county, any city, or their officers and employees; or
(c) Providing testimony or information on behalf of or at the request of any party other than any County, city, or any county or city official in any administrative proceeding, including but not limited to personnel and/or disciplinary matter.
Mutual Aid and Outside Agency Assistance

352.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance to officers in the request of or answering the request for assistance involving another law enforcement agency.

It is the policy of this department to provide assistance whenever possible, consistent with the applicable laws of arrest and detention policies of this department, when another law enforcement agency requests assistance with an arrest or detention of any person. This department may also request an outside agency to provide assistance.

352.1.1 ASSISTING OUTSIDE AGENCIES
Generally, calls for assistance from other agencies are routed to the Watch Commander or Shift Supervisor for approval. When an authorized employee of an outside agency requests the assistance of this department in taking a person into custody, available officers shall respond and assist in making a lawful arrest. If an officer receives a request in the field for assistance, that officer shall notify a supervisor. Arrestees may be temporarily detained by our agency until arrangements for transportation are made by the outside agency. Only in exceptional circumstances will this department provide transportation of arrestees to other county facilities.

When such assistance is rendered, that information shall be documented in CAD, or if appropriate, a case number will be issued to report action taken by Turlock Police Department Personnel. Probation violators temporarily detained by this department will not ordinarily be booked at this department.

352.1.2 REQUESTING ASSISTANCE FROM OUTSIDE AGENCIES
If assistance is needed from another agency, the employee requesting assistance shall first notify a supervisor of his/her intentions. The handling officer or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

The requesting officer or supervisor should secure radio frequencies for use by all involved agencies so that communication can be coordinated as needed. If necessary, reasonable effort should be taken to provide radio equipment capable of communicating on the assigned frequency to any personnel who do not have compatible radios.
Indoor Marijuana Grow and/or Power Diversion

353.1 PURPOSE AND SCOPE
To provide a set of guidelines and considerations to best address the issue of the discovery of a substantial indoor marijuana grow and/or an incident of power diversion.

This policy is not provided as an attempt to guide the investigation of an indoor marijuana grow or power diversion case. It is a guide to best address safety concerns and tend to proper notifications when officers intentionally or inadvertently discover an indoor marijuana grow and/or power diversion case.

353.2 GENERAL INFORMATION
Indoor marijuana grow incidents and power diversion cases have been occurring with increased regularity. Each type of case holds its own set of safety concerns and notification expectations. Specific concerns related to many of these cases include toxic substances, structural damage and fire hazards.

Many times marijuana growers use chemicals or equipment that could be hazardous or flammable. In addition, common issues related to power diversion and power theft cases include structural damage and rewiring issues (fire hazards).

Because of the substantial power draw necessary for most indoor marijuana grow operations, many power diversions occur to offset the cost of the power and to "hide" the irregular power use from the electrical provider (TID). Although many power diversions are attributed to indoor marijuana grows, power diversion may be a safety issue in and of itself.

Specific concerns that must be addressed with these types of cases relate to California Fire Code Sections § 109 (Unlawful Acts), § 110 (Unsafe Buildings), § 112 (Service Utilities), and § 311 (Vacant Premises). To properly evaluate building safety where large quantities of unknown chemicals are in use, or that structural alterations or rewiring/power diversions are suspected, the Fire Marshal shall be notified.

353.3 DEFINITIONS
Indoor Marijuana Grow - This policy has been provided to address substantial marijuana grow operations. "Substantial" is a case by case determination, but should be considered to be more than a few potted plants. The purpose of this policy is to address safety considerations as related to unknown chemicals, structural damage (running equipment through floors or walls), and/or fire hazards (chemical or wiring).

Power Diversion - Power diversion can occur anywhere along the power line, from the TID box to within the walls of the residence or building. Some diversions occur in the ground outside of the house, some tap into neighbors' residences, some occur at the meter, and some within the walls of the buildings (both inside and outside of the residence/building).

353.4 NOTIFICATIONS
If such an incident is discovered, the officer shall:

• Notify his/her supervisor
Indoor Marijuana Grow and/or Power Diversion

- Request Dispatch notify the on-call Fire Administrator
- Request Dispatch notify the TID Power Outages/Electrical Emergencies 24 hour hotline - (209)883-8301
- Whether TNET was called to the scene or not, forward a copy of the report(s) to TNET.
Megan's Law

356.1 PURPOSE AND SCOPE
This policy establishes guidelines by which the Turlock Police Department will address issues associated with certain offenders who are residing in the jurisdiction and how the Department will disseminate information and respond to public inquiries for information about registered sex, arson and drug offenders.

356.2 POLICY
It is the policy of the Turlock Police Department to identify and monitor registered offenders living within this jurisdiction and to take reasonable steps to address the risks those persons may pose.

356.3 REGISTRATION
The Investigations Unit Supervisor shall ensure a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. An investigator assigned to related investigations should review new/initial registrations in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the employee shall ensure that the registration information is provided to the California Department of Justice (DOJ) in accordance with applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq).

The refusal of a registrant to provide any of the required information or complete the process should initiate a criminal investigation for failure to register.

356.3.1 CONTENTS OF REGISTRATION
The information collected from the registering offenders shall include a signed statement as required by the California DOJ, fingerprints and a photograph and any other information required by applicable law (Health and Safety Code § 11594; Penal Code § 457.1; Penal Code § 290 et seq.).

356.4 MONITORING OF REGISTERED OFFENDERS
The Investigation Unit Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

(b) Review of information on the California DOJ website for sex offenders.

(c) Contact with a registrant’s parole or probation officer.

Any discrepancies should be reported to the California DOJ.
Megan’s Law

The Investigation Unit Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Turlock Police Department personnel, including timely updates regarding new or relocated registrants.

356.5 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant's presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. The supervisor should evaluate the request and forward the information to the Chief of Police if warranted. A determination will be made by the Chief of Police, with the assistance of legal counsel as necessary, whether such a public alert should be made.

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Turlock Police Department's website.

The Records Unit may release local registered offender information to residents only in accordance with applicable law (Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1; Health and Safety Code § 11594), and in compliance with a California Public Records Act (Government Code § 6250-6276.48) request.

356.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the Internet website, to be released to a campus community (Penal Code § 290.01(d)):

(a) The offender's full name
(b) The offender's known aliases
(c) The offender's sex
(d) The offender's race
(e) The offender's physical description
(f) The offender’s photograph
(g) The offender's date of birth
(h) Crimes resulting in the registration of the offender under Penal Code § 290
(i) The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code § 290.01(d).

356.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
(b) The information is provided as a public service and may not be current or accurate.
(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
(d) The crime for which a person is convicted may not accurately reflect the level of risk.

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Megan’s Law

(e) Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.

(f) The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code 290.45).
Death Investigation

360.1 PURPOSE AND SCOPE
The investigations of cases involving death include those ranging from natural cause to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appeared to be initially. The thoroughness of death investigations cannot be emphasized enough.

360.2 INVESTIGATION CONSIDERATIONS
Death investigation cases require certain actions be taken. Paramedics shall be called in all suspected death cases unless the death is obvious (decapitated, decomposed, etc.). A supervisor shall be notified in all death investigations.

360.2.1 CORONER REQUEST
Government Code § 27491 and Health & Safety Code § 102850 direct the Coroner to inquire into and determine the circumstances, manner and cause of certain deaths. The Coroner shall be called in any of the following cases:

(a) Unattended deaths (No physician in attendance or during the continued absence of the attending physician. Also, includes all deaths outside hospitals and nursing care facilities.).

(b) Deaths where the deceased has not been attended by either a physician or a registered nurse, who is a member of a hospice care interdisciplinary team, as defined by subdivision (e) of Section 1746 of the Health and Safety Code in the 20 days prior to death.

(c) Physician unable to state the cause of death. Unwillingness does not apply. Includes all sudden, unexpected and unusual deaths and fetal deaths when the underlying cause is unknown.

(d) Known or suspected homicide.

(e) Known or suspected suicide.

(f) Involving any criminal action or suspicion of a criminal act. Includes child and dependent adult negligence and abuse.

(g) Related to or following known or suspected self-induced or criminal abortion.

(h) Associated with a known or alleged rape or crime against nature.

(i) Following an accident or injury (primary or contributory). Deaths known or suspected as resulting (in whole or in part) from or related to accident or injury, either old or recent.

(j) Drowning, fire, hanging, gunshot, stabbing, cutting, starvation, exposure, alcoholism, drug addiction, strangulation or aspiration.

(k) Accidental poisoning (food, chemical, drug, therapeutic agents).

(l) Occupational diseases or occupational hazards.

(m) Known or suspected contagious disease and constituting a public hazard.

(n) All deaths in operating rooms and all deaths where a patient has not fully recovered from an anesthetic, whether in surgery, recovery room or elsewhere.
Death Investigation

(o) In prison or while under sentence. Includes all in-custody and police involved deaths.
(p) All deaths of unidentified persons.
(q) All deaths of state hospital patients.
(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.
(s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

The body shall not be disturbed or moved from the position or place of death without permission of the coroner.

360.2.2 SEARCHING DEAD BODIES

The Coroner or Deputy Coroner is generally the only person permitted to search a body known to be dead from any of the circumstances set forth in Government Code § 27491. The only exception is that an officer is permitted to search the body of a person killed in a traffic collision for the limited purpose of locating an anatomical donor card (Government Code § 27491.3). If such a donor card is located, the Coroner or Deputy Coroner shall be promptly notified. Should exigent circumstances indicate to an officer that any search of a known dead body is warranted prior to the arrival of the Coroner or Deputy Coroner; the investigating officer shall first obtain verbal consent from the Coroner or a designee (Government Code § 27491.2).

Whenever possible, a witness, preferably a relative to the deceased or a member of the household, should be requested to remain at the scene with the officer pending the arrival of the Coroner or a designee. The name and address of this person shall be included in the narrative of the death report. Whenever personal effects are removed from the body of the deceased by the Coroner or designee, a receipt shall be obtained. This receipt shall be attached to the death report.

360.2.3 DEATH NOTIFICATION

When practical, and if not handled by the Coroner’s Office, notification to the next-of-kin of the deceased person shall be made, in person, by the officer assigned to the incident. If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If the relatives live outside this county, the Coroner may be requested to make the notification. The Coroner needs to know if notification has been made. Assigned detectives may need to talk to the next-of-kin.

360.2.4 UNIDENTIFIED DEAD BODIES

If the identity of a dead body cannot be established after the Coroner arrives, the Coroner’s office will issue a “John Doe” or “Jane Doe” number for the report.

360.2.5 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

360.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Division shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.
360.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES
Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone or teletype with all pertinent information (8 CCR 342(b)).
Anti-Reproductive Rights Crimes Reporting

366.1 PURPOSE AND SCOPE
This policy shall establish a procedure for the mandated reporting of Anti-Reproductive Rights Crimes (ARRC) to the Attorney General pursuant to the Reproductive Rights Law Enforcement Act (Penal Code § 13775 et seq.).

366.2 DEFINITIONS
Penal Code § 423.2 provides that the following acts shall be considered Anti-Reproductive Rights Crimes (ARRC) when committed by any person, except a parent or guardian acting towards his or her minor child or ward:

(a) By force, threat of force, or physical obstruction that is a crime of violence, intentionally injures, intimidates, interferes with, or attempts to injure, intimidate, or interfere with any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider, or assistant

(b) By non-violent physical obstruction, intentionally injures, intimidates, or interferes with, or attempts to injure, intimidate, or interfere with, any person or entity because that person or entity is a reproductive health services client, provider, or assistant, or in order to intimidate any person or entity, or any class of persons or entities, from becoming or remaining a reproductive health services client, provider or assistant

(c) Intentionally damages or destroys the property of a person, entity, or facility, or attempts to do so, because the person, entity, or facility is a reproductive health services client, provider, assistant, or facility

366.3 REPORTING REQUIREMENTS TO THE ATTORNEY GENERAL

(a) Upon the receipt of the report of an ARRC, it shall be the responsibility of the employee taking such a report to also complete an ARRC Data Collection Worksheet (BCIA 8371) in accordance with the instructions contained on such forms.

(b) The ARRC Data Collection Worksheet shall be processed with all related reports and forwarded to the Investigation Division Commander.

(c) By the tenth day of each month, it shall be the responsibility of the Investigation Division Commander to ensure that a Summary Worksheet (BCIA 8370) is submitted to the Department of Justice Criminal Justice Statistics Center.

1. In the event that no ARRC(s) were reported during the previous month, a Summary Worksheet shall be submitted to Department of Justice with an indication that no such crimes were reported.

2. Any ARRC(s) reported in the Summary Worksheet shall be accompanied by a copy of the related Data Collection Worksheet(s).
Limited English Proficiency Services

368.1 PURPOSE AND SCOPE
Language barriers can sometimes inhibit or even prohibit individuals with limited English proficiency (LEP) from gaining meaningful access to, or an understanding of important rights, obligations and services. It is therefore the policy of this department to take all reasonable steps to ensure timely and equal access to all individuals, regardless of national origin or primary language (Title VI of the Civil Rights Act of 1964, § 601, 42 USC 2000d).

368.1.1 DEFINITIONS
Definitions related to this policy include:

Authorized interpreter - Any employee who is bilingual and has successfully completed department-prescribed interpreter training and is authorized to act as an interpreter or translator.

Bilingual - The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology. Bilingual includes a variety of skill levels. For example, some bilingual individuals may be fluent enough to engage in direct communications in a non-English language but insufficiently fluent to interpret or translate from one language into another. For example, a bilingual individual, depending on his/her skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the specialized skills necessary to interpret between two languages effectively. In order to be utilized to interpret or translate from one language into another, an individual must possess the skill, training and demonstrated competence to do so. For purposes of this policy, employees, in order to be identified as bilingual, must initially and periodically demonstrate, through a procedure to be established by the Department, their level of skill and competence such that the Department is able to determine the purposes for which an employee’s language skills may be used.

Interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language) while retaining the same meaning.

Limited English Proficient (LEP) - Designates individuals whose primary language is not English and who have a limited ability to read, write, speak or understand English. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: An individual may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

Translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

368.2 FOUR FACTOR ANALYSIS
Since there are potentially hundreds of languages department personnel could encounter, the Department will utilize the four-factor analysis outlined in the Department of Justice LEP Guidance to Federal Financial Assistance Recipients available at the DOJ website in determining which measures will provide reasonable and meaningful access to
Limited English Proficiency Services

various rights, obligations, services and programs to everyone. It is recognized that law
enforcement contacts and circumstances will vary considerably. This analysis therefore,
must remain flexible and requires an ongoing balance of the following four factors:

(a) The number or proportion of LEP individuals eligible to be served or likely to be
encountered by department personnel or who may benefit from programs or services
within the Department's jurisdiction or a particular geographic area.
(b) The frequency with which LEP individuals are likely to come in contact with department
personnel, programs or services.
(c) The nature and importance of the contact, program, information or service provided.
(d) The cost of providing LEP assistance and the resources available.

As indicated above, the intent of this analysis is to provide a balance that reasonably
ensures meaningful access by LEP individuals to critical services while not imposing
undue burdens on the Department its personnel.

While this department will not discriminate against or deny any individual access to services,
rights or programs based upon national origin or any other protected interest or right, the
above analysis will be utilized to determine the availability and level of assistance provided
to any LEP individual or group.

368.2.1 IDENTIFICATION OF LEP INDIVIDUAL'S LANGUAGE
The Department will utilize all reasonably available tools, such as language identification
cards, when attempting to determine an LEP individual's primary language in an effort to
avoid misidentifying that language.

368.3 TYPES OF LEP ASSISTANCE AVAILABLE
Depending on the balance of the above four factors, this department will make every
reasonable effort to provide meaningful and timely assistance to LEP individuals through
a variety of services, where available. LEP individuals may elect to accept interpreter
services offered by the Department at no cost or choose to provide their own interpreter
services at their own expense. Department personnel should document in any related
report whether the LEP individual elected to use interpreter services provided by the
Department or some other source. Department-provided interpreter services may include,
but are not limited to, the assistance methods described in this section.

368.3.1 BILINGUAL PERSONNEL
Personnel utilized for LEP services need not be certified as interpreters, but must have
demonstrated, through established department procedures, a level of competence to
ascertain whether his/her language skills are best suited to monolingual communications,
interpretation, translation, or all or none of these functions.

All personnel used for communication with LEP individuals must demonstrate knowledge
of the functions of an interpreter and the ethical issues involved when acting as a language
conduit. In addition, employees who serve as interpreters and/or translators must have
demonstrated competence in both English and the non-English language. When bilingual
personnel from this department are not available, personnel from other city departments
who have the requisite training may be requested.
Limited English Proficiency Services

368.3.2 WRITTEN FORMS AND GUIDELINES
This department will determine the most frequently used and critical forms and guidelines and translate these documents into the languages most likely to be requested. The Department will arrange to make these translated forms available to department personnel and other appropriate individuals.

368.3.3 AUDIO RECORDINGS
The Department may develop audio recordings of information that is either important to or frequently requested by LEP individuals for broadcast in a language most likely to be understood by involved LEP individuals.

368.3.4 TELEPHONE INTERPRETER SERVICES
The Communications Unit will maintain a list of qualified interpreter services. These services shall be available, with the approval of a supervisor, to assist department personnel in communicating with LEP individuals via official cellular telephones.

368.3.5 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF INTERPRETATION
Where competent bilingual departmental personnel or other City-certified staff are unavailable to assist, responsible members of the community who have demonstrated competence in either monolingual (direct) communication and/or in interpretation and translation (as noted in above) may be called upon to assist in communication efforts. Sources for these individuals may include neighboring police departments, university languages and linguistics departments, local businesses, banks, churches, neighborhood leaders and school officials. Department personnel should ensure that community members are able to provide unbiased assistance. The nature of the contact and relationship between the LEP individual and the individual offering services must be carefully considered (e.g., victim/suspect).

Except for exigent or very informal and non-confrontational circumstances, the use of an LEP individual's bilingual friends or family members, particularly children, are generally not recommended and department personnel shall make case-by-case determinations on the appropriateness of using such individuals (for further guidance see: Section V(3) of the DOJ Final Guidance available at the DOJ website).

368.4 LEP CONTACT SITUATIONS AND REPORTING
While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize language services so that they may be targeted where they are most needed.

Whenever any member of this department is required to complete a report or when other documentation and interpretation or translation services are provided to any involved LEP individual, such services should be noted in the related report.

368.4.1 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, this department has designated its 9-1-1 lines as its top priority for language services. Department personnel will make every reasonable effort to promptly accommodate such LEP individuals utilizing 9-1-1 lines through any or all of the above resources.
368.4.2 EMERGENCY CALLS TO 9-1-1
When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker should quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in 911 Communications center, the call-taker should immediately connect the LEP caller to the interpreter.

If an appropriate authorized interpreter is not available, the call-taker will promptly connect the LEP caller to the contracted telephonic interpretation service directly for assistance in completing the call. Dispatchers will make every reasonable effort to dispatch a bilingual officer to the assignment, if available.

The Turlock Police Department will take reasonable steps and will work with the Department of Human Resources to hire and develop in-house language capacity in 911 Communications center by hiring qualified personnel with specific language skills.

368.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS
Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Department personnel must assess each situation to determine the need and availability for translation services to all involved LEP individuals and utilize the methods outlined in § 368.3 to provide appropriate language assistance.

Although not every situation can be addressed in this policy, it is important that department personnel 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 an LEP individual. It would, for example, be meaningless to request consent to search if the person requesting is unable to effectively communicate with an LEP individual.

368.4.4 INVESTIGATIVE INTERVIEWS
In any situation where the translation of an interview may contain information that might be used in a criminal trial, it is important to take certain steps to improve the chances of admissibility. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

Any person selected as an interpreter and/or translator must have demonstrated competence in both English and the non-English language involved and knowledge of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the case. The person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation to the court.
368.4.5 CUSTODIAL INTERROGATIONS AND BOOKINGS
In an effort to ensure the rights of LEP individuals are protected during arrest and custodial interrogation, this department places a high priority on providing competent interpretation during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing interpretation services or translated forms in these situations will have demonstrated competence in interpretation/translation and make every reasonable effort to accurately interpret/translate all communications with LEP individuals.

In order to ensure that translations during criminal investigations are documented accurately and admissible as evidence, audio recordings of interrogations, victim interviews and witness interviews should be used whenever reasonably possible.

Employees providing interpretation or translation 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 personnel. 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, or the need to segregate the arrestee from other prisoners, therefore it is important for members of this department to make every reasonable effort to provide effective language services in these situations.

368.4.6 COMPLAINTS
The Department shall ensure access to LEP persons who wish to file a complaint regarding the discharge of department duties. The Department may do so by providing interpretation assistance or translated forms to such individuals. If the Department responds to complaints filed by LEP individuals, the Department shall attempt to communicate its response in an accessible manner.

368.4.7 COMMUNITY OUTREACH
Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this 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.

368.5 TRAINING
In an effort to ensure that all personnel in public contact positions (or having contact with those in custody) are properly trained, the Department will provide periodic training to personnel about LEP policies and procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

The Training Manager shall be responsible for ensuring all new personnel receive LEP training and that all personnel receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, with a copy in each member's training file, in accordance with established records retention schedules.
368.6 INTERPRETERS AND TRANSLATORS
Personnel called upon to interpret, translate, or provide other language assistance, are required to have their language skills competency (including specialized terminology) and ethical considerations certified by the department prior to being utilized.

(a) Assessment: The personnel identified as bilingual who are willing to act as authorized interpreters will have their language skills assessed by a professional interpreter using a structured assessment tool established by the Training Manager. Those personnel found proficient in interpreting into and from the target language will be placed conditionally on the Authorized Interpreters List.

The LEP Coordinator will ensure that the Authorized Interpreters List is kept current and a copy of the current list is forwarded to 911 Communications center.

368.7 SUPPLEMENTAL MATERIALS PROVIDED TO DEPARTMENT EMPLOYEES
The following materials will be made available to employees to assist in providing access and service to LEP individuals:

(a) A list of departmental bilingual employees, languages spoken and contact and shift information

(b) A list of department-certified interpretation services, bilingual interpreters, languages spoken and contact and availability information

(c) The telephone number and access code of telephonic interpretation services

(d) Language identification cards

(e) Translated Miranda warning cards and other frequently used documents

(f) Audio recordings/warnings that are developed in non-English languages

368.8 MONITORING AND UPDATING LANGUAGE ASSISTANCE EFFORTS

368.8.1 LEP COORDINATOR
The Chief of Police will appoint an LEP Coordinator who is responsible for coordinating and implementing all aspects of the Turlock Police Department LEP services to LEP individuals.

The LEP Coordinator shall assess demographic data, review contracted language access services utilization data, and consult with community-based organizations annually in order to determine if there are additional languages into which vital documents should be translated.

The LEP Coordinator will also be responsible for annually reviewing all new documents issued by the Turlock Police Department to assess whether they should be considered vital documents and be translated.
Hearing Impaired/Disabled Communications

370.1 PURPOSE AND SCOPE
Individuals who suffer from deafness, hearing impairment, blindness, impaired vision, mental or other disabilities may encounter difficulties in gaining meaningful access to, or an understanding of important rights, obligations and services. In accordance with the Americans with Disabilities Act (ADA) and Civil Code § 54.1, it is therefore the policy of this department to take all reasonable steps to accommodate such individuals in any law enforcement contact.

370.2 FACTORS TO CONSIDER
Because the nature of any law enforcement contact may vary substantially from one situation to the next, employees of this department 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:

(a) The extent to which a disability is obvious or otherwise made known to the involved employee. Impaired or disabled individuals may be reluctant to acknowledge their condition and may even feign a complete understanding of a communication despite actual confusion.

(b) The nature of the disability (e.g., total deafness or blindness vs. impairment)

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact, etc.)

(d) Availability of resources to aid in communication

When considering these and other available information, the involved employee(s) should carefully balance all factors in an effort to reasonably ensure meaningful access by individuals suffering from apparent disabilities to critical services while not imposing undue burdens on the Department or its officers.

370.2.1 INITIAL AND IMMEDIATE CONSIDERATIONS
Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, department employees should remain alert to the possibility of communication problems and exercise special care in the use of all gestures, and verbal and written communication in an effort to minimize initial confusion and misunderstanding when dealing with any individual(s) with known or suspected disabilities or communication impairments.

370.3 TYPES OF ASSISTANCE AVAILABLE
Depending on the balance of the factors available for consideration at the time, this department will make every reasonable effort to provide meaningful and timely assistance to disabled individuals through a variety of services, where available. Disabled individuals may elect to accept such assistance at no cost, choose to provide their own communication services at their own expense or any combination thereof. In any situation, the individual's expressed choice of communication method shall be given primary consideration and
**Hearing Impaired/Disabled Communications**

honored unless the employee can adequately demonstrate that another effective method of communication exists under the circumstances.

Officers should document the type of communication utilized in any related report and whether a disabled or impaired individual elected to use services provided by the Department or some other identified source. Department provided services may include, but are not limited to the following:

**370.3.1 FIELD RESOURCES**
Individual officers and employees are encouraged to utilize resources immediately available to them in any contact with a known or suspected disabled or impaired person. Examples of this would include such simple methods as:

(a) Hand gestures or written communications exchanged between the employee and a deaf or hearing impaired individual
(b) Facing an individual utilizing lip reading and speaking slowly and clearly
(c) Slowly and clearly speaking or reading simple terms to any visually or mentally impaired individual

**370.3.2 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, employees may elect to read aloud a Department form or document such as a citizen complaint form to a visually impaired individual or utilize a photocopier to enlarge printed forms for a visually impaired individual.

**370.3.3 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 this department.

**370.3.4 COMMUNITY VOLUNTEERS**
Depending on the circumstances, location and availability, responsible members of the community may be available to provide qualified interpreter services, such as 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 developed by individual officers, the Department will attempt to maintain and update a list of qualified community volunteers who may be available to respond within a reasonable time.

**370.3.5 FAMILY AND FRIENDS OF DISABLED OR IMPAIRED INDIVIDUAL**
While family and friends of a disabled or impaired individual may frequently offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in emergency or critical situations. Further, the nature of the contact and relationship between the disabled individual and the individual offering services must be carefully considered (e.g., victim/suspect).
370.4 CONTACT SITUATIONS AND REPORTING
While all contacts, services, and individual rights are important, this department will carefully consider reasonably available information in an effort to prioritize services to disabled and impaired individuals so that such services and resources may be targeted where most needed because of the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is otherwise 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.

370.4.1 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE
In order to provide disabled and impaired individuals with meaningful access to law enforcement services when they are victims of, or witnesses to, alleged criminal activity or other emergencies, this department has designated its 911 lines as its top priority for assistance with such services. Department personnel will make every reasonable effort to promptly accommodate such disabled and impaired individuals utilizing 911 lines through any or all of the above 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 from this department.

370.4.2 CUSTODIAL INTERROGATIONS AND BOOKINGS
In an effort to ensure the rights of all disabled and impaired individuals are protected during arrest and custodial interrogation, this department places a high priority on providing reasonable communication assistance during such situations. It is further recognized that miscommunication during custodial interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. As such, department personnel providing communication assistance in these situations will make every reasonable effort to accurately and effectively communicate with disabled or impaired individuals.

Employees providing such 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 personnel. 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 for this department to make every reasonable effort to provide effective communication assistance in these situations.

(a) Individuals who require communication aids (e.g., hearing aids) should be permitted to retain such devices while in custody.

(b) While it may present officer safety or other logistical problems to allow a physically disabled individual to retain devices such as a wheel chair 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.

(c) Whenever a deaf or hearing impaired individual is detained or arrested and placed in handcuffs, officers should consider, safety permitting, placing the handcuffs in front of the body in order to allow the individual to sign or write notes.
370.4.3 FIELD ENFORCEMENT AND INVESTIGATIONS
Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts which may involve disabled or impaired individuals. The scope and nature of these activities and contacts will inevitably vary, therefore the Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every officer in the field. Each officer and/or supervisor must, however, assess each such situation to determine the need and availability for communication assistance to any and all involved disabled or impaired individuals.

Although not every situation can be addressed within this policy, it is important that employees 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. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with a deaf individual.

370.4.4 COMMUNITY OUTREACH
Community outreach programs and other such services offered by this department have become increasingly recognized as important to the ultimate success of more traditional law enforcement duties. As such, this department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services to disabled individuals and groups.

370.5 TRAINING
In an effort to ensure that all employees in public contact positions (or having contact with those in custody) are properly trained, this department will provide periodic training in the following areas:

(a) Employee awareness of related policies, procedures, forms and available resources
(b) Employees having contact with the public (or those in our custody) are trained to work effectively with in-person and telephone interpreters and related equipment
(c) Training for management staff, even if they may not interact regularly with disabled individuals, in order that they remain fully aware of, and understand this policy, so they can reinforce its importance and ensure its implementation by staff
Biological Samples

374.1 PURPOSE AND SCOPE
This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction or arrest for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from a person in conjunction with a criminal investigation. Nor does it apply to biological samples from those required to register, for example, sex offenders.

374.2 POLICY
The Turlock Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state and with as little reliance on force as practicable.

374.3 PERSONS SUBJECT TO DNA COLLECTION
Those who must submit a biological sample include (Penal Code § 296):

(a) A person, including a juvenile, upon conviction or other adjudication of any felony offense.

(b) A person, including a juvenile, upon conviction or other adjudication of any offense if the person has a prior felony on record.

(c) An adult arrested or charged with any felony.

374.4 PROCEDURE
When an individual is required to provide a biological sample, a trained employee shall obtain the sample in accordance with this policy.

374.4.1 COLLECTION
The following steps should be taken to collect a sample:

(a) Verify that the individual is required to provide a sample pursuant to Penal Code § 296; Penal Code § 296.1.

(b) Verify that a biological sample has not been previously collected from the offender by querying the individual's criminal history record for a DNA collection flag or, during regular business hours, calling the California Department of Justice (DOJ) designated DNA laboratory. There is no need to obtain a biological sample if one has been previously obtained.

(c) Use a DNA buccal swab collection kit provided by the California DOJ to perform the collection and take steps to avoid cross contamination.

374.5 USE OF FORCE TO OBTAIN SAMPLES
If a person refuses to cooperate with the sample collection process, officers should attempt to identify the reason for refusal and seek voluntary compliance without resorting to using force. Force will not be used in the collection of samples except as authorized by court order and only with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

(a) The person's parole or probation officer when applicable.
Biological Samples

(b) The prosecuting attorney to seek additional charges against the person for failure to comply or to otherwise bring the refusal before a judge.

(c) The judge at the person's next court appearance.

(d) The person's attorney.

(e) A chaplain.

(f) Another custody facility with additional resources, where an arrestee can be transferred to better facilitate sample collection.

(g) A supervisor who may be able to authorize custodial disciplinary actions to compel compliance, if any are available.

The supervisor shall review and approve any plan to use force and be present to document the process.

374.5.1 VIDEO RECORDING
A video recording should be made anytime force is used to obtain a biological sample. The recording should document all staff participating in the process, in addition to the methods and all force used during the collection. The recording should be part of the investigation file, if any, or otherwise retained in accordance with the department's records retention schedule (15 CCR § 1059).

374.5.2 CELL EXTRACTIONS
If the use of force includes a cell extraction, the extraction shall be video recorded, including audio. Video shall be directed at the cell extraction event. The video recording shall be retained by the Department for the length of time required by statute. Notwithstanding the use of the video as evidence in a criminal proceeding, the tape shall be retained administratively (15 CCR § 1059).

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

374.6.1 DOCUMENTATION RELATED TO FORCE
Supervisors shall prepare prior written authorization for the use of any force (15 CCR § 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample or impression and refused, as well as the related court order authorizing the force.

374.6.2 BLOOD SAMPLES
A blood sample should only be obtained under this policy when:

(a) The California DOJ requests a blood sample and the subject consents, or

(b) A court orders a blood sample following a refusal.

The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).
374.6.3 LITIGATION
The Chief of Police or authorized designee should notify the California DOJ's DNA Legal Unit in the event this department is named in a lawsuit involving the DNA Data Bank sample collection, sample use or any aspect of the state's DNA Data Bank Program.
Chaplains

376.1 PURPOSE AND SCOPE
The Turlock Police Department Chaplain Program is established for the purposes of providing spiritual and emotional support to all members of the Department, their families and members of the public.

376.2 POLICY
It is the policy of this department that the Chaplain Program shall be a non-denominational, ecumenical ministry provided by:

(a) Contracting with a Chaplain Program, or
(b) Volunteer clergy without financial compensation.

376.3 GOALS
Members of the Chaplain Program shall fulfill the program's purpose in the following manner:

(a) By serving as a resource for department personnel when dealing with the public in such incidents as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse, and other such situations that may arise.
(b) By providing an additional link between the community, other chaplain programs and the Department.
(c) By providing counseling, spiritual guidance and insight for department personnel and their families.
(d) By being alert to the spiritual and emotional needs of department personnel and their families.
(e) By familiarizing themselves with the role of law enforcement in the community.

376.4 REQUIREMENTS
Candidates for the Chaplain Program shall meet the following requirements:

(a) Must be above reproach, temperate, prudent, respectable, hospitable, able to teach, not be addicted to alcohol or other drugs, not contentious, and free from excessive debt. Must manage their household, family, and personal affairs well. Must have a good reputation with those outside the church.
(b) Must be ecclesiastically certified and/or endorsed, ordained, licensed, or commissioned by a recognized religious body.
(c) Must successfully complete an appropriate level background investigation.
(d) Must have at least five years of successful ministry experience within a recognized church or religious denomination.
(e) Membership in good standing with the International Conference of Police Chaplains (ICPC).
(f) Possess a valid California Drivers License.
376.5  **SELECTION PROCESS**
If the Chaplain is being contracted through a Chaplain Program, candidates shall meet all of the requirements outlined in that Program.

If the Chaplain is volunteering his/her service to the Police Department, candidates are encouraged to participate in the ride-along program before and during the selection process. Chaplain candidates shall successfully complete the following process prior to deployment as a chaplain:

(a)  Appropriate written application.
(b)  Recommendation from their church elders, board, or council.
(c)  Interview with Chief of Police & Chaplain Supervisor
(d)  Successfully complete an appropriate level background investigation.
(e)  Complete an appropriate probationary period as designated by the Chief of Police.

376.6  **DUTIES AND RESPONSIBILITIES**
The duties of a chaplain include, but are not limited to, the following:

(a)  Assisting in making notification to families of department members who have been seriously injured or killed.
(b)  After notification, responding to the hospital or home of the department member.
(c)  Visiting sick or injured law enforcement personnel in the hospital or at home.
(d)  Attending and participating, when requested, in funerals of active or retired members of the Department.
(e)  Assisting sworn personnel in the diffusion of a conflict or incident, when requested.
(f)  Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the Department’s mission.
(g)  Being on-call and if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department personnel.
(h)  Counseling officers and other personnel with personal problems, when requested.
(i)  Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.
(j)  Being responsible for the organization and development of spiritual organizations in the Department.
(k)  Responding to all major disasters such as earthquakes, bombings and similar critical incidents.
(l)  Providing liaison with various religious leaders of the community.
(m)  Assisting public safety personnel and the community in any other function of the clergy profession, as requested.
(n)  Participating in in-service training classes.
(o)  Willing to train to enhance effectiveness.
(p)  Promptly facilitating requests for representatives or ministers of various denominations.
(q)  Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.
Chaplains

Chaplains may not proselytize or attempt to recruit members of the department or the public into a religious affiliation while on-duty unless the receiving person has solicited spiritual guidance or teaching. If there is any question as to the receiving person's intent, chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion.

376.6.1 OTHER RESPONSIBILITIES
(a) Participate in in-service training classes.
(b) Be willing to enter into training courses to enhance their effectiveness.
(c) Assist in contacting the assisted person's personal clergyperson as soon as possible.
(d) Should a person request a representative/minister of a specific denomination other than a department chaplain, the on-scene chaplain will contact the appropriate clergy as requested.
(e) Make referrals in cases where specialized attention is needed, or in those cases that are beyond the chaplain's ability to assist.
(f) Chaplains may not accept gratuities offered for their services or follow-up contacts while functioning as a chaplain for the Turlock Police Department.

376.7 CLERGY-PENITENT CONFIDENTIALITY
Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent privilege and shall inform department members when it appears reasonably likely that the member is discussing matters that are not subject to the clergy-penitent privilege. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

376.8 COMMAND STRUCTURE
Under the general direction of the Chief of Police, chaplains shall report to the Field Operations Commander or his/her designee.

376.9 OPERATIONAL GUIDELINES
(a) Generally, each chaplain will serve with Turlock Police Department personnel a minimum of eight hours per month.
(b) Chaplains shall be permitted to ride with officers during any shift and observe Turlock Police Department operations, provided the Watch Commander has been notified and approved of the activity.
(c) Chaplains shall not be evaluators of employees and shall not be required to report on an employee's performance or conduct.
(d) In responding to incidents, a chaplain shall never function as an officer.
(e) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.
(f) Chaplains shall serve only within the jurisdiction of the Turlock Police Department unless otherwise authorized by the Chief of Police or his/her designee.
(g) Each chaplain shall have access to current personnel rosters, addresses, telephone numbers, duty assignments and other information that may assist in their duties. Such Information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the information.
376.9.1 UNIFORMS AND BADGES
A distinct uniform, badge and necessary safety equipment will be provided for the Chaplains. This uniform may be similar to that worn by the personnel of this department.
Critical Incident Stress Management Team

377.1 PURPOSE AND SCOPE
To facilitate defusing and debriefings and one-on-one/peer support following a critical incident; to provide stress management techniques; to help minimize the harmful effects of job related stress as a result of involvement in a crisis or emergency; and, to provide peer interactive crisis intervention and relief.

377.2 CRITICAL INCIDENT
Mental health professionals define a Critical Incident as any situation faced by emergency services personnel that causes them to experience unusually strong emotional reactions which have the potential to interfere with their ability to function properly at work or off duty.

Critical incidents may involve circumstances so unusual or sights and sounds so distressing as to produce a high level of emotional reaction. Examples might include severe injury or death of a child, injury or death of a co-worker, sheer numbers of injured or dead, or a life-threatening situation.

377.3 OVERSIGHT
Management of the Critical Incident Stress Management Team (CISMT) is delegated to the CISMT Manager/Lieutenant. Supervision may subsequently be delegated to other trained members of the team as needed to facilitate necessary functions of the unit.

377.4 TEAM ACTIVATION
Any employee may request the response of the Team by contacting his or her supervisor or the Lieutenant assigned management oversight of CISMT. When the CISMT is requested, an incident leader will be designated. An incident leader is a CISMT member designated and trained to facilitate the action of critical incident stress management. He or she will contact the Watch Commander, advise them of the request for CISMT services, request the necessary incident information and evaluate the Team's response. Team members will be activated as dictated by the incident at hand and the incident leader's evaluation of that incident.

The following information, if it can be obtained, will assist the Team member(s) in determining the appropriate response:

(a) Type of incident.
(b) Location of incident.
(c) Number/type of personnel involved.
(d) Outside agencies involved (i.e., Fire, ambulance, allied agencies)
(e) Time of the incident and amount of time the individuals spent on scene.

377.5 CISM SERVICES
(a) On Site Evaluation The CISM members' function is to observe and advise of any signs of acute stress reactions in the personnel immediately involved in the critical
Participation

deliberate investigation, It potential resulting (listed fiscal

If 377.7 All 377.6

Critical to feelings (d)

(a)

(b)

(c)

(d)

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Critical Incident Stress Management Team

incident. Team members offer encouragement and support, check on the well being of personnel, and allow for expression of feelings and reactions as needed.

(b) On Scene Support Services CISM members can provide one-to-one peer counseling and provide education on topics of stress management and support.

(c) Defusing A defusing is an informal process that encourages expression of feelings without critiquing the incident. It generally takes place during or within several hours of a critical incident and will be facilitated by CISMT members. Defusing offers information and support while allowing for expression of potential unexpressed feelings. The defusing is used to stabilize personnel to better cope with the return to service or end of watch. Defusing is also used to evaluate a need for a debriefing.

(d) Debriefing Debriefings are peer-driven, structured group meetings with a CISM-trained mental health professional in attendance. Debriefings are usually held from 72 hours to one week after the incident.

Debriefings are a non-evaluative discussion of the involvement, thoughts, reactions and feelings of personnel resulting from an incident. It serves to mitigate the stress impact resulting from exposure to a critical incident. It also offers education regarding stress and potential stress related symptoms, as well as methods to deal with the symptoms.

It is not the purpose of peer support to discuss anything that would jeopardize an investigation, cause an employee to be disciplined, or cause an employee to admit deliberate violations of the policies or procedures of the Police Department.

Participation is voluntary, however it is encouraged. Even if the person chooses to say nothing, their attendance may help a fellow employee.

377.6 TRAINING

All CISM members shall complete the Basic CISM Course within one year of appointment to the Team. Advanced CISM training shall be completed as time, personnel needs and fiscal resources allows.

377.7 ACTIVATION PROCEDURE

A CISMT call-out may be made under the following circumstances:

(a) Death, severe abuse or severe injury of a baby or child,

(b) Death or severe injury of an officer or co-worker,

(c) Death or severe injury of an officer in a neighboring jurisdiction,

(d) Survival of a serious life-threatening incident,

(e) Incident involving a large number of seriously injured people.

(f) Any critical incident or event that impacts Department personnel and intervention is likely to be effective in ameliorating a stress response.

If any of the above applies, call out the CISMT Lieutenant or the on call CISMT member (listed on the status board in the WC’s area).
**Witness Transportation During Investigations**

**379.1 PURPOSE AND SCOPE**
To provide a consistent and lawful means by which witnesses, suspects, and citizens may be transported to offsite locations during the course of an investigation; for both Patrol and Investigations Personnel.

**379.2 PROCESS**
Officers/Investigators intervene in a variety of urgent and unpredictable situations. During those situations, officers/investigators many times act in an assertive manner to keep or restore the peace. A strong command presence can be essential to the safety of the general public, suspect(s), and officers.

Officers/Investigators must be aware that persons involved in charged situations may not understand their status (i.e. suspect, witness, etc.). This policy has been established to provide guidelines and procedures by which officers/investigators will utilize when transporting persons during an incident.

**379.3 PROCEDURE**
Once a scene is stabilized, the case officer/investigator or his/her designee will make every reasonable effort to determine the status of every detained person as to whether they are:

(a) Under Arrest - Probable cause exists to arrest the person for a crime
(b) Detained - Reasonable suspicion exists to believe the person may be involved in criminal activity, further investigation is needed, and no arrest has been made
(c) Witness - The person is only a witness to the event. Once a person is declared as a witness, they should be released from any restraints and should be advised that they are viewed only a witness to the incident

Any officer/investigator asking for transportation of an individual must communicate the status of the person, whether that person is under arrest, detained, or a witness. The transporting officer will not transport any individual from a scene without a clear understanding of the status of that individual. Transporting officers/investigators will follow proper officer safety protocols.

**379.3.1 TRANSPORTATION OF WITNESSES**
If an officer/investigator determines that a witness needs to be transported off-site to obtain a statement or enhance an investigation, the officer/investigator:

(a) Must obtain the witness' consent (either verbal or written) prior to the transportation
(b) If the consent is verbal, the witness’ consent should be audio recorded
(c) If the consent is written, the witness shall sign a "Consent to Transportation and Voluntary Statement Declaration" prior to the transportation
(d) The witness advisement will clearly state that the witness does not have to go with the officer/investigator, that he/she is not under arrest, and that he/she is free to leave at any time

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(e) A witness may refuse to cooperate with an investigation at any time and can not be forced to be transported against his/her will

(f) If the witness is a child (under age 16), officers/investigators should make reasonable efforts to notify and obtain consent of a parent or legal guardian for the transportation and/or taking of the child's statement; unless such notification would interfere or jeopardize the ongoing investigation

A temporary command post may be established in the immediate vicinity of an investigation and used for the purpose of taking statements. If such a command post is used, officers/investigators must follow the declaration and transportation requirements of this policy.

379.3.2 DOCUMENTATION
The transportation shall be documented in the investigative report.
Volunteers in Police Service Program

381.1 PURPOSE AND SCOPE
It is the policy of this department to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Department and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, sworn officers and civilian personnel. Volunteers can be an important part of any organization and are proven to be a valuable asset to law enforcement agencies. Volunteers help to increase departmental responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Department and prompt new enthusiasm.

381.2 POLICE VOLUNTEER MANUAL
The Turlock Police Department's Volunteer Manual has been developed to outline the complete description of the duties and responsibilities of the Volunteers In Police Service (VIPS) program. Employees of this department shall refer and comply with that manual for matters related to VIPS procedures.

381.2.1 REVIEW AND UPDATE OF VOLUNTEER MANUAL
The Division Commander having management oversight of the VIPS program shall direct an annual review and update of the manual. Changes and updates shall be authorized through approval of the Chief of Police or his/her designee.

381.2.2 VOLUNTEER MANUAL LOCATIONS
A paper copy of the Volunteer Manual will be maintained in the Field Operations Division in a location readily accessible by employees. Additionally, each employee will have access to an electronic version of the manual that will be located on department computers.
Off-Duty Law Enforcement Actions

386.1 PURPOSE AND SCOPE
The decision to become involved in a law enforcement action when off-duty can place an officer as well as others at great risk and must be done with careful consideration. This policy is intended to provide guidelines for officers of the Turlock Police Department with respect to taking law enforcement action while off-duty.

386.2 POLICY
Initiating law enforcement action while off-duty is generally discouraged. Officers should not attempt to initiate enforcement action when witnessing minor crimes, such as suspected intoxicated drivers, reckless driving or minor property crimes. Such incidents should be promptly reported to the appropriate law enforcement agency.

Officers are not expected to place themselves in unreasonable peril. However, any sworn member of this department who becomes aware of an incident or circumstance that he/she reasonably believes poses an imminent threat of serious bodily injury or death, or significant property damage may take reasonable action to minimize the threat.

When public safety or the prevention of major property damage requires immediate action, officers should first consider reporting and monitoring the activity and only take direct action as a last resort.

386.3 FIREARMS
Officers of this department may carry firearms while off-duty in accordance with federal regulations and department policy. All firearms and ammunition must meet guidelines as described in the department Firearms and Qualification Policy. When carrying firearms while off-duty officers shall also carry their department-issued badge and identification.

Officers should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any officer who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the officer’s senses or judgment.

386.4 DECISION TO INTERVENE
There is no legal requirement for off-duty officers to take law enforcement action. However, should officers decide to intervene, they must evaluate whether the action is necessary or desirable, and should take into consideration the following:

(a) The tactical disadvantage of being alone and the fact there may be multiple or hidden suspects.

(b) The inability to communicate with responding units.

(c) The lack of equipment, such as handcuffs, OC or baton.

(d) The lack of cover.

(e) The potential for increased risk to bystanders if the off-duty officer were to intervene.

(f) Unfamiliarity with the surroundings.
Off-Duty Law Enforcement Actions

(g) The potential for the off-duty officer to be misidentified by other peace officers or members of the public.

Officers should consider waiting for on-duty uniformed officers to arrive, and gather as much accurate intelligence as possible instead of immediately intervening.

386.4.1 INTERVENTION PROCEDURE
If involvement is reasonably necessary the officer should attempt to call or have someone else call 9-1-1 to request immediate assistance. The dispatcher should be informed that an off-duty officer is on-scene and should be provided a description of the officer if possible.

Whenever practicable, the officer should loudly and repeatedly identify him/herself as an Turlock Police Department officer until acknowledged. Official identification should also be displayed.

386.4.2 INCIDENTS OF PERSONAL INTEREST
Officers should refrain from handling incidents of personal interest, (e.g., family or neighbor disputes) and should remain neutral. In such circumstances officers should call the responsible agency to handle the matter.

386.4.3 NON-SWORN RESPONSIBILITIES
Non-sworn personnel should not become involved in any law enforcement actions while off-duty except to notify the local law enforcement authority and remain at the scene, if safe and practicable.

386.4.4 OTHER CONSIDERATIONS
When encountering a non-uniformed officer in public, uniformed officers should wait for acknowledgement by the non-uniformed officer in case he/she needs to maintain an undercover capability.

386.5 REPORTING
Any off-duty officer who engages in any law enforcement activity, regardless of jurisdiction, shall notify the Watch Commander as soon as practicable. The Watch Commander shall determine whether a report should be filed by the employee.

Officers should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.
Patrol Function

400.1 PURPOSE AND SCOPE
The purpose of this policy is to define the functions of the patrol unit of the Department to ensure intra-department cooperation and information sharing.

400.1.1 FUNCTION
Officers will generally patrol in clearly marked vehicles, patrol assigned jurisdictional areas of Turlock, respond to calls for assistance, act as a deterrent to crime, enforce state and local laws and respond to emergencies 24 hours per day, seven days per week.

Patrol will generally provide the following services within the limits of available resources:

(a) Patrol that is directed at the prevention of criminal acts, traffic violations and collisions, the maintenance of public order, and the discovery of hazardous situations or conditions

(b) Crime prevention activities such as residential inspections, business inspections, community presentations, etc.

(c) Calls for service, both routine and emergency in nature

(d) Investigation of both criminal and non-criminal acts

(e) The apprehension of criminal offenders

(f) Community Oriented Policing and Problem Solving activities such as citizen assists and individual citizen contacts of a positive nature

(g) The sharing of information between Patrol and other divisions within the Department, as well as other outside governmental agencies

(h) The application of resources to specific problems or situations within the community, which may be improved or resolved by Community Oriented Policing and problem solving strategies

(i) Traffic direction and control

400.1.2 TERRORISM
It is the goal of the Turlock Police Department to make every reasonable to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism.

Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or FI. The supervisor should ensure that all terrorism related reports and FI's are forwarded to the Investigations Sergeant in a timely fashion. The Investigations Sergeant will then forward the information on to the appropriate allied agencies if warranted.

On June 12, 2002, the President of the United States signed the Public Health Security and Bio-Terrorism Preparedness and Response Act (PL. 107-188). In response to that Act, the Turlock Police Department has enacted a Critical Water Infrastructure Security Standard Operating Procedure (SOP) that outlines an emergency response plan, in which our department has an integral part. As part of the overall effort to ensure the safety and
security of the infrastructure of the City of Turlock, members of this department shall follow the procedures outlined in that SOP.

400.2 PATROL INFORMATION SHARING PROCEDURES
The following guidelines are intended to develop and maintain intra-department cooperation and information flow between the various divisions of the Turlock Police Department.

400.2.1 CRIME ANALYST
The Crime Analyst will be the central contact for information exchange. Criminal information and intelligence reports can be distributed to all divisions within the Department through daily and special bulletins.

400.2.2 CRIME REPORTS
A crime report may be completed by any patrol officer who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation.

400.2.3 PATROL BRIEFINGS
Patrol supervisors, detective sergeants, and special unit sergeants are encouraged to share information as much as possible. All supervisors and/or officers will be provided an opportunity to share information at the daily patrol briefings as time permits.

400.2.4 INFORMATION CLIPBOARDS
Several information clipboards will be maintained in the briefing room and will be available for review by officers from all divisions within the Department. These will include, but not be limited to, the patrol check clipboard, the wanted persons clipboard and the written directive clipboard.

400.2.5 BULLETIN BOARDS
A bulletin board will be kept in the briefing room and the Investigation Unit for display of suspect information, intelligence reports and photographs. New Interim Directives will be made available for patrol supervisors and will be discussed at briefings and shift meetings. A copy of the Interim Directive will be placed on the briefing room clipboard.
Racial- or Bias-Based Profiling

402.1 PURPOSE AND SCOPE
This policy provides guidance to department members and establishes appropriate controls to ensure that employees of the Turlock Police Department do not engage in racial- or bias-based profiling or violate any related laws while serving the community.

402.1.1 DEFINITION
Definitions related to this policy include:

Racial- or bias-based profiling - An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

402.2 POLICY
The Turlock Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly and without discrimination toward any individual or group.

Race, ethnicity or nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group shall not be used as the basis for providing differing levels of law enforcement service or the enforcement of the law.

402.3 RACIAL- OR BIAS-BASED PROFILING PROHIBITED
Racial- or bias-based profiling is strictly prohibited. However, nothing in this policy is intended to prohibit an officer from considering factors such as race or ethnicity in combination with other legitimate factors to establish reasonable suspicion or probable cause (e.g., suspect description is limited to a specific race or group).

402.4 MEMBER RESPONSIBILITY
Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any known instances of racial- or bias-based profiling to a supervisor.

402.4.1 REASON FOR DETENTION
Officers detaining a person shall be prepared to articulate sufficient reasonable suspicion to justify a detention, independent of the individual's membership in a protected class.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview (FI) card), the involved officer should include those facts giving rise to the officer's reasonable suspicion or probable cause for the detention, as applicable.

Nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

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402.4.2 REPORTING TRAFFIC STOPS
Each time an officer makes a traffic stop, the officer shall report any information required in the Traffic Function and Responsibility Policy.

402.5 SUPERVISOR RESPONSIBILITY
Supervisors shall monitor those individuals under their command for any behavior that may conflict with the purpose of this policy and shall handle any alleged or observed violation of this policy in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and his/her supervisor in a timely manner.

(b) Supervisors should periodically review available resources used to document contact between officers and the public to ensure compliance with the policy.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

(d) Supervisors should ensure that no retaliatory action is taken against any member of this department who discloses information concerning racial- or bias-based profiling.

402.6 ADMINISTRATION
Each January, the Special Operations Division Commander, or his/her designee, shall review the Department's effort to prevent racial/bias based profiling and submit an overview, including public concerns, to the Chief of Police. This overview shall not contain any identifying information regarding any specific complaint, citizen, or officer.

402.7 TRAINING
Training on racial- or bias-based profiling and review of this policy should be conducted as directed by the Professional Standards Unit.

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of racial- or bias-based profiling.

(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial racial- or bias-based profiling training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial and cultural trends (Penal Code § 13519.4(i)).
Crime And Disaster Scene Integrity

406.1 PURPOSE AND SCOPE
The protection and integrity of a crime scene is of the utmost importance for the successful apprehension of criminals and successful prosecution. The integrity of a disaster scene is equally as critical for the protection of life and property and investigation by proper authorities.

406.2 CRIME SCENE RESPONSIBILITY
The first officer at the scene of a crime or major incident is generally responsible for taking reasonable efforts to preserve the scene. Officers shall also consider officer safety and public safety, including reasonable efforts to render medical aid to any obviously injured parties. Once an officer has assumed or been assigned to maintain the integrity of the crime/disaster scene, the officer shall continue to do so until he/she is relieved by a supervisor.

406.2.1 FIRST RESPONDER CONSIDERATIONS
The following list generally describes the functions which the first responder should reasonably attempt to take at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation, the availability of resources, capacity of personnel and totality of each circumstance:

(a) Ensure no suspects are still within the area.
(b) Broadcast emergency information including all requests for additional assistance.
(c) Provide first aid to injured parties if it can be done safely.
(d) Evacuate the location as required.
(e) Secure the inner perimeter with crime scene tape.
(f) Protect items of apparent evidentiary value.
(g) Identify potential witnesses.
(h) Start chronological log noting critical times and personnel allowed access.

406.2.2 MEDIA ACCESS
Authorized members of the media shall be provided access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall have employer issued identification clearly visible and prominently displayed on their person at all times while in areas otherwise closed to the public;
(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations.
   1. Reasonable effort should be made to provide media representatives with access to the staging area nearest location of the incident providing it will not interfere with emergency operations or a criminal investigation.
Crime And Disaster Scene Integrity

2. Whenever the presence of media or other aircraft pose a threat to public or officer safety or significantly hampers incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration should be contacted (Federal Aviation Regulations § 91.137).

(c) No member of this department shall be subjected to media visits or interviews without the consent of the involved employee (Government Code § 3303(e)).

(d) Media interviews with individuals who are in custody shall not be permitted without the approval of the Chief of Police or his/her designee and the expressed consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except that the news media should be permitted within the outer perimeter of the scene, subject to any restrictions as set forth by the Supervisor in charge or Watch Commander. Department members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a Supervisor, Watch Commander or the PIO.

406.2.3 EXECUTION OF HEALTH ORDERS
Any sworn member of this department may execute and enforce all orders of the local health officer issued for the purpose of preventing the spread of any contagious, infectious, or communicable disease (Health & Safety Code § 120155).

406.2.4 TEMPORARY FLIGHT RESTRICTIONS
Crime and disaster scenes can sometimes attract news helicopters and other sightseeing aircraft. Whenever such aircraft pose a threat to public safety due to congestion or when the noise levels caused by loitering aircraft hamper incident operations, the field supervisor should consider requesting Temporary Flight Restrictions (TFR) through the Federal Aviation Administration (Federal Aviation Regulations § 91.137). All requests for TFR should be routed through the Watch Commander.

406.3 SEARCHES AT CRIME OR DISASTER SCENES
Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims and determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until proper authority for the search is obtained.

406.3.1 CONSENT
Officers should seek consent to search from authorized individuals where possible. However, it may be prudent to obtain a search warrant. Consent may be sought even in cases where a search warrant has been granted.
Critical Response Team

408.1 PURPOSE AND SCOPE

Law Enforcement is routinely faced with planned or emergency situations that expose community members and police personnel to extreme risks. Recognizing that the presence of a dedicated group of law enforcement officers who have been selected, trained and equipped to work as a coordinated team to resolve critical incidents and enhances the ability to preserve life, Turlock Police established the Critical Response Team (CRT). The CRT consists of two specialized elements, the Tactical Unit (SWAT) and the Crisis Negotiations Unit (CNT).

The purpose of the CRT is to increase the likelihood of safely resolving critical incidents. However, nothing in this policy shall prohibit individual law enforcement officers or CRT members from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of human life is paramount.

408.2 DEFINITIONS

SWAT Team - A Special Weapons and Tactics (SWAT) team is any designated group of law enforcement officers who are selected, trained, and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units.

Long Rifle/Observer Teams - A Long Rifle/Observer Team is a designated unit of law enforcement officers who are selected, trained, and equipped to work as an element of the SWAT team in the resolution of critical incidents by providing observation, cover, and the employment of precision fire. Long Rifle/Observer Team is synonymous with Sniper/Observer Team.

Crisis Negotiation Team - A Crisis Negotiations Team (CNT) is a designated group of personnel specifically selected, trained, and equipped to assist in the resolution of critical incidents by means of communication and negotiation with criminal suspects and other persons, often in conjunction with the SWAT/tactical unit. Crisis Negotiations Team is synonymous with Hostage Negotiation Team.

408.3 POLICY CONSIDERATIONS

An annual assessment shall be conducted by the CRT Commander with input from the Tactical Team Leader and Crisis Negotiations Leader and forwarded through the chain of command for approved by the Chief of Police by January 31 of each year. The purpose of the annual assessment shall be to determine the type and extent of CRT missions and operations appropriate to the Department. This assessment should consider the CRT's capabilities and limitations and provide recommendations on matters related to policy. The recommendations should include identification of the standard SWAT fitness test and firearms qualification courses to be utilized during the year.
Critical Response Team

408.3.1 SPECIAL WEAPONS AND TACTICS (SWAT) TEAM POLICY
It is the policy of this Department to maintain a SWAT team and to provide the personnel, training and equipment necessary to perform the basic operational functions of:

(a) Command and Control
(b) Containment
(c) Entry/Apprehension/Rescue
(d) A Long Rifle/Observer Team comprised of two officers cross trained as both Long Rifle Operator and Observer

408.3.2 CRISIS NEGOTIATIONS TEAM (CNT) POLICY
It is the policy of this department to maintain a CNT team and to provide the personnel, training and equipment necessary to perform the basic operational functions of:

(a) Communications/Negotiations
(b) Intelligence
(c) Tactical Liaison
(d) Logistics

408.4 APPROPRIATE MISSIONS FOR DEPLOYMENT OF CRT
The Turlock Police Department CRT shall be available to assist with the following incidents:

(a) Barricaded subjects
(b) Hostage situations
(c) Long rifle/Observer incidents
(d) Deployment of chemical agents
(e) Riot or potential riot situations
(f) High risk search or arrest warrant service
(g) Any situation requiring the use of the team's specialized training and equipment that could enhance the ability to preserve life, and maintain social order.

408.5 TEAM STRUCTURE AND CHAIN OF COMMAND

408.5.1 CHIEF OF POLICE
The Chief of Police or his/her designee has the overall command and responsibility of the CRT.

408.5.2 FIELD OPERATIONS DIVISION COMMANDER
CRT is a unit of the Field Operations Division and, as such, the Field Operations Division Commander has functional command and responsibility of the CRT. In the absence of the Field Operations Division Commander, a Field Operations Division or Special Operations Division Lieutenant may assume command and responsibility.

408.5.3 INCIDENT COMMANDER
This is a Division Commander or designee at the rank of Lieutenant who will be designated as the "On-Scene" Commander during an operation. The Incident Commander is responsible for directing and managing all aspects of the operation, including command
of non-CRT responsibilities, such as traffic posts, outer perimeter posts, investigative personnel, press operations, logistical support, relief personnel, etc.

408.5.4 CRT COMMANDER
This is a Lieutenant who is responsible for the management of the CRT, during its day-to-day operations, training, and during its activation. Once the Incident Commander authorizes deployment of the CRT, the CRT Commander is responsible for the tactical portion of the operation. In the absence of the CRT Commander, the senior team leader from either the tactical team or CNT assumes this role. The CRT Commander is responsible for ensuring that end of action reports are completed.

408.5.5 TACTICAL TEAM LEADER
This is a supervisor who has supervisory responsibility for the SWAT Team and its deployment. Some of the responsibilities of the SWAT Team Leader officer are facilitating scouting reports, developing entry and hostage rescue plans, inter-perimeter control and direction of sniper personnel. The SWAT Team Leader reports directly to the CRT Commander. During day-to-day operations, this position is also responsible for the implementation and documentation of on-going and relevant training and insuring that equipment is maintained.

408.5.6 ASSISTANT TACTICAL TEAM LEADER
This is a senior officer who, in the absence of the SWAT Team Leader, assumes responsibility for the SWAT Team. When acting as the Assistant Tactical Team Leader, this position has the same operational authority of the actual Team Leader.

408.5.7 CRISIS NEGOTIATIONS TEAM LEADER
This is a supervisor who has supervisory responsibility for the Crisis Negotiations Team and its deployment. Some of the responsibilities of the Crisis Negotiations Team Leader are formulating negotiations strategy, coordination with the SWAT Team Leader and Team Psychologist, and intelligence gathering. The Crisis Negotiations Team Leader reports directly to the CRT Commander. During day-to-day operations, the Crisis Negotiations Team Leader is also responsible for the implementation and documentation of on-going and relevant training and insuring that equipment is maintained.

408.5.8 ASSISTANT CRISIS NEGOTIATIONS TEAM LEADER
This is a senior officer who, in the absence of the Crisis Negotiations Team Leader, assumes responsibility for the Crisis Negotiations Team. When acting as the team leader, the Assistant Crisis Negotiations Team Leader has the same operational authority of the actual Team Leader.

408.5.9 TEAM MEMBERS
This is an assigned member of the team who maintains and complies with team proficiency standards and receives specific assignments during deployments. Specialties include long rifle/observer, entry team, perimeter control, deployment of chemical agents and distraction devices, and less lethal control devices.

The SWAT and CNT teams will be staffed with personnel at levels deemed appropriate by the Chief of Police or his/her designee through consultation with the Field Operations Division Commander. Such staffing levels may allow both teams to maintain Team Leaders and/or Assistant Team Leaders.
408.5.10 WATCH COMMANDER
This is a police manager or field supervisor responsible for the immediate isolation of planned or emergency events, preliminary evacuations if needed, and establishing a command post after requesting activation of the CRT. The Watch Commander has operational control of the event until relieved by the Incident Commander or CRT Commander.

408.5.11 PUBLIC INFORMATION OFFICER
The PIO is a designated press liaison officer and reports directly to the Incident Commander. The PIO will establish a media staging area as needed.

408.6 ACTIVATION:

408.6.1 CALL-OUT PROCEDURES - EMERGENCY OPERATIONS
The discretion to activate CRT resides with the Watch Commander based upon a threat assessment to determine the appropriate response and resources necessary. Watch Commander's have discretion to consult with an on-call administrator if needed.

Communications personnel will activate the CRT group page, which should minimally include:

(a) Type of event
(b) Location of event
(c) Any special instructions

Upon receipt of the page, CRT personnel will immediately call Communications, indicating whether they can respond and their ETA. Since Communications personnel will be extremely busy, other questions should not be asked.

Within 5 to 10 minutes of the page or as directed by the Watch Commander, Communications personnel will start calling those team members who haven't yet responded to the page.

The Watch Commander or on-call administrator shall follow the Major Incident Notification Policy (Policy Manual § 358) immediately after activation of the CRT.

408.6.2 CALL-OUT PROCEDURES - PLANNED EVENTS
The CRT Commander shall be contacted to authorize the activation of the team. Generally the team is activated in its entirety. There are some exceptions to this during planned events. This decision will generally be made by the CRT Commander after consultation with the SWAT Team Leader and the CNT Team Leader. The recommendation of the CRT Commander will be forwarded to the Field Operations Division Commander for final approval. The Field Operations Division Commander shall notify the Chief of Police of an activation as soon as practical. Some examples of planned events are:

(a) High risk warrant services or activations
(b) Planned marches or demonstrations
(c) VIP or other personnel security
Planned events require a specific threat assessment and completion of the risk assessment matrix and other checklists as appropriate pursuant to the Department's Risk Assessment Matrix Standard Operating Procedure.

408.6.3 OUTSIDE AGENCY REQUESTS
Requests by other agencies for assistance or deployment of the Turlock Police Department CRT outside the jurisdictional boundaries of the City of Turlock and requests by members of the TPD for the assistance of another agency's CRT or equivalent within the City of Turlock must be authorized by the Field Operations Division Commander.

Members of the Turlock Police Department CRT shall operate under the policies, procedures and command of the Turlock Police Department at all times.

408.6.4 DUTIES AND RESPONSIBILITIES
Once activated, CRT personnel should respond to the station unless otherwise directed. Once there, they should quickly obtain their gear and equipment and respond to the directed staging area or command post.

As soon as possible, the Incident Commander should respond to the command post or other designated location and assume operational control of the incident, obtaining as many details of the event as possible. The Incident Commander shall brief the CRT Commander and team leaders about the situation. If allied agencies are assisting in the incident, agency representatives should report to the Incident Commander or their designee.

Team Leaders should formulate an operational or tactical plan based on the specifics of the immediate incident. The plan may be either in verbal or written form. The CRT Commander and the Incident Commander shall maintain communications at all times.

If a tactical intervention has been approved, the SWAT Team Leader will have the authority and responsibility for implementing the tactical plans and for the actual tactics employed.

Whenever possible, SWAT Team members should relieve Patrol personnel on the inner perimeter. The fixing of the inner perimeter and all activities within, are the responsibility of the SWAT Team Leader or their designee.

During activation, unless there are extenuating circumstances, SWAT members will utilize only agency issued and/or approved equipment, including any modifications and should be clearly identifiable as police officers. SWAT Team Members will wear the uniform of the day, as designated by the SWAT Team Leader. It is the responsibility of each member to maintain his or her personal and team equipment in good order.

During an incident, there shall be close coordination between the SWAT and Crisis Negotiation units. Information should be funneled by both to the CRT Commander and when needed to the Incident Commander. Both units should be kept informed of the situational status in a timely manner.

Team members are responsible for communicating pertinent information to their Team Leader or the CRT Commander and will maintain their assignments and/or positions until being secured or reassigned.

At the conclusion of an incident, each member is responsible for returning his/her assigned equipment to mission readiness and shall complete any required reports in a timely manner.
**Critical Response Team**

The team leaders or the CRT Commander will complete an end of action report at the conclusion of an incident.

SWAT team members are generally not responsible for the reporting and investigation of an incident they are activated for, provided that the member is not a direct witness to criminal activity occurring during the activation. Unless waived by the Incident Commander, the General Investigations Unit will conduct the investigation and process the crime scene. The on-call investigator should be called out as soon as deemed necessary by the Incident Commander. The Incident Commander may also choose to request an on-call representative of the District Attorney's Office as necessary.

At the conclusion of an incident, all CRT members shall participate in a debriefing of the incident. Whenever possible, other personnel involved in the incident, i.e.: Dispatchers and Patrol personnel should attend. The Incident Commander or CRT Commander or their designee will conduct this debriefing. Separate debriefings by each unit should be conducted after the combined debriefing as necessary. All such debriefings shall occur subsequent to any investigation wherein officers may be subject to providing a statement such as in the use of deadly force.

During the incident, Fire and Ambulance personnel shall be staged as necessary. If not already staged, the Incident Commander or CRT Commander or their designee will make this determination upon his/her arrival.

The Incident Commander and/or CRT Commander will determine if there is a need to call in additional and/or Tactical Communications personnel to staff a dedicated position for the event.

*All team members shall insure that their actions are professional and in compliance with the Department's use of force policy and legally established rules of search and seizure.*

### 408.7 SELECTION AND RETENTION OF PERSONNEL

**General Considerations** - CRT is a collateral duty assignment. Examination procedures shall first comply with all City, Department and applicable Memorandum of Understanding (MOU) provisions in existence at the time the selection process commences. The selection process shall be reasonable, job related and unbiased. A list of successful candidates shall be submitted through the chain of command to the Chief of Police for final appointment. The selection process shall minimally include the following components:

### 408.7.1 SWAT TEAM SELECTION

The selection process shall include an oral interview and assessment of the applicant's ability to successfully meet the basic operational functions identified for the CRT. The Oral Board shall be comprised of the CRT team leaders and a Non-CRT supervisor. The CRT Commander shall serve as moderator of the Oral Board.

The selection process shall include:

(a) Successful completion of the standard SWAT fitness test

(b) Successful completion of the standard SWAT pistol qualification (80% or better).

### 408.7.2 CRISIS NEGOTIATION TEAM SELECTION

The selection process shall include an oral interview and assessment of the applicant's ability to successfully meet the basic operational functions identified for the CNT. The Oral
Critical Response Team

Board shall be comprised of the CRT team leaders and a Non-CRT supervisor. The CRT Commander shall serve as moderator of the Oral Board.

408.7.3  SWAT TEAM RETENTION

SWAT Team members shall successfully complete the standard SWAT fitness test during annual recertification. Any SWAT Team member failing to achieve the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. The retest shall be scheduled within 30 days of the previous fitness test. Failure to achieve the minimum physical fitness qualification score after a second attempt will result in suspension from the SWAT Team.

Those members on vacation, ill, or on light duty status during annual recertification, shall be responsible for notifying the SWAT Team Leader of their return to regular duty and shall successfully complete the standard SWAT fitness test within 30 days of their return to regular duty. Any member who fails to notify the SWAT Team Leader of their return to duty and arrange for and successfully perform the standard SWAT fitness test, shall be considered as having failed to achieve the minimum physical fitness qualification score. Failure to achieve the minimum physical fitness qualification score will result in suspension from the SWAT Team.

Quarterly, each SWAT Team member shall complete mandatory TPD SWAT firearms qualification of the current course of fire on file. The course of fire shall be identified by the SWAT Team Leader and approved by the CRT Commander. Failure to qualify will require that officer seek remedial training from a SWAT Team Range Master. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days, with or without remedial training, will result in suspension from the SWAT Team.

The CRT Commander will make a determination whether remedial training and additional opportunities to achieve the minimum physical fitness qualification score or firearms qualification will be afforded a SWAT Team member. The ability to meet individual and team core competencies is paramount. The CRT Commander shall submit through the chain of command to the Chief of Police any recommendations for permanent removal of a SWAT Team member.

Nothing within this policy shall prevent the CRT Commander or Field Operations Division Commander from making a determination whether or not an employee should be temporarily relieved of their duties consistent with the Fitness for Duty Policy (Policy Manual § 1032).

408.8  TRAINING

408.8.1  TRAINING NEEDS ASSESSMENT

The CRT Commander shall conduct an annual training needs assessment for the entire team and develop a training plan no later than April 30 of each year to be incorporated into the Department's Annual Training plan.

408.8.2  SWAT TEAM

All SWAT Team members shall attend the POST Basic SWAT course as soon as possible after their appointment. SWAT Team personnel shall not be cleared for tactical entry until completion of the POST Basic SWAT course and other training sufficient to ensure core competencies.
Critical Response Team

All SWAT Team leaders shall attend a POST certified Team Leader course, or its equivalent, as soon as possible after appointment to that position.

In-service training including periodic scenario-based training simulating the tactical operational environment should be conducted monthly. Training shall be contemporary and relevant designed to maintain individual and team core competencies sufficient to perform the basic operational functions as outlined within this policy. The CRT Commander shall utilize monthly in-service training as an opportunity to review and critique individual and team core competencies. Core competencies include:

- Weapons, munitions, and equipment training
- Individual and team movement and tactics
- Decision-making

All SWAT Team members and leaders should attend 24 hours of POST certified update or refresher training, or its equivalent, every 24 months. The CRT Commander will determine if specific training hours and content meet or exceed POST standardized training recommendations.

The CRT commander should attend a POST certified SWAT Commander or Tactical Commander course, or its equivalent, which includes curriculum regarding crisis negotiation protocols within 12 months of assuming responsibility of the day-to-day management of CRT.

Long Rifle Operators should not be deployed until successful completion of a POST certified Basic Long Rifle Course, or its equivalent.

Long Rifle Operators should participate in documented training during monthly in-service training that maintains individual and team core competencies sufficient to perform the basic operational functions as outlined within this policy. Appropriate safety precautions shall be utilized during all Long Rifle/Observer training. Long Rifle/Observer core competencies include:

- Fundamentals of precision shooting
- Tactics
- Observations/Communications

Command personnel who may assume incident command responsibilities should attend a SWAT or Critical incident Commander course, or its equivalent.

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level.

The SWAT Team should participate in multi-agency and multi-disciplinary joint training exercises at least once annually.

External training attended by individual SWAT personnel shall be documented and the record of that training maintained by the Professional Standards Unit in accordance with all other Department training policies. The SWAT Team leader shall document all in-service and team training. Records of in-service and team training shall be forwarded to the Professional Standards Unit for maintenance in a separate agency SWAT training file.
Critical Response Team

To avoid unnecessary or redundant training, previous training completed by SWAT Team members, Leaders, and Command personnel may be considered equivalent when the training hours and content meet or exceed POST standardized training recommendations.

The SWAT Team Leader shall ensure the highest levels of safety during SWAT training utilizing a safety officer when appropriate. Appropriate situations for utilization of a safety officer include:

(a) Live fire exercises
(b) Simunitions training
(c) Less lethal munitions training
(d) During the deployment of chemical agents

408.8.3 CRISIS NEGOTIATION TEAM

CNT members should successfully complete a POST certified Basic Crisis Negotiator course, or its equivalent, as soon as possible after appointment. CNT members shall not be deployed in an actual crisis situation until completion of Basic Crisis Negotiator training and other training sufficient to ensure core competencies. New CNT members may be utilized in a support or training capacity prior to completion of Basic Crisis Negotiator training.

CNT shall participate in documented quarterly training designed to maintain individual and team core competencies sufficient to perform the basic operational functions as outlined within this policy. Core competencies include:

(a) Team roles and responsibilities
(b) Equipment and technical knowledge
(c) Communications skills
(d) Risk assessment/Incident Evaluation
(e) Homicide/Suicide indicators
(f) Special considerations

CNT shall participate in periodic scenario based training, in conjunction with the SWAT Team including the annual multi-agency and multi-disciplinary joint training.

External training attended by individual CNT personnel shall be documented and the record of that training maintained by the Professional Standards Unit in accordance with all other Department training. The CNT leader shall document all in-service and team training. Records of in-service and team training shall be forwarded to the Professional Standards Unit for maintenance in a separate agency CNT training file.
Hazardous Material Response

412.1 PURPOSE AND SCOPE
Hazardous materials present a potential harm to employees resulting from their exposure. To comply with Title 8, California Code of Regulations, § 5194, the following is to be the policy of this department.

412.1.1 HAZARDOUS MATERIAL DEFINED
A hazardous material is a substance which by its nature, containment and reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

412.2 HAZARDOUS MATERIAL RESPONSE
Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill or fire. When employees come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance. (Identification can be determined by placard, driver's manifest or statements from the person transporting).
(b) Notify the Fire Department.
(c) Provide first-aid for injured parties if it can be done safely and without contamination.
(d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.
(e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).
(f) The Officer shall request Dispatch notify the Department of Toxic Substances Control at (916)255-6504 or (916)322-0504. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety § 25354.5).

412.3 REPORTING EXPOSURE(S)
Department personnel who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the employee in an employee memorandum that shall be forwarded via chain of command to the Commanding Officer. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the memorandum.
Hazardous Material Response

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report.

412.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the Fire Department.
Mental Illness Commitments

418.1 PURPOSE AND SCOPE
This procedure describes an officer's duties when a person is to be committed to a mental health unit pursuant to Welfare and Institutions Code § 5150. The commitment of a person under § 5150 does not constitute an arrest. If an officer believes that a person falls within the provisions of Welfare and Institutions Code § 5150, he/she shall transport that person to the designated facility for evaluation and commitment.

418.2 AUTHORITY
Pursuant to Welfare and Institution Code § 5150 when any person, as a result of mental disorder, is a danger to others, or to himself or herself, or gravely disabled, a peace officer, or other individual authorized by statute may, upon probable cause, take, or cause to be taken, the person into custody and place him or her in a facility designated by the county and approved by the State Department of Mental Health as a facility for 72-hour treatment and evaluation.

Such facility shall require an application in writing stating the circumstances under which the person's condition was called to the attention of the officer, or other individual authorized by statute has probable cause to believe that the person is, as a result of mental disorder, a danger to others, or to himself or herself, or gravely disabled. If the probable cause is based on the statement of a person other than the officer, or other individual authorized by statute, such person shall be informed that they may be liable in a civil action for intentionally giving a statement which he or she knows to be false.

418.3 OFFICER CONSIDERATIONS AND RESPONSIBILITIES
Any officer responding to or handling a call involving a suspected mentally disabled individual or an involuntary mental illness commitment should consider utilizing the following as time and circumstances reasonably permit:

(a) Any available information that might assist in determining the cause and nature of the mental illness or developmental disability.
(b) Conflict resolution and de-escalation techniques.
(c) Language that is appropriate for interacting with a mentally disabled person.
(d) If circumstances permit, alternatives to deadly force.
(e) Any available community resources that can assist in dealing with a mentally disabled individual.

418.3.1 TRANSPORTATION
Officers shall transport subjects to Doctor's Medical Center (DMC) Emergency Room (ER), should the officer deem a subject in need of a "5150" evaluation. DMC ER will be the 5150 intake point, 24 hours a day, 7 days a week. Standard medical clearances will also take place at DMC ER, unless, in the Officer's opinion, a medical condition requires more immediate treatment (shooting, overdose, etc.). Should some immediate medical emergency exist, Emanuel Medical Center will take priority. For 5150 purposes, officers will only need to remain at DMC ER for the period of time it takes to transfer the patient out
of our handcuffs or restraints and into hospital restraints. Officers WILL NOT be required to stand by and guard the patient.

418.3.2 RESTRAINTS
If the patient is violent or potentially violent, the officer will notify the staff of this concern. The staff member in charge will have discretion as to whether soft-restraints will be used. If these restraints are desired, the officer will wait while they are being applied to help provide physical control of the patient, if needed.

418.3.3 MENTAL HEALTH DOCUMENTATION
The officer will complete an Application For 72-Hour Detention for Evaluation and Treatment form (MH-302) and provide it to the staff member assigned to that patient. The officer will retain a copy of the 72-hour evaluation for inclusion in the case report. The officer shall also provide a verbal summary to an emergency department staff member regarding the circumstances leading to the involuntary detention.

418.3.4 SECURING OF WEAPONS
If a receiving and secured facility prohibits weapons or if an extraordinary event occurs in the treatment facility and officers determine a need to secure their firearms, the firearm shall be secured in the appropriate gun locker at the facility or in the police unit.

418.4 MENTALLY ILL PERSON CHARGED WITH A CRIME
When practical, any person charged with a crime who also appears to be mentally ill shall be processed by Turlock Police Department personnel before being transported to the authorized facility. If the person has injuries or some other medical condition, he/she may be taken directly to the hospital with the approval of a supervisor.

418.5 CONFISCATION OF FIREARMS AND OTHER WEAPONS
Whenever a person has been detained or apprehended for examination pursuant to Welfare and Institutions Code § 5150, the handling officer should seek to determine if the person owns or has access to any firearm or other deadly weapon. Any such firearm or other deadly weapon should be confiscated in a manner consistent with current search and seizure law (Welfare and Institutions Code § 8102(a)).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search unless lawful, warrantless entry has already been made (e.g., exigent circumstances, valid consent) (Penal Code § 1524).

For purposes of this section, deadly weapon means any weapon, the possession of which or carrying while concealed, is prohibited by Penal Code § 12020.

The officer taking custody of any firearm or other deadly weapon shall issue the individual possessing such weapon a receipt, fully describing the weapon (including any serial number) and indicating the location where the weapon may be recovered, along with any applicable time limit for recovery (Penal Code § 12028.7).

The handling officer shall further advise the person of the procedure described below for the return of any firearm or other deadly weapon that has been confiscated (Welfare and Institutions Code § 8102(a)).
418.5.1 RETURN OF CONFISCATED FIREARMS AND WEAPONS

(a) Whenever the handling officer has cause to believe that the future return of any confiscated weapon(s) might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the Investigation Unit which shall be responsible for initiating a petition to the superior court for a hearing in accordance with Welfare and Institutions Code § 8102(b), to determine whether or not the weapon(s) will be returned.

(b) The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon(s) have been confiscated unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him or her of the right to a hearing on the issue and that he or she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon(s).

(c) If no petition is initiated within the above period, the Department shall make the weapon(s) available for return in accordance with subsection (d) below. If the person does not confirm a desire for a hearing within the prescribed 30 days, the Department may file a petition for an order of default.

(d) Under no circumstances shall any firearm be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice which conforms to the provisions of Penal Code § 33865.

(e) In no case in which a firearm or other deadly weapon is not retained as evidence shall the Department be required to retain such firearms or other deadly weapon longer than 180 days after notice has been provided to the owner that such firearm or other deadly weapon is available for return. At the expiration of such period, the firearm or other deadly weapon may be processed for disposal in accordance with applicable law (Penal Code § 33875).

418.6 TRAINING

As a part of advanced officer training programs, this agency will endeavor to include POST approved training on interaction with mentally disabled persons as provided by Penal Code § 13515.25.
Cite and Release Policy

420.1  PURPOSE AND SCOPE
Penal Code § 853.6 requires law enforcement agencies to use citation release procedures in lieu of arrest for misdemeanor offenses with certain exceptions. The State Legislature has shown the intent to release all persons on misdemeanor citations, if qualified for such release.

420.2  STATUTORY REQUIREMENTS
Citation releases are authorized by Penal Code § 853.6. Release by citation for misdemeanor offenses can be accomplished in two separate ways:

(a) A field release is when the violator is released in the field without being transported to a jail facility.

(b) A jail release is when a violator is released after being transported to the jail and booked.

420.2.1  DISCRETION TO ARREST
While this department recognizes the statutory power of peace officers to make arrests throughout the state, officers are encouraged to use sound discretion in the enforcement of the law. On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot and/or fresh pursuit, while following up on crimes committed within the City, or while assisting another agency. On-duty officers who discover criminal activity outside the jurisdiction of the City should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Off-duty officers observing criminal activity should generally take enforcement action only when it reasonably appears that imminent risk to life or property exists and the reasonable opportunity does not exist to contact the law enforcement agency with primary jurisdiction. In such situations the involved officer shall clearly identify him/herself as a police officer.

420.3  DEPARTMENT PROCEDURE
The following procedure will be followed to comply with this law.

420.3.1  FIELD CITATIONS
In most misdemeanor cases an arrestee 18 years or older may be released on citation provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6 and Penal Code § 1270.1).

420.3.2  RELEASE FROM TEMPORARY HOLDING FACILITY
In certain cases, it may be impractical to release a person arrested for misdemeanor offenses in the field. The person arrested may instead be released after processing at the temporary holding facility, with Supervisor or Watch Commander approval.

Any person arrested for a misdemeanor offense shall be released on his/her written promise to appear, unless disqualified for reasons listed below.

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420.3.3 DISQUALIFYING CIRCUMSTANCES
Penal Code § 853.6(i) specifies that a person arrested for a misdemeanor shall be released on a notice to appear unless one of the following situations is present:

(a) The person arrested is so intoxicated that he/she could be a danger to him/herself or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for his/her own safety
   1. The Turlock Police Department shall not release an arrestee from custody for the purpose of allowing that person to seek medical care at a hospital and then immediately re-arrest the same individual upon discharge from the hospital, unless the hospital determines this action will enable it to bill and collect from a third-party payment source (Penal Code § 4011.10).

(c) The person is arrested for one or more of the offenses listed in Vehicle Code §§ 40302, 40303 and 40305.
   1. Any person arrested for any offense listed in Vehicle Code § 40303(b) shall, in the judgment of the arresting officer, either be given a 10 day notice to appear or be taken without delay before a magistrate in the county of arrest.
   2. If a person under Vehicle Code §§ 40303 or 40305 does not have satisfactory identification, the officer may require the individual to provide a right thumbprint (or other finger). However such print may not be used for other than law enforcement purposes.

(d) There are one or more outstanding arrest warrants for the person.

(e) The person could not provide satisfactory evidence of personal identification.

(f) The prosecution of the offense or offenses for which the person was arrested or the prosecution of any other offense or offenses would be jeopardized by the immediate release of the person arrested.

(g) There is a reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be imminently endangered by the release of the person arrested.

(h) The person arrested demands to be taken before a magistrate or has refused to sign the notice to appear.

(i) There is reason to believe that the person would not appear at the time and place specified in the notice to appear. The basis for this determination shall be specifically documented.

(j) The charges fall under Penal Code § 1270.1 (serious or violent felonies, domestic violence, etc.).

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted with the related reports for approval and included with the case file in the Records Unit.

420.3.4 OTHER REASONS FOR NON-RELEASE
If the person arrested is not released for one or more of the reasons specified in Policy Manual § 420.3.3, the arresting officer shall state specifically on the booking form the reason for non-release. Such reasons for non-release may include:
Cite and Release Policy

420.3.5 INSTRUCTIONS TO CITED PERSON
The citing officer shall, at the time he/she asks the defendant to sign the notice to appear, call attention to the time and place for appearance and take any other steps he/she deems necessary to ensure that the defendant understands his/her written promise to appear.

420.4 CITATION RELEASE ON MISDEMEANOR Warrants
Penal Code § 827.1 allows the release by citation of a person designated in a warrant of arrest unless one of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence
(b) The misdemeanor cited in the warrant involves a firearm
(c) The misdemeanor cited in the warrant involves resisting arrest
(d) The misdemeanor cited in the warrant involves giving false information to a peace officer
(e) The person arrested is a danger to himself or herself or others due to intoxication or being under the influence of drugs or narcotics
(f) The person requires medical examination or medical care or was otherwise unable to care for his or her own safety
(g) The person has other ineligible charges pending against him/her
(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person
(i) The person refuses to sign the notice to appear
(j) The person cannot provide satisfactory evidence of personal identification
(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear

Release under this section shall be done in accordance with the provisions of this section.

420.5 JUVENILE CITATIONS
Completion of criminal citations for juveniles is not appropriate with the following exceptions:

• Misdemeanor traffic violations of the Vehicle Code
• Violations of the Turlock City codes

All other misdemeanor violations for juveniles shall be documented as outlined in Policy Manual § 324 (Temporary Custody of Juveniles) and § 344 (Report Preparation).

420.6 REQUESTING CASE NUMBERS
Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number

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Cite and Release Policy

to document the incident properly in a report. This section does not preclude an officer from requesting a case number if he/she feels the situation should be documented more thoroughly in a case report.
Arrest or Detention of Foreign Nationals

422.1 PURPOSE AND SCOPE
Article 36 of the Vienna Convention on Consular Relations, sets forth certain rights of foreign nationals from member countries when arrested, detained or imprisoned by law enforcement officials in this country. This section provides direction to officers when considering a physical arrest or detention of a foreign national. All foreign service personnel shall be treated with respect and courtesy, regardless of the level of established immunity. As noted herein, the United States is a party to several bilateral agreements that obligate authorities to notify the consulate upon the person's detention, regardless of whether the detained person(s) request that his/her consulate be notified. The list of specific countries that the United States is obligated to notify is listed on the U.S. Department of State http://www.travel.state.gov/law/consular/consular_5125.html.

422.1.1 DEFINITIONS
Foreign National - Anyone who is not a citizen of the United States (U.S.). A person with dual-citizenship, U.S. and foreign, is not a foreign national.

Immunity - Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e., embassies, consulates, etc.) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad. Although immunity may preclude U.S. courts from exercising jurisdiction, it is not intended to excuse unlawful activity. It is the policy of the U.S. Department of State's Office of Foreign Missions (OFM) that illegal acts by Foreign Service personnel should always be pursued through proper channels. Additionally, the host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

422.2 ARREST OR DETENTION OF FOREIGN NATIONALS
Officers should take appropriate enforcement action for all violations observed, regardless of claims of diplomatic or consular immunity received from violators. A person shall not, however, be subjected to in-custody arrest when diplomatic or consular immunity is claimed by the individual or suspected by the officer, and the officer has verified or reasonably suspects that the claim of immunity is valid.

422.3 LEVELS OF IMMUNITY
The specific degree of immunity afforded to foreign service personnel within the U.S. is directly related to their function and position in this country.

422.3.1 DIPLOMATIC AGENTS
Diplomatic agents (e.g., ambassadors and United Nations representatives) are afforded the highest levels of immunity. They are exempt from arrest or detention and are immune from all criminal (and most civil) prosecution by the host state. The family members of diplomatic
agents enjoy these same immunities. Currently there are no diplomatic agents permanently assigned to California; but they do occasionally visit the state.

422.3.2 CONSULAR OFFICERS
Consular officers are the ranking members of consular posts who perform various formal functions on behalf of their own governments. Typical titles include consul general, consul, and vice consul. These officials are immune from arrest or detention, except pursuant to a felony warrant. They are only immune from criminal and civil prosecution arising from official acts. Official acts of immunity must be raised as an affirmative defense in the court jurisdiction, and its validity is determined by the court. Under this defense, the prohibited act itself must have been performed as an official function. It is not sufficient that the consular agent was on-duty or in an official capacity at the time of the violation. The family members of consular officers generally enjoy no immunity, however, any family member who enjoys a higher level of immunity is issued an identification card by Department of State (DOS) enumerating any privileges or immunities on the back of the card. Examples are consular officers and family members from Russia or China.

There are approximately 600 consular officers in California, with most located in Los Angeles, San Francisco and San Diego.

422.3.3 HONORARY CONSULS
Honorary consuls are part-time employees of the country they represent and are either permanent residents of the U.S. or U.S. nationals (unlike career consular officers, who are foreign nationals on temporary assignment to the U.S.). Honorary consuls may be arrested and detained; limited immunity for official acts may be available as a subsequent defense. Family members have no immunity. There are less than 100 honorary consuls in California.

422.4 IDENTIFICATION
All diplomatic and consular personnel who are entitled to immunity are registered with the Department of State and are issued distinctive identification cards by the Department of State Protocol Office. These cards are the best means of identifying Foreign Service personnel. They include a photograph, identifying information, and, on the reverse side, a brief description of the bearer's immunity status. Unfortunately, these identification cards are not always promptly issued by the Department of State. In addition to the Department of State identification card, Foreign Service personnel should also have a driver license issued by the Department of State Diplomatic Motor Vehicle Office (DMVO), which in most circumstances replaces the operator's license issued by the state. Additionally they may have California credentials issued by the California Emergency Management Agency (Cal EMA), Law Enforcement Division.

422.4.1 VEHICLE REGISTRATION
Vehicles that are owned by foreign missions or Foreign Service personnel and their dependents are registered with the Department of State OFM and display distinctive red, white, and blue license plates. Vehicles assigned to diplomatic or consular officers will generally have license plates labels with the words diplomat or consul. Vehicles owned by honorary consuls are not issued OFM license plates; but may have California license plates with an honorary consul label. Driver's identity or immunity status should not be presumed from the type of license plates displayed on the vehicle. The status of an OFM license plate should be run via the National Law Enforcement Telecommunications System (NLETS), designating US as the state, if the officer has reason to question the legitimate possession of the license plate.
422.5 ENFORCEMENT PROCEDURES
The following procedures provide a guideline for handling enforcement of foreign nationals:

422.5.1 CITABLE OFFENSES
An enforcement document shall be issued at the scene for all violations warranting such action, regardless of the violator's immunity status. The issuance of a citation is not considered an arrest or detention under current Department of State guidelines. Whenever the equivalent of a notice to appear is issued to an immunity claimant, the following additional procedures shall be followed by the arresting officer:

(a) Identification documents are to be requested of the claimant
(b) The title and country represented by the claimant are to be recorded on the back of the officer's copy of the Notice to Appear for later reference. Do not include on the face of the notice to appear
(c) The claimant shall be requested to sign the notice to appear. If the claimant refuses, the identity and immunity status of the individual shall be conclusively established
(d) Verified diplomatic agents and consular officers, including staff and family members from countries with which the U.S. has special agreements, are not required to sign the Notice to Appear. The word 'Refused' shall be entered in the signature box, and the violator shall be released
(e) Verified consular staff members, excluding those from countries with which the U.S. has special agreements, are generally obligated to sign the Notice to Appear, but a signature shall not be required if their immunity status is uncertain
(f) All other claimants are subject to the provisions of Vehicle Code § 40302(b) and policy and procedures outlined in this chapter
(g) The violator shall be provided with the appropriate copy of the notice to appear

422.5.2 IN-CUSTODY ARRESTS
Diplomatic agents and consular officers are immune from arrest or detention (unless they have no identification and the detention is to verify their diplomatic status). Proper identification of immunity claimants is imperative in potential in-custody situations. Claimants who are not entitled to immunity shall be placed in custody in accordance with the provisions outlined in Policy Manual § 422.6 of this policy.

A subject who is placed under arrest and claims diplomatic or consular immunity shall not be physically restrained before verification of the claim (unless restraint is necessary for the protection of the officer or others.)

A supervisor shall be promptly notified and should respond to the scene when possible.

Field verification of the claimant's identity is to be attempted as follows:

(a) Identification cards issued by the Department of State, Protocol Office, are the only valid evidence of diplomatic or consular immunity. The following types of identification cards are issued: Diplomatic (blue bordered), Consular (red bordered), and Official (green bordered), The Department of State identification cards are 3-3/4 inch by 1-1/2 inch and contain a photograph of the bearer.

(b) Initiate telephone verification with the Department of State. Newly arrived members of diplomatic or consular missions may not yet have official Department of State identity documents. Verify immunity by telephone with the Department of State any time an
individual claims immunity and cannot present satisfactory identification, the officer has reason to doubt the claim of immunity, or there is a possibility of physical arrest. Law enforcement personnel should use the following numbers in order of preference:

Office of Foreign Missions  Office of the Foreign Missions
San Francisco, CA  Los Angeles, CA
(415) 744-2910, Ext. 22 or 23  (310) 235-6292, Ext. 121 or 122
(415) 744-2913 FAX  (310) 235-6297 FAX
(0800-1700 PST)  (0800-1700 PST)
Office of Foreign Missions  Department of State
Diplomatic Motor Vehicle Office  Diplomatic Security Service
Washington D.C.  Command Center
(202) 895-3521 (Driver License Verification) or  (202) 647-7277
(202) 895-3532 (Registration Verification)  (202) 647-1512
(202) 895-3533 FAX  (Available 24 hours)
(0815-1700 EST)  (202) 647-0122 FAX

Members of diplomatic or consular missions also may have other forms of identification. These include identification cards issued by Cal EMA, local law enforcement agencies, the foreign embassy, or consulate; driver licenses issued by Department of State; and, Department of State license indicia on the vehicle. All these items are only an indication that the bearer may have some form of immunity.

Subjects verified through the above procedures as being officials entitled to immunity (diplomatic agent, consular officers and consular staff and family members from countries with which the U.S. has special agreements) may not be arrested. The procedures below shall be followed. These procedures should also be used in the event immunity cannot be verified, but another form of identification indicates that immunity is probable.

If the release of the violator will not create an additional hazard, adequate information to properly identify the violator shall be obtained then the official shall be released. A supervisor's approval for the release shall be obtained whenever possible. The necessary release documents and/or a Certificate of Release form should only be issued under the proper conditions.

If the violator appears to have been driving while under the influence, field sobriety tests, including Preliminary Alcohol Screerning (PAS) device tests and chemical tests should be offered and obtained whenever possible, however, these tests cannot be compelled. The subject shall not be permitted to drive. A supervisor's approval for release shall be obtained whenever possible and alternative transportation should be arranged.

All facts of the incident shall be documented in accordance with this policy in a Driving Under the Influence (DUI) Arrest-Investigation Report, Arrest-Investigation Report and/or any other relevant Report form. Notwithstanding the field release of the subject, prosecution is still appropriate and should be pursued by the command concerned. The Department of State will take appropriate sanctions against errant foreign service personnel, even where prosecution is not undertaken by the agency.

**422.6 TRAFFIC COLLISIONS**

Persons involved in traffic collisions who possess a Department of State OFM Diplomatic Driver License, issued by the DMVO, shall have D coded in the license class box
of the Traffic Collision Report. The actual driver license class (e.g., 1, 2, 3, or A, B, C, M) shall be entered in the miscellaneous box on page two of the traffic report. If subsequent prosecution of the claimant is anticipated, the claimant's title, country, and type of identification presented should be recorded for future reference. Issuance of a citation to, or arrest of, an immunity claimant at the accident scene should be handled in accordance with the procedures specified in Policy Manual § 422.5 of this chapter.

422.6.1 VEHICLES
Vehicles, which are owned by subjects with full immunity, may not be searched, stored, or impounded without the owner's permission. (Such permission may be assumed if the vehicle has been stolen.) These vehicles may, however, be towed the necessary distance to remove them from obstructing traffic or creating any other hazard.

422.6.2 REPORTS
A photocopy of each traffic collision report involving an identified diplomat and/or immunity claimant shall be forwarded to the office of the Chief of Police within 48 hours whether or not the claim is verified. The words Immunity Claim shall be marked on the photocopy, together with a notation of the claimant's title, country, and type of identification presented (if applicable). In addition to the report, a follow-up cover memorandum should be submitted if the violation was flagrant, if the claimant was uncooperative, or if there were any other unusual aspects of the enforcement contact that should be reported to the Department of State for further action. The Watch Commander/Supervisor apprised of the incident/accident shall also send a copy of all documents and reports submitted by the investigating officer along with any supervisor's notes, materials and/or logs to the Chief of Police's office within 48 hours of the incident. The Chief of Police's office will check to ensure that notification of Department of State and all necessary follow-up occur.

422.7 FOREIGN NATIONALS WHO DO NOT CLAIM IMMUNITY
These policies and procedures apply to foreign nationals who do not claim diplomatic or consular immunity.

Officers shall arrest foreign nationals only under the following circumstances:

(a) There is a valid warrant issued for the person's arrest
(b) There is probable cause to believe that the foreign national has violated a federal criminal law, a state law, or a local ordinance
(c) Officers shall not arrest foreign nationals solely for alleged undocumented entry into the U.S. unless the undocumented entry is committed in the officer's presence

After a lawful detention or criminal arrest, officers may detain foreign nationals solely for alleged undocumented presence in the U.S. if the U.S. Immigration and Customs Enforcement (ICE) is contacted and can respond to take custody within a reasonable time. Officers shall not arrest foreign nationals for undocumented presence. Federal courts have consistently held that undocumented presence is not a crime but a federal civil violation only enforceable by federal officers.

- Officers shall not stop or detain persons solely for determining immigration status.
- International treaty obligations provide for notification of foreign governments when foreign nationals are arrested or otherwise detained in the U.S.
- Whenever an officer arrests and incarcerates a foreign national or detains a foreign national for investigation for over two hours, the officer shall promptly advise the...
individual that he/she is entitled to have his/her government notified of the arrest or detention. (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

422.7.1 ARREST PROCEDURE
Whenever an officer physically arrests or detains an individual for criminal investigation and the officer reasonably believes the person to be a foreign national, the officer shall inquire to determine the person's citizenship.

This procedure applies to detentions of more than two hours. An inquiry is not required if the individual is detained less than two hours for criminal investigation.

If the individual indicates that he/she is other than a U.S. citizen, the officer shall advise the individual that he/she has a right to have the nearest appropriate embassy or consulate notified of the arrest/detention (Vienna Convention on Consular Relations, Art. 36 (1969)).

If the individual requests such notification, the officer shall contact the Communications Center as soon as practical and request the appropriate embassy/consulate be notified. Officers shall provide the Communications Center with the following information concerning the individual:

• Country of citizenship
• Full name of individual, including paternal and maternal surname if used;
• Date of birth or age
• Current residence
• Time, date, place, location of incarceration/detention, and the 24-hour telephone number of the place of detention if different from the Department itself

If the foreign national claims citizenship of one of the countries listed in Table 1 (appendix), officers shall provide the Communications Center with the information above, as soon as practical, whether or not the individual desires the embassy/consulate to be notified. This procedure is critical because of treaty obligations with the particular countries. The list of specific countries that the United States is obligated to notify may also be found at the U.S. Department of State website - http://travel.state.gov/law/consular/consular_5125.html

Officers should attempt to provide the Communications Center with request for embassy/consulate notification at the same time they provide incarceration information in order to expedite these notifications.

422.7.2 DOCUMENTATION
Officers shall document on the face page and in the narrative of the appropriate Arrest-Investigation Report the date and time the Communications Center was notified of the foreign national's arrest/detention and his/her claimed nationality.
Rapid Response and Deployment (Active Shooter) Incidents

424.1 PURPOSE AND SCOPE

Violence in schools, workplaces and other locations by any individual or group of individuals presents a difficult situation for law enforcement. The purpose of this policy is to identify guidelines and factors that will assist responding officers as they make decisions in these rapidly unfolding and tense situations.

424.2 POLICY

The policy of this department in dealing with the crisis situation shall be:

(a) To protect the lives of citizens, officers, and suspect(s).
(b) To obtain and maintain complete operative control of the incident.
(c) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.
(d) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).
(e) To attempt, whenever feasible, a negotiated surrender of the suspect(s) and release of the hostages through the expertise of the members of this department and others.
(f) When an emergency situation exists, neutralize the threat as rapidly as reasonably possible to minimize injury and loss of life.

Nothing in this policy shall preclude the use of necessary force, deadly or otherwise, by members of this department in protecting themselves or others from death or serious injury.

424.3 PROCEDURE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to immediately eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect (isolate, contain or neutralize) or wait for additional resources.

When deciding on a course of action officers should consider:

(a) Whether sufficient personnel are available on-scene to advance on the suspect. Any advance on a suspect should be made using teams of three or more officers whenever reasonably possible.
(b) Whether individuals who are under imminent threat can be moved out of danger with reasonable safety.
(c) Whether the officers have the ability to effectively communicate with others in the field.
Rapid Response and Deployment (Active Shooter) Incidents

(d) Whether planned tactics can be effectively deployed.

(e) The availability of rifles, shotguns, shields, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

(f) In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider isolating and containing, then summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

(g) If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, the officer should take immediate action, if reasonably possible, to stop the threat presented by the suspect while calling for additional assistance.

(h) Designating a meeting location for incoming units and assignment of those units to best manage the incident.
Reporting Police Activity Outside of Jurisdiction

426.1 PURPOSE AND SCOPE
This policy provides general guidelines for reporting police activity while on or off-duty and occurring outside the jurisdiction of the Turlock Police Department.

426.1.1 ASSISTANCE TO AGENCIES OUTSIDE THE CITY
When an officer is on-duty and is requested by an allied agency to participate in law enforcement activity in another jurisdiction, he/she shall obtain prior approval from the immediate supervisor or the Watch Commander. If the request is of an emergency nature, the officer shall notify 911 Communications center before responding and thereafter notify a supervisor as soon as practical.

426.1.2 LAW ENFORCEMENT ACTIVITY OUTSIDE THE CITY
Any on-duty officer, who engages in law enforcement activities of any type outside the immediate jurisdiction of the Turlock shall notify his or her supervisor or the Watch Commander at the earliest possible opportunity. Any off-duty officer who engages in any law enforcement activities, regardless of jurisdiction shall notify the Watch Commander as soon as practical.

The supervisor shall determine if a case report or other documentation of the officer's activity is required. The report or other documentation shall be forwarded to the officer's Division Commander.
Immigration Violations

428.1 PURPOSE AND SCOPE
The immigration status of individuals alone generally is not a matter for police action. It is incumbent upon all employees of this department to make a personal commitment to equal enforcement of the law and equal service to the public regardless of immigration status. Confidence in this commitment will increase the effectiveness of the Department in protecting and serving the entire community.

428.2 DEPARTMENT POLICY
The U.S. Immigration and Customs Enforcement (ICE) has primary jurisdiction for enforcement of the provisions of Title 8, United States Code dealing with illegal entry.

When assisting ICE at its specific request, or when suspected criminal violations are discovered as a result of inquiry or investigation based on probable cause originating from activities other than the isolated violations of 8 USC § 1304; 8 USC § 1324; 8 USC § 1325 and 8 USC § 1326, this department may assist in the enforcement of federal immigration laws.

428.3 PROCEDURES FOR IMMIGRATION COMPLAINTS
Persons wishing to report immigration violations should be referred to the local office of the U.S. Immigration and Customs Enforcement (ICE), 630 Sansome Street, Room 200, San Francisco, CA (415) 705-4462. The Employer Sanction Unit of ICE has primary jurisdiction for enforcement of Title 8, United States Code.

428.3.1 BASIS FOR CONTACT
Unless immigration status is relevant to another criminal offense or investigation (e.g. harboring, smuggling, terrorism), the fact that an individual is suspected of being an undocumented person shall not be the sole basis for contact, detention, or arrest.

428.3.2 SWEEPS
The Turlock Police Department does not independently conduct sweeps or other concentrated efforts to detain suspected undocumented persons.

When enforcement efforts are increased in a particular area, equal consideration should be given to all suspected violations and not just those affecting a particular race, ethnicity, age, gender, sexual orientation, religion, socioeconomic status, or other group.

The disposition of each contact (e.g., warning, citation, arrest), while discretionary in each case, should not be affected by such factors as race, ethnicity, age, gender, sexual orientation, religion, or socioeconomic status.

428.3.3 ICE REQUEST FOR ASSISTANCE
If a specific request is made by ICE or any other federal agency, this department will provide available support services, such as traffic control or peacekeeping efforts, during the federal operation.
Members of this department 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 of this department should be based upon the reasonable belief that an individual is involved in criminal activity.

428.3.4 IDENTIFICATION
Whenever any individual is reasonably suspected of a criminal violation (infraction, misdemeanor or felony), the investigating officer should take reasonable steps to determine the person's identity through valid identification or other reliable sources while in the field.

If an individual would have otherwise been released for an infraction or misdemeanor on a citation, the person should be taken to the station and given a reasonable opportunity to verify his/her true identity (e.g., telephone calls). If the person's identity is thereafter reasonably established, the original citation release should be completed without consideration of immigration status.

428.3.5 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).

428.3.6 BOOKING
If the officer is unable to reasonably establish an arrestee's identity, the individual may be booked into jail for the suspected criminal violation and held for bail.

A person detained exclusively pursuant to the authority of Vehicle Code § 40302(a), for any Vehicle Code infraction or misdemeanor shall not be detained beyond two hours for the purpose of establishing his/her true identity. Regardless of the status of that person's identity at the expiration of two hours, he/she shall be released on his/her signature with a promise to appear in court for the Vehicle Code infraction or misdemeanor involved.

428.3.7 NOTIFICATION OF IMMIGRATION AND CUSTOMS ENFORCEMENT
Whenever an officer has reason to believe that any person arrested for any offense listed in Health & Safety Code § 11369 or any other felony may not be a citizen of the United States and the individual is not going to be booked into county jail, the arresting officer shall cause ICE to be notified for consideration of an immigration hold.

If an officer has an articulable belief that an individual taken into custody for any misdemeanor is an undocumented person, and there is no intention to transport to the county jail, ICE may be informed by the arresting officer so that they may consider placing an immigration hold on the individual.

In making the determination whether to notify ICE in such circumstances, the officer should, in consultation with a supervisor, consider the totality of circumstances of each case, including, but not limited to:

(a) Seriousness of the offense.
(b) Community safety.
(c) Potential burden on ICE.
(d) Impact on the immigrant community.
Immigration Violations

Generally, officers will not need to notify ICE when booking arrestees at the county jail. Immigration officials routinely interview suspected undocumented persons who are booked into the county jail on criminal charges and notification will be handled according to jail operation procedures.

428.4 CONSIDERATIONS PRIOR TO REPORTING TO ICE
The Turlock Police Department is concerned for the safety of local citizens and thus detection of criminal behavior is of primary interest in dealing with any person. The decision to arrest shall be based upon those factors which establish probable cause and not on arbitrary aspects. Race, ethnicity, age, gender, sexual orientation, religion, and socioeconomic status alone are of no bearing on the decision to arrest.

All individuals, regardless of their immigration status, must feel secure that contacting law enforcement will not make them vulnerable to deportation. Members should not attempt to determine the immigration status of crime victims and witnesses or take enforcement action against them absent exigent circumstances or reasonable cause to believe that a crime victim or witness is involved in violating criminal laws. Generally, if an officer suspects that a victim or witness is an undocumented immigrant, the officer need not report the person to ICE unless circumstances indicate such reporting is reasonably necessary.

Nothing in this policy is intended to restrict officers from exchanging legitimate law enforcement information with any other federal, state or local government entity (8 USC § 1373; 8 USC § 1644).

428.4.1 U-VISA/T-VISA NONIMMIGRANT STATUS
Under certain circumstances, federal law allows temporary immigration benefits to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U); 8 USC § 1101(a)(15)(T)). A declaration/certification for a U-Visa/T-Visa from the U.S. Citizenship and Immigration Services may be completed on the appropriate U.S. DHS Form supplements (I-918 or I-914) by law enforcement and must include information on how the individual can assist in a criminal investigation or prosecution in order for a U-Visa/T-Visa to be issued.

Any request for assistance in applying for U-Visa/T-Visa status should be forwarded in a timely manner to the Investigation Unit sergeant assigned to supervise the handling of any related case. The Investigation Unit sergeant should do the following:

(a) Consult with the assigned detective to determine the current status of any related case and whether further documentation is warranted.
(b) Review the instructions for completing the declaration/certification if necessary. Instructions for completing Forms I-918/I-914 can be found on the U.S. DHS website.
(c) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the declaration/certification has not already been completed and whether a declaration/certification is warranted.
(d) Address the request and complete the declaration/certification, if appropriate, in a timely manner.
(e) Ensure that any decision to complete or not complete the form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed declaration/certification in the case file.
428.4.2 HUMAN TRAFFICKING T-VISA
Officers and their supervisors who are assigned to investigate a case of human trafficking shall complete the above process and documents needed for a T-Visa application within 15 business days of the first encounter with the victim, whether or not it is requested by the victim (Penal Code § 236.5).
Emergency Utility Service

430.1 PURPOSE AND SCOPE
The City Public Works Department has personnel available to handle emergency calls 24 hours per day. Calls for service during non-business hours are frequently directed to the Police Department. Requests for such service received by this department should be handled in the following manner.

430.1.1 BROKEN WATER LINES
The City's responsibility ends at the water meter; any break or malfunction in the water system from the water meter to the citizen's residence or business is the customer's responsibility. Public Works can only turn off the valve at the meter. The citizen can normally accomplish this.

If a break occurs on the City side of the meter, emergency personnel should be called as soon as practical by 911 Communications center.

430.1.2 ELECTRICAL LINES
City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, Fire personnel is routinely dispatched. Fire personnel can request an officer to be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

430.1.3 RESERVOIRS, PUMPS, WELLS, ETC.
Public Works maintains the reservoirs and public water equipment, as well as several underpass and other street drainage pumps. In the event of flooding or equipment malfunctions, emergency personnel should be contacted as soon as possible.

430.1.4 EMERGENCY NUMBERS
A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by 911 Communications center.

430.2 TRAFFIC SIGNAL MAINTENANCE
The City of Turlock contracts with a private maintenance company to furnish maintenance for all traffic signals within the City, other than those maintained by the State of California.

430.2.1 OFFICER'S RESPONSIBILITY
Upon observing a damaged or malfunctioning signal, the officer will advise the 911 Communications center of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.
Patrol Rifles

432.1 PURPOSE AND SCOPE
In order to more effectively and accurately address the increasing level of fire power and body armor utilized by criminal suspects, the Turlock Police Department will make patrol rifles available to qualified patrol officers as an additional and more immediate tactical resource.

432.2 PATROL RIFLE

432.2.1 DEFINITION
A patrol rifle is an authorized weapon which is owned by the Department and which is made available to properly trained and qualified officers as a supplemental resource to their duty handgun or shotgun.

Personally owned rifles may be carried for patrol duty, however must meet the following criteria:

(a) The weapon must be from a major manufacturer.
(b) The weapon must be the same caliber and action as that of a department issued weapon.
(c) The weapon must be similarly equipped as that of a department issued weapon.
(d) The weapon must be inspected and approved by the Department Armorer or his/her designee.
(e) The weapon shall be subject to inspection whenever deemed necessary.
(f) Personnel shall provide written notice of the make, model, color, serial number of the weapon to the Department Armorer or his/her designee.
(g) The Officer must demonstrate proficiency with weapon manipulation and pass a department qualification prior to field use.
(h) Approval must be received from the Chief of Police or his/her designee to carry the weapon.

It is highly recommended that Officers interested in carrying a privately purchased weapon contact the Department's Armorer prior to purchasing the weapon to ensure it will meet department specifications.

432.3 SPECIFICATIONS
Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, may be used by officers in their law enforcement responsibilities. The authorized patrol rifle issued by the Department is the Colt AR-15 type platform.

The only ammunition authorized to be carried/utilized for the patrol rifles will be that meeting the specifications determined by the Firearms Training Unit.

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432.4 RIFLE MAINTENANCE
(a) Primary responsibility for maintenance of patrol rifles shall fall on the Armorer, who shall inspect and service each patrol rifle on a monthly basis.
(b) Each patrol officer carrying a patrol rifle may be required to field strip and clean an assigned patrol rifle as needed.
(c) Each patrol officer shall be responsible for promptly reporting any damage or malfunction of an assigned patrol rifle.
(d) Any patrol rifle found to be unserviceable shall be removed from service. The rifle shall be clearly labeled as 'out of service' and details regarding the weapon's condition shall be included on the label.
(e) Each patrol rifle shall be subject to inspection by a supervisor or the Armorer at any time.
(f) No modification shall be made to any patrol rifle without prior written authorization from the Armorer.

432.5 TRAINING
Officers shall not carry or utilize the patrol rifle unless they have successfully completed departmental training. This training shall consist of:

(a) An initial 24-hour patrol rifle user's course and qualification score with a certified patrol rifle instructor (Basic SWAT school will be considered the equivalency for this course), and
(b) An in-house rifle instruction course provided by the Firearms Training Unit, which will include the patrol version of the MEUSOC Rifle Course and Manipulation Test.
(c) Officers shall thereafter be required to successfully complete semi-annual training and qualification conducted by a certified patrol rifle instructor.

Any officer who fails to qualify or who fails to successfully complete a department sanctioned training/qualification sessions will be suspended from carrying the patrol rifle until they successfully remediate the quarterly course of fire and qualification.

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

(a) Situations where the officer reasonably anticipates an armed encounter
(b) When an officer is faced with a situation that may require the delivery of accurate and effective fire at long range
(c) Situations where an officer reasonably expects the need to meet or exceed a suspect's firepower
(d) When an officer reasonably believes that there may be a need to deliver fire on a barricaded suspect or a suspect with a hostage
(e) When an officer reasonably believes that a suspect may be wearing body armor
(f) When authorized or requested by a supervisor
432.7 DISCHARGE OF THE PATROL RIFLE
The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

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

432.9 RIFLE STORAGE
(a) When not in use (either for an assigned shift or training), patrol rifles will be stored and secured in the department approved rifle racks. In the event that there is no storage space available, the patrol rifles may be stored in the assigned officer's lockers until space becomes available.

(b) The armory number assigned to the patrol rifle will be recorded on the Daily Activity Log.

(c) When not deployed, in-service patrol rifles shall be secured in the vehicle in a locked gun rack or locked in the trunk.
Aircraft Accidents

434.1 PURPOSE AND SCOPE
This policy describes situations involving aircraft accidents including responsibilities of personnel, making proper notification, and documentation.

434.2 RESPONSIBILITIES
In the event of an aircraft crash the employee responsibilities are as follows:

434.2.1 OFFICER RESPONSIBILITY
Officers should treat an aircraft crash site as a crime scene until it is determined that such is not the case. If a military aircraft is involved, additional dangers, such as live ordinance or hazardous materials, may be present. The scene may require additional security due to the potential presence of confidential equipment or information.

The duties of the field officer at the scene of an aircraft accident include the following:

(a) Determine the nature and extent of the accident.
(b) Request additional personnel and other resources to respond as needed.
(c) Provide assistance for the injured parties until the arrival of fire department personnel and/or other emergency personnel.
(d) Cordon off and contain the area to exclude unauthorized individuals as soon as practicable.
(e) Provide crowd control and other assistance until directed otherwise by a supervisor.
(f) Ensure the Coroner's office is notified if a death occurs.

Entering an aircraft or tampering with parts or debris is only permissible for the purpose of removing injured or trapped occupants, protecting the wreckage from further damage or protecting the public from danger. If possible, the investigating authority should first be consulted before entering or moving any aircraft or any crash debris. Photographs or sketches of the original positions should be made whenever feasible.

The Fire Department will be responsible for control of the accident scene until the injured parties are cared for and the accident scene has been rendered safe for containment. Thereafter, police personnel will be responsible for preserving the scene until relieved by the investigating authority.

Once the scene is relinquished to the investigating authority, personnel from this agency may assist in containment of the scene until the investigation is completed or assistance is no longer needed.

An Airport Service Worker or the Airport Manager may respond to the scene to assist the on-scene commander with technical expertise, should it be needed during the operation.

434.2.2 NATIONAL TRANSPORTATION SAFETY BOARD
The National Transportation Safety Board (NTSB) has the primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft incident,
Aircraft Accidents

The appropriate branch of the military will be involved in the investigation. The NTSB is concerned with several aspects of a crash as described in this section.

Every effort should be made to preserve the scene to the extent possible in the condition in which it was found until such time as NTSB or other authorized personnel arrive to take charge of the scene.

Military personnel will respond to take charge of any military aircraft involved, whether or not injuries or deaths have occurred.

If the accident did not result in a death or injury and the NTSB elects not to respond, the pilot or owner may assume control of the aircraft.

Removal of the wreckage shall be done under the guidance of the NTSB or military authorities or, if the NTSB is not responding for an on-site investigation, at the discretion of the pilot or the owner.

434.2.3 911 COMMUNICATIONS CENTER RESPONSIBILITIES
Dispatchers are responsible to make notifications as directed once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. Generally, the dispatcher will need to notify the following agencies or individuals when an aircraft accident has occurred.

(a) Fire Department
(b) The affected airport tower
(c) Closest military base if a military aircraft is involved
(d) Ambulances or other assistance as required

When an aircraft accident is reported to the Police Department by the airport tower personnel the dispatcher receiving such information should verify that the tower personnel will contact the Federal Aviation Administration (FAA) Flight Standards District Office and the National Transportation Safety Board (NTSB). In the event that airport personnel are not involved, the dispatcher should notify the FAA and the NTSB.

434.2.4 RECORDS SUPERVISOR RESPONSIBILITIES
The Records Supervisor is responsible for the following:

(a) Forward and maintain an approved copy of the accident report to the California Department of Aeronautics
(b) Forward a copy of the report to the Field Operations Division Commander and the manager of the affected airport

434.2.5 PUBLIC INFORMATION OFFICER RESPONSIBILITIES
The Department Public Information Officer is responsible for the following:

(a) Obtain information for a press release from the on-scene commander or his or her designee
(b) When practical, the Department Public Information Officer should coordinate with the FAA Press Information Officer to prepare a press release for distribution to the Media
Aircraft Accidents

Information released to the press regarding any aircraft accident should be handled by the Department Public Information Officer or in accordance with existing policy.

434.3 DOCUMENTATION

Any aircraft accident (crash) within the City, regardless of whether injuries or deaths occur, shall be documented.
Obtaining Air Support

438.1 PURPOSE AND SCOPE
The use of a police helicopter can be invaluable in certain situations. This policy specifies potential situations where the use of a helicopter may be requested and the responsibilities for making a request.

438.2 REQUEST FOR HELICOPTER ASSISTANCE
If a supervisor or officer in charge of an incident determines that the use of a helicopter would be beneficial, a request to obtain helicopter assistance may be made.

438.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY
After consideration and approval of the request for a helicopter, the Watch Commander, or his/her designee, will call the closest agency having helicopter support available. The Watch Commander on duty will apprise that agency of the specific details of the incident prompting the request.

438.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED
Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements
(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard
(c) When the use of the helicopters will aid in the capture of a fleeing suspect whose continued freedom represents a threat to the community
(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard
(e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.
Watch Commanders

444.1 PURPOSE AND SCOPE
Each patrol shift must be directed by supervisors who are capable of making decisions and communicating in a manner consistent with departmental policies, procedures, practices, functions and objectives. To accomplish this goal, a Lieutenant heads each watch.

444.2 DESIGNATION AS ACTING WATCH COMMANDER
When a Lieutenant is unavailable for duty as Watch Commander, the regularly assigned Patrol Shift Sergeant shall serve the dual role of Sergeant/Watch Commander. In instances when two Patrol Sergeants are on duty, the most senior Sergeant shall serve as Watch Commander. This policy does not preclude designating a less senior sergeant as an acting Watch Commander when operational needs require or training permits. Unless approved in advance by the Operations Division Commander, no patrol shift will be supervised solely by Corporals. Sergeants and Lieutenants may not absent themselves from their regularly assigned shifts to the extent that only Corporals are on duty unless approved by the Division Commander.

444.3 PATROL RESPONSIBILITIES
The Watch Commander is responsible for the management of an entire platoon of patrol officers whether he or she is present at work or away from the office. While away from the office the regularly assigned Watch Commander shall remain in phone or radio contact with the designated acting Watch Commander. The Watch Commander must be available and accessible to subordinates, superiors and the 9-1-1 dispatch center throughout the entire shift. Watch Commanders should not normally leave the city limits during their tour of duty without prior notice to the Division Commander or without designating an Acting Watch Commander to serve during their absence.

The Watch Commander is responsible for insuring that all members of their platoon adhere to federal, state and local laws, city and department policies and procedures and Operations Division policies and procedures. The Watch Commander is responsible for initiating administrative action when they become aware of employee misconduct. The Watch Commander has authority to place an employee on administrative leave for disciplinary reasons or for the health of the employee in cases of mental trauma.

The Watch Commander is responsible for the overall morale, discipline and training of their subordinates. Watch Commanders will insure that first line supervisors effectively supervise their assigned personnel by insuring that supervisors follow up on their subordinates calls, review their reports and arrests, provide mentoring and coaching, perform timely written personnel evaluations and hold their subordinates accountable for a high standard of performance.

The Watch Commander's daily duties include, but are not limited to:

(a) Insure sufficient supervisors, Patrol Officers, Community Service Officers and other staff are scheduled for duty.

(b) Insure that pre-shift briefings are conducted, including regular segments for in-service training and conduct post-critical incident debriefings as necessary.

(c) Complete or direct to be completed an end of shift watch activity report.
Watch Commanders

(d) Respond to all press inquiries and prepare press releases as necessary.
(e) Attempt to handle all citizen complaints that arise during the shift, either by assigning a Sergeant or Corporal to follow up with the complainant or the Watch Commander will personally contact the complainant.
(f) Be prepared to implement or coordinate mutual aid with other agencies, activate specialized units such as Traffic, Investigations and CRT (SWAT/HNT), implement disaster preparedness plans, conduct evacuations or containments and assume overall management oversight for any critical incident.
(g) Be available to respond to critical incidents, establish command posts and oversee tactical operations.
(h) Provide management oversight to other Divisions/Units such as Detectives, Records or Communications during non-business hours when Managers, Commanders or supervisors of those Division/Units are not on duty.

444.3.1 DEPARTMENT RESPONSIBILITIES

The Watch Commander has the authority to assume functional control over all on duty Turlock Police employees, including employees assigned to other Divisions. In order to respond to any in-progress or imminent criminal activity or public safety emergency the Watch Commander has the authority to assume command and direct the operations of all department employees until that command is assumed by a Division Commander or Chief of Police. The Watch Commander has the authority to recall off duty personnel back to service in the event of an emergency.

The Watch Commander is responsible for coordinating work schedules, training schedules, schools and collateral assignments with other departments, divisions and units to insure their platoon never falls below minimum staffing levels. Watch Commanders have the authority to cancel training, schools and collateral assignments if it adversely effects platoon staffing.

The Watch Commander is responsible for being aware of impending city or regional events and planning the department and platoon response to those events. These events include but are not limited to concerts, fairs, sporting events, demonstrations or civil unrest, vehicular traffic disruption or any other event that will require a law enforcement response.

The Watch Commander is responsible for keeping the Division Commanders and Chief of Police informed of any significant pending or in-progress emergencies or cases of community-wide interest or that will result in interest or inquiries by the press or elected leaders. In the absence of the Division Commander or Chief of Police the Watch Commander is responsible for proactively making these notifications to the City Manager.

444.4 COLLATERAL ASSIGNMENTS

Watch Commanders generally will have collateral duties that might include but are not limited to managing specialized units or programs or other staff work as assigned. Collateral duties may include units such as FTO, K9, CRT or Traffic or programs such as Speedshift, Range or fleet maintenance.

444.5 COMMUNITY LIAISON

Watch Commanders are expected to maintain respectful, effective and cooperative relationships with all elected leaders. Watch Commanders are to promote open communication and collaborative relationships with other city departments and allied city, county and state agencies.
Watch Commanders

Watch Commanders will be expected to represent the City of Turlock as members or attendees at Boards, Commissions, Committees or other organizations of government bodies or joint ventures of public and private sector entities.

Watch Commanders will be expected to promote communication, trust and cooperation with local businesses, religious or faith based organizations, cultural or ethnic or minority groups. Watch Commanders may be expected to represent the Turlock Police Department as members of organizations such as the NAACP, Chamber of Commerce, ministerial alliance, Latino Roundtable, Assyian American Civic Club.
Portable Digital Recording Device (PDRD)

445.1 PURPOSE AND SCOPE
The purpose of this policy is to provide procedures for use of the Portable Digital Recording Device (PDRD). The PDRD provides documentary evidence for criminal investigations, internal or administrative investigations, and civil litigation related to on-duty activities having occurred during the course of the employee’s regular duties. Officers shall utilize the device in accordance with the provisions of this policy. Digital files created through the use of the PDRD’s may be subject to Public Records Act disclosure.

445.2 POLICY
(a) Unauthorized use, duplication, and/or distribution of PDRD files are prohibited. Personnel shall not make copies of any PDRD file for their personal use and are prohibited from using a recording device (such as, but not limited to, a phone camera or secondary video camera) to record PDRD files. All recorded media, images and audio are the property of the Turlock Police Department and will not be copied, released, or disseminated in any form or manner outside the parameters of this policy without the expressed written consent of the Chief of Police, or his/her designee.

(b) The PDRD shall not be used to record non work related activities.

(c) No member of this Department may surreptitiously video and/or audibly record a conversation of any other member of this Department without the expressed knowledge and consent of all parties. Nothing in this section is intended to interfere with an officer's right to openly record any interrogation pursuant to Government Code § 3303(g).

(d) Only trained sworn personnel shall operate the PDRD equipment.

(e) Personnel will use only the PDRD issued and approved by the Department. The use of any non-Department issued video recording devices is not authorized.

(f) Unless unsafe or impractical, all officers issued PDRD’s should activate their devices prior to making contact in any of the following incidents:
   1. Probation or parole searches
   2. Service of a search warrant
   3. Any proactive investigative encounters to include detentions, vehicle stops, subject stops and consensual encounters

(g) Officers may activate the PDRD before or during any other incident.

(h) Once activated during an incident or encounter, personnel shall leave the device activated until the reasonable conclusion of that incident or encounter.

(i) Officers are not required to obtain consent from a private person when:
   1. In a public place.
   2. In any location where the officer is lawfully present.

(j) Officers will have access to review their PDRD files prior to court, depositions, internal investigation interviews, and report preparation. Public Safety Statements will not be delayed solely to review PDRD files.
(k) All PDRD files shall be maintained for at least two years on the PDRD Server. All PDRD files identified as evidence shall be stored as evidence, per the Computers and Digital Evidence Policy § 814.

1. PDRD files shall be considered an official record related to the specific incident(s) in which they were recorded. PDRD files are subject to the timelines specific to the respective incidents for which they were recorded; specified by standard records retention requirements detailed in the City of Turlock Records Retention Schedule: City-Wide Standards, Resolution #2002-073 (See Appendix).

445.3 RESPONSIBILITIES

445.3.1 OFFICERS ASSIGNED A PDRD SHALL

(a) Test the equipment to ensure the unit is properly charged.

(b) Immediately report unresolved equipment malfunctions/problems to their supervisor.

(c) Monitor system effectiveness and are encouraged to make recommendations for operational improvement and policy revision.

(d) Upload PDRD data files at designated PDRD workstations once, at a minimum, during any shift in which the device is utilized, to:

1. Ensure storage capacity is not exceeded
2. View uploaded data, as needed

(e) Document the use of the PDRD on one of the following:

1. Police report,
2. Citation (as a notation),
3. FI Card (as a notation), or
4. In CAD, in the close (should none of the above documents have been generated)

445.3.2 SUPERVISORS

(a) Shall ensure officers utilize the PDRD according to policy guidelines.

445.3.3 SYSTEM ADMINISTRATOR

The System Administrator is designated by the Chief of Police and has oversight responsibilities to include, but not limited to:

(a) Operation and user administration of the system.

(b) System evaluation.

(c) Training.

(d) Coordination with IT regarding system related issues.

(e) Standard maintenance of PDRD files, to include procedures that ensure proper review and release of PDRD files in accordance with federal, state, local statutes, Turlock Police Department Policy § 806, and City of Turlock/Turlock Police Department Records Retention Schedule: City-Wide Standards, Resolution #2002-073 (See Appendix).
445.4 PDRD FILE REQUESTS

445.4.1 REQUESTS FOR FILES
Requests for PDRD files shall be in compliance with Policy § 810 (Release of Records and Information) and Government Code 6254(f) (Public Records Act).

Note - A request for a PDRD file from the Public Defender's Office shall be referred to the District Attorney's Office for proper Discovery, in the form of a subpoena, or processed as a public request.

445.4.2 REQUEST FOR DELETION OF ACCIDENTAL RECORDING
In the event of an accidental activation of the PDRD, and the resulting recording is of no investigative or evidentiary value, the officer may request that the PDRD file be deleted. The request for deletion will be facilitated by submitting memorandum, with sufficient information to locate the PDRD file, to the Division Commander, via chain of command. The Division Commander shall review the file, endorse or decline the request, and forward to the System Administrator for deletion, if authorized. The Division Commander will also respond back to the requester with the disposition of the request.

445.4.3 COPYING PROCEDURES
A copy of a PDRD file shall only be facilitated by the Investigations Supervisor, as the Custodian of Digital Records. Copies will only be made in accordance with Policy § 445.4.6.

445.4.4 INVESTIGATORS CONDUCTING CRIMINAL OR INTERNAL INVESTIGATIONS
(a) Investigators shall have access to PDRD files to enable proper follow up investigation.
(b) Access to PDRD files shall be "limited access" when associated with an Administrative Investigations or documented Citizens' Complaints. Involved officers may have access to review prior to investigative interviews, if requested.
(c) An Investigator requesting access be limited to particular PDRD files shall notify the System Administrator to set the particular file(s) as "limited access". Such requests shall include a documented purpose for the access being limited.

445.4.5 PDRD FILES AS TRAINING TOOLS
A PDRD file may be utilized as a training tool for individuals, specific units, and the Department as a whole. A recommendation to utilize a PDRD file for such purpose may come from any source.

A person recommending utilizing a PDRD file for training purposes shall submit the recommendation through the chain-of-command to the Special Operations Commander.

(a) The Special Operations Commander shall review the recommendation and determine how best to utilize the PDRD file considering the identity of the person(s) involved, sensitivity of the incident, and the benefit of utilizing the file versus other means (e.g., Policy Review, Training Bulletin, Officer Safety Bulletin, or In-Service Training). The Special Operations Commander will obtain the employee(s) consent prior to authorizing such use.
(b) No PDRD file in conflict with Penal Code § 832.7 shall be authorized.
**445.4.6 **COPIES FOR EVIDENCE
Officers requiring a copy of the PDRD file(s) must request a copy through the Investigations CSO or Property and Evidence Technician, in compliance with the Computers and Digital Files Policy, Policy § 814.

**445.5 **REVIEW OF RECORDED PDRD FILES
Recorded files may be reviewed in any of the following situations:

(a) By a supervisor investigating a specific act of officer conduct,
(b) Upon approval by a supervisor, any member of the Department who is participating in an official investigation such as a personnel complaint, administrative investigation or criminal investigation,
(c) By the personnel who originally recorded the incident,
(d) Pursuant to lawful process or by court personnel otherwise authorized to review evidence in a related case, or
(e) By media personnel with permission of the Chief of Police, or his/her authorized designee.
Mobile Data Computer Use

448.1 PURPOSE AND SCOPE
The Mobile Data Computer (MDC) accesses confidential records from the State of California, Department of Justice and Department of Motor Vehicles databases. Employees using the MDC shall comply with all appropriate federal and state rules and regulations.

448.2 MDC USE
The MDC shall be used for official police communications only. Messages that are of a sexual, racist, or offensive nature, or otherwise critical of any member of the Department are strictly forbidden. MDC use is also subject to the Department Technology Use Policy.

Messages may be reviewed by supervisors at anytime without prior notification. Employees generating or transmitting messages not in compliance with this policy are subject to discipline.

Priority calls dispatched to patrol units should be communicated by voice and MDC unless otherwise authorized by the Watch Commander.

448.2.1 USE WHILE DRIVING
Use of the MDC by the vehicle operator should generally be limited to times when the vehicle is stopped. When the vehicle is in motion, the operator should only attempt to read messages that are likely to contain information that is required for immediate enforcement, investigative or safety needs.

Short transmissions, such as a license plate check, are permitted if it reasonably appears that it can be done safely. In no case shall an operator attempt to send or review lengthy messages while the vehicle is in motion.

448.2.2 DOCUMENTATION OF ACTIVITY
MDC's and voice transmissions are used to record the officer's daily activity. To ensure the most accurate recording of these activities, the following are required:

(a) All contacts or activity shall be documented at the time of the contact;
(b) Whenever the activity or contact is initiated by voice, it shall be entered into the Computer Aided Dispatch (CAD) system by a dispatcher;
(c) Whenever the activity or contact is not initiated by voice, the officer shall record it on the MDC.

448.2.3 STATUS CHANGES
All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted either verbally over the police radio or through the MDC system.

Officers responding to in-progress calls shall advise changes in status verbally over the radio to assist other officers responding to the same incident.

Other changes in status may be entered by depressing the appropriate keys on the MDC's.
448.2.4 EMERGENCY ACTIVATION OF MDC
If the emergency button is depressed on the MDC, the dispatcher will call the unit and ask if Code-4. If there is no emergency, then he/she should answer "Code-4" and all units will resume their normal activity. If there is no response or the officer answers in some other way, the dispatcher shall proceed as follows:

(a) If the unit is not on a call, send available units to assist in locating the unit transmitting the emergency. Whenever a location is known, immediately dispatch the nearest available unit Code-3.

(b) Notify the field sergeant and Watch Commander of the incident without delay.

Units not responding to the emergency shall refrain from transmitting on the radio until there is a Code-4, unless they are themselves handling an emergency.

448.3 MDC CONSIDERATIONS

448.3.1 NON-FUNCTIONING MDC
Whenever possible, officers will not use units with malfunctioning MDC's. Whenever officers must drive a unit in which the MDC is not working, they shall notify 911 Communications center. It shall be responsibility of 911 Communications center to record all information that will then be transmitted verbally over the police radio.

448.3.2 BOMB CALLS
When investigating reports of possible bombs, officers will turn off their MDC's. Operating the MDC may cause some devices to detonate.
Automated Vehicle Locator (AVL) System

449.1 POLICY
It is the policy of the Turlock Police Department to install, use, and maintain an Automated Vehicle Locator (AVL) System in designated police vehicles.

449.2 PURPOSE
The purpose of the Automated Vehicle Locator (AVL) System is, during emergency situations, to assist Communications personnel with dispatching units and locating personnel.

449.3 PROCEDURE
The following procedures shall be followed by department personnel.

449.3.1 FIELD PERSONNEL
(a) Department field personnel assigned to a vehicle outfitted with an AVL System that is not functioning properly shall report the problem through established reporting procedures (MDC Problem Report) and exchange the vehicle for one with a properly functioning AVL System when availability permits.

(b) At no time shall any employee tamper with, manipulate, interrupt the signal or disconnect any AVL System.

449.3.2 COMMUNICATIONS PERSONNEL
(a) Will have the ability to utilize the AVL System in order to select and dispatch a unit to a call for service based on their location.

(b) Will have the ability to utilize the AVL System to locate field personnel involved in emergencies or perceived emergency situations, such as, but not limited to pursuits, emergency button activations, or a lack of a response to radio transmissions.

(c) Shall verify that all in-service vehicles with AVL Systems are displayed on the AVL screen in Communications and shall notify any unit when their AVL System is not properly functioning. Notification of the failure shall also be made to the on-duty Shift Supervisor or Watch Commander.

(d) Shall not utilize the AVL System to monitor the movements of individual officers involved in routine activities. Other than routine calls for service, Communications Center personnel may use the system to dispatch the closest unit to Priority One calls or any call requiring an immediate response. Though the closest unit will ordinarily be dispatched to the scene, it is still the responsibility of the assigned beat unit to respond and handle the call and any report. If available, the Shift Supervisor may assign the call to an out-of-beat unit as necessary.

(e) Shall use the AVL System to assist personnel in locating units who fail or are unable to respond to radio or MDC transmissions.

(f) May use the AVL System to assist units and supervisors in the establishment of crime scene perimeters and area searches.
(g) Shall use the AVL System to assist personnel and supervisors involved in pursuits with appropriate transmission regarding location, direction, speed, units involved, and topography.

449.3.3 MANAGEMENT/SUPERVISORY PERSONNEL

(a) Shift Supervisors and Watch Commanders shall utilize the AVL System to assist with effective and efficient deployment of personnel while on shift.

(b) Shift Supervisors and Watch Commanders shall ensure that the AVL System is primarily used for officer safety, improved response to calls for service and enhanced command and control of field resources.

(c) The AVL System shall not be utilized for conducting routine or random audits of field personnel relative to their movements and/or locations. The system should be utilized, however, for the purposes of deploying and monitoring field personnel in the course of supervising and managing daily field operations and activities.

(d) Supervisors shall make themselves familiar with the capabilities of the AVL System and ensure its proper use in accordance with this policy. While the system is not intended as a disciplinary tool, supervisors shall investigate allegations of misconduct by accessing all available information, which may include information captured and retained in the AVL System.

(e) AVL System data, including an analysis of the data, may be included in administrative investigations of pursuits involving a collision.

449.4 AUTOMATED VEHICLE LOCATOR (AVL) DATA

The system is capable of storing historical data relating to a variety of information about each patrol unit for a given date and time, including vehicle number, location, speed, and heading. All data from the MDC system will be stored on the department server for a period either dictated by statute or evidencery rules, otherwise, they are not to be kept for a period of longer than 6 months.

449.4.1 ACCESS TO AVL DATA

Access to any AVL data may be permitted for a variety of purposes including, but not limited to:

(a) The AVL System database may only be reviewed by management/supervisors or an investigator participating in an official department investigation, such as a personnel complaint, claims investigation, administrative inquiry, or criminal investigation.

(b) Response to criminal or civil subpoenas requesting data stored in AVL database.

(c) No employee shall make an inquiry into or audit the AVL records unless specifically authorized by the Chief of Police or Division Commander.

(d) Department personnel shall normally be notified prior to any AVL System database review involving their assigned vehicle, unless such notice is impractical (in such case, the employee shall be notified as soon as possible). The only exception to the notification requirement would be if it would compromise the investigation or inquiry and exception is granted by the Chief of Police or Division Commander.

(e) Department personnel may request a review of the AVL System database for their assigned vehicle in order to assist in reconstructing and documenting their movement in situations such as a pursuit. This request should be made to the on-duty Shift Supervisor or Watch Commander who will be responsible for authorizing the release.
Automated Vehicle Locator (AVL) System

of this data in the absence of the Chief of Police or Division Commander. The Communications Supervisor will be responsible for any retrieval of AVL data.
Use of Audio Recorders

450.1 PURPOSE AND SCOPE
This policy provides guidelines for the use of portable audio/video recording devices by members of this department while in the performance of their duties.

This policy does not apply to surreptitious interception of electronic communications for lawful authorized investigative purposes or to mobile audio video recordings.

450.2 POLICY
The Turlock Police Department may provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public.

450.3 PRIVACY
All recordings made by personnel acting in their official capacity as members of this department shall remain the property of the Department and should not be considered private, regardless of whether those recordings were made with department-issued or personally owned recorders.

450.4 MEMBER RESPONSIBILITIES
Any member assigned to a non-uniformed position may carry an approved portable recorder at any time the member believes that such a device may be useful.

450.5 ACTIVATION OF THE AUDIO RECORDER
California law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission. Members of the Department may surreptitiously record any conversation during the course of a criminal investigation in which the officer reasonably believes that such a recording will be beneficial to the investigation (Penal Code § 633). Members shall not surreptitiously record another department member without a court order or authorization of the Chief of Police.

At no time is a member expected to jeopardize his/her safety in order to activate a recorder or change the recording media. However, the recorder should be activated in required situations as soon as practicable.

450.6 PROHIBITED USE OF PORTABLE RECORDER
Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity, for non-Departmental related functions.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty. Members shall not duplicate or distribute such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.
Use of Audio Recorders

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Watch Commander. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements.

Recordings shall not be used by any member for the purpose of embarrassment or ridicule.

Any member who may have questions regarding the application of this policy is encouraged to seek clarification from supervisory personnel.

450.7 RETENTION OF RECORDINGS
Any time a member records any portion of a contact that the member reasonably believes constitutes evidence in a criminal case, the member shall record the related case number and download the file in accordance with the Computers and Digital Evidence Policy and document the existence of the recording in the related case report.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

Members should upload the file, in accordance with current procedure for storing digital files, at the end of their shift and any time the storage capacity is nearing its limit.

450.7.1 RETENTION REQUIREMENTS
All recordings shall be retained for a period consistent with the requirements of the organization’s records retention schedule but in no event for a period less than 180 days.

450.8 RELEASE OF RECORDINGS
Recordings made using portable recording devices pursuant to this policy are department records and may only be released as provided in the Release of Records and Information Policy or for other authorized legitimate department business purposes.

450.9 REVIEW OF RECORDED MEDIA FILES
When preparing written reports, members should review their recordings as a resource. However, members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct, reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.

(d) In compliance with a public records request, if permitted, and in accordance with the Release of Records and Information Policy.

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Medical Marijuana

452.1 PURPOSE AND SCOPE
The purpose of this policy is to provide members of this department with guidelines for handling and distinguishing between claims of medical marijuana use under California's Compassionate Use Act (Health & Safety Code § 11362.5) and criminal narcotics violations.

452.2 ENFORCEMENT
Although federal law does not currently permit possession of marijuana for medical use, California has created a limited defense (i.e. no penalty) for certain qualified individuals possessing small quantities of marijuana for medical use under strict conditions.

(a) Notwithstanding California Medical Marijuana laws:
   1. California does not provide any exception for individuals driving under the influence of marijuana. All such cases should be handled with appropriate enforcement action (e.g., Vehicle Code § 23152, et seq.).
   2. Medical marijuana may not be smoked outside of a residence within 1000 feet of a school, recreation center, youth center or in a vehicle or boat (Health & Safety Code § 11362.79).
   3. No probationer or parolee may possess medical marijuana unless such possession is authorized in writing by court order or parole conditions (Health & Safety Code § 11362.795).

(b) Possession, cultivation and sales of marijuana in quantities beyond that which might reasonably be construed as for personal use should be handled as criminal cases with appropriate enforcement action taken pursuant to Health & Safety Code §§ 11357, 11358 and 11359.
   1. The quantity of marijuana possessed by the Patient or the Primary Caregiver, and the form and manner in which it is possessed, should be reasonably related to the patient's current medical needs.

(c) In any case involving the possession or cultivation of marijuana, the handling officer should inquire whether the individual is claiming that the marijuana is for medicinal purposes.
   1. If no such claim is made, the officer should proceed with normal enforcement action.
   2. If a claim of medicinal use is made, the officer should proceed as outlined below.

452.3 MEDICINAL USE CLAIMS
In order to qualify for a medicinal marijuana defense, any individual making such a claim must affirmatively establish the following information. If the individual cannot or will not provide all of the required information, the officer should note such fact in any related report and proceed with appropriate enforcement action.

452.3.1 PATIENTS
(a) An individual may establish his/her status as a qualified patient by presenting a current and valid state issued identification card issued by the Department of Health (Health
Medical Marijuana

& Safety Code § 11362.735). Such identification cards shall contain the following information:

1. A unique serial number.
2. An expiration date.
3. The name and telephone number of the county health department approving the application.
4. A 24-hour toll-free number for law enforcement to verify the validity of the card (Verification can be checked at www.calmmp.ca.gov).
5. 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 (Health & Safety Code § 11362.78).

(b) If the individual does not possess a valid state issued identification card, the individual claiming status as a qualified patient must minimally provide the following information:

1. Satisfactory identification establishing current residency in California.
2. A current and valid medical marijuana ID card from a local governmental agency (e.g., county) or a current and verifiable, written recommendation for marijuana from a California licensed physician.
3. In the absence of a valid identification card, the handling officer should also obtain a written waiver from the involved individual authorizing the release of all related medical records.

452.3.2 PRIMARY CAREGIVERS
Primary caregivers are subject to the following requirements (Health & Safety Code 11362.765):

(a) A primary caregiver is not authorized to use, sell, or possess marijuana for sale.
(b) A primary caregiver must provide sufficient proof that he/she is responsible for the patient's housing, health and/or safety.
(c) A primary caregiver must provide sufficient proof of personal knowledge of the patient's medical needs and the details of the attending physician's recommendation.
(d) Upon proof that a qualified primary caregiver is caring for more than one qualified patient, he/she may aggregate possession and cultivation limits. For example, a primary caregiver caring for three qualified patients may possess 24 ounces (eight ounces per patient) of marijuana (Health & Safety Code § 11362.7(d)(2)).
(e) While qualified patients and primary caregivers may be permitted to collectively or cooperatively associate to cultivate medical marijuana, such individuals must strictly adhere to all non-profit and local business requirements (Health & Safety Code § 11362.775).

452.3.3 CLAIM REQUIREMENTS MET
Once the handling officer is satisfied that the individual making a medicinal marijuana use claim meets the above requirements, the officer should proceed as follows:

(a) The handling officer shall not take any enforcement action regarding the medicinal marijuana.
Medical Marijuana

(b) If the handling officer has already taken the individual 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 should be released pursuant to Penal Code § 849(b).

(c) The handling officer shall ensure that all pertinent information is entered into the call for service (names and dates of birth of involved individuals, the amount of medicinal marijuana at the location, etc.) so that the call can be easily referenced at a later date.

(d) The handling officer shall ensure that the call for service information is forwarded to the Turlock Narcotics Enforcement Team (TNET) for their reference.

452.3.4 RETURN OF MARIJUANA

Regardless of the prosecution status or disposition of any related criminal case, this department will not be responsible for the return of any marijuana seized as evidence except as may be required by a valid court order. (Health & Safety Code § 11473.5 and 21 USC § 885(d)).
Restorative Policing / Habitual Transient Offender Program

453.1 PURPOSE AND SCOPE
The Turlock Police Department's Community Retorative Police Program is intended to reduce law enforcement contacts with individuals who have mental illness or other disabilities. This will be accomplished through planned strategic interventions, in collaboration with area service providers, with the goal of "restoring" or "re-integrating" the individual to the community.

453.2 PROCESS
The Community Restorative Policing Program is comprised of two components; the Restorative Policing Officer and the Forensic Multi-Disciplinary Team.

453.2.1 RESTORATIVE POLICING OFFICER
Purpose:
To improve and consolidate the transfer of relevant information to the appropriate social service or law enforcement agencies regarding individuals who appear to have a mental illness or other disability.

Function:
The Restorative Policing Officer receives and collects information submitted by either Field or Special Operations Division personnel. The Restorative Policing Officer evaluates the information, based on pre-determined criteria and forwards it to the appropriate agencies and resources for possible action. The Restorative Policing Officer will also work in collaboration with agencies to organize and implement strategic low-level interventions with these individuals.

453.2.2 FORENSIC MULTI-DISCIPLINARY TEAM (FMDT)
Purpose:
The FMDT is a voluntary coalition that meets on a monthly basis. The FMDT's mission is to assist people with mental illness or other disabilities that are at high risk of being repeatedly arrested or victimized.

Function:
The FMDT meets to collaboratively develop, implement, and monitor strategic interventions designed to assist these individuals in living lawful and productive lives. The monthly meetings are conducted pursuant to Welfare & Institutions (W&I) Code Sections 15750-15755.

Membership in the FMDT is transitory and based, in part, on the needs of the customer (subject in need). The team will include the Restorative Policing Officer and a representative from the Stanislaus Behavior Health and Recovery Services. It may further include representatives from law enforcement, Probation, District Attorney's Office, Public...
Defender's Office, Adult Protective Services, other public and private care providers, and other recognized homeless outreach programs that serve the mentally ill in the community.

453.3 **PROCEDURE**

Turlock Police Department personnel should respond to requests for services involving emotionally disturbed individuals. The appropriate level of service to be provided will be determined by the investigating officer. If the individual appears to meet criteria for involuntary detention pursuant to W&I Code Section 5150, the officer should transport the individual to the Stanislaus Behavioral Health and Recovery Services Emergency Services Unit (SBHC) for evaluation.

- If, at the conclusion of the contact, the investigating officer believes that repeat contacts will be generated because of the person's disability, the investigation should be referred to the Turlock Police Department Restorative Policing Officer.
- The Restorative Policing Officer will provide low-level intervention that will, at the very least, include review of the police contact. Other low-level intervention strategies may include a follow-up investigatio, a referral to an outside service provider (mentioned above), and/or prosecution for the criminal activity.

453.4 **CRITERIA FOR REFERRALS**

**To the Restorative Policing Officer:**

Employees of the Turlock Police Department or the community may refer requests for information/services to the Restorative Policing Officer. The purposed is to assist individuals with mental illness or other disabilities; specifically those who are at high risk of being repeatedly arrested or victimized.

**To the FMDT:**

Referrals to the FMDT are generated by law enforcement via the Restorative Policing Officer. The Restorative Policing Officer will have the responsibility of preparing investigations for referral to the FMDT.

Referrals will be based on:

- The individual is generating multiple law enforcement service calls as a result of mental illness or appears to have an undiagnosed mental illness.
- The individual appears to at risk for victimization, presents a risk to public safety as a result of mental illness, or appears to have been undiagnosed for mental illness.

Issues of consideration for the Restorative Policing Officer:

- Mental illness, substance abuse, brain injury, developmental disability, or dementia disables the individual.
- Referrals have been made to the appropriate social service agencies but have been ineffective in reducing law enforcement contacts.
- It is believed that the calls for service will continue if hight level and collaborative interventions are not attempted.
Restorative Policing / Habitual Transient Offender Program

453.5 FUNCTIONAL SUPERVISION AND AUTHORITY
The management of the Restorative Policing Program is delegated to the Restorative Policing/HTO Manager or Lieutenant. Supervision of the program may subsequently be delegated to facilitate necessary functions of the program.

453.6 INTENT
The intent of the Community Restorative Policing/HTO Program is to address those persons with mental illness or other disabilities who are at high risk of being repeatedly victimized or arrested for activities related to their disability. The program should not be deemed the only course of action, or used as the sole remedy for criminal activity committed by persons with mental illness or other disabilities.
Bicycle Patrol Unit

454.1 PURPOSE AND SCOPE
The Turlock Police Department has established the Bicycle Patrol Unit (BPU) for the purpose of enhancing patrol efforts in the community. Bicycle patrol has been shown to be an effective way to increase officer visibility in congested areas and their quiet operation can provide a tactical approach to crimes in progress. The purpose of this policy is to provide guidelines for the safe and effective operation of the patrol bicycle.

454.2 POLICY
Patrol bicycles may be used for regular patrol duty, traffic enforcement, parking control, or special events. The use of the patrol bicycle will emphasize their mobility and visibility to the community.

Bicycles may be deployed to any area at all hours of the day or night, according to Department needs and as staffing levels allow.

Requests for specific deployment of bicycle patrol officers shall be coordinated through the Bicycle Patrol Unit supervisor or commander.

454.3 SELECTION OF PERSONNEL
When an opening for the Unit becomes available, interested sworn personnel will be invited to submit a memorandum of interest for appointment to the collateral duty. Officers, who are off probation, shall submit a memorandum of interest. Qualified applicants will then be invited to an oral interview.

The selection process shall include an oral interview and assessment of the applicant's ability to successfully meet the basic operational functions identified for the BPU. The Oral Board shall be comprised of the BPU team leader(s) and a non BPU supervisor. The BPU Commander shall serve as moderator of the Oral Board. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.
(b) Special skills or training as it pertains to the assignment.
(c) Good physical condition.
(d) Willingness to perform duties using the bicycle as a mode of transportation.

Final selection shall be at the discretion of the Police Chief.

454.3.1 BICYCLE PATROL UNIT SUPERVISOR
The Bicycle Patrol Unit supervisor will be selected from the rank of sergeant by the Field Operations Division Commander or his/her designee, with approval from the Police Chief.

The Bicycle Patrol Unit supervisor shall have responsibility for the following:

(a) Organizing bicycle patrol training.
(b) Inspecting and maintaining inventory of patrol bicycles and program equipment.
(c) Scheduling maintenance and repairs.
Participating in the program must complete an initial Department-approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- Operational tactics using bicycles.

Bicycle patrol officers will be required to qualify with their duty firearm while wearing bicycle safety equipment including the helmet and riding gloves.

**UNIFORMS AND EQUIPMENT**

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts or sweaters are permitted when worn under the uniform shirt.

Bicycle patrol officers shall carry the same equipment on the bicycle patrol duty belt as they would on a regular patrol assignment.

Officers will be responsible for obtaining the necessary forms, citation books and other department equipment needed while on bicycle patrol.

**CARE AND USE OF PATROL BICYCLES**

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white with a "POLICE" decal affixed to each side of the crossbar or saddlebag. Every such bicycle shall be equipped with front and rear reflectors, front lights, and a siren/horn satisfying the requirements of Vehicle Code §2800.1(b).

Bicycles utilized for uniformed bicycle patrol shall be equipped with a rear rack and/or saddle bag(s) sufficient to carry all necessary equipment to handle routine patrol calls including report writing, vehicle storage and citations.

Each bicycle gear bag shall include a first aid kit, tire pump, repair tool, tire tube, security lock, equipment information and use manuals. These items are to remain with/on the bicycle at all times.
Each bicycle shall be equipped with a steady or flashing white warning light that is visible from the front, sides, or rear of the bicycle. (Vehicle Code § 21201.3)

Bicycle officers shall conduct an inspection of the bicycle and equipment prior to use to insure proper working order of the equipment. Officers are responsible for the routine care and maintenance of their assigned equipment (e.g., tire pressure, chain lubrication, overall cleaning).

If a needed repair is beyond the ability of the bicycle officer, a repair work order will be completed and forwarded to the program supervisor for repair by an approved technician.

Each bicycle will have scheduled maintenance twice yearly to be performed by a department approved repair shop/technician.

At the end of a bicycle assignment, the bicycle shall be returned clean and ready for the next tour of duty.

Officers shall not modify the patrol bicycle, remove, modify or add components except with the expressed approval of the bicycle supervisor, or in the event of an emergency.

Vehicle bicycle racks are available should the officer need to transport the patrol bicycle. Due to possible component damage, transportation of the patrol bicycle in a trunk or on a patrol car push-bumper is discouraged.

Bicycles shall be properly secured when not in the officer's immediate presence.

454.7 OFFICER RESPONSIBILITY

Officers must operate the bicycle in compliance with the vehicle code under normal operation. Officers may operate the bicycle without lighting equipment during hours of darkness when such operation reasonably appears necessary for officer safety and tactical considerations. Officers must use caution and care when operating the bicycle without lighting equipment.

Officers are exempt from the rules of the road under the following conditions (Vehicle Code § 21200(b)(1)):

(a) In response to an emergency call.
(b) While engaged in rescue operations.
(c) In the immediate pursuit of an actual or suspected violator of the law.
Homeless Persons

464.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Turlock Police Department recognizes that members of the homeless community are often in need of special protection and services. The Turlock Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

464.1.1 POLICY
It is the policy of the Turlock Police Department to provide law enforcement services to all members of the community, while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this department will not use homelessness solely as a basis for detention or law enforcement action.

464.2 HOMELESS COMMUNITY LIAISON
The Chief of Police will designate a member of this department to act as the Homeless Liaison Officer. The responsibilities of the Homeless Liaison Officer include the following:

(a) Maintain and make available to all department employees a list of assistance programs and other resources that are available to the homeless.
(b) Meet with social services and representatives of other organizations that render assistance to the homeless.
(c) Maintain a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.
(d) Remain abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:
   1. Proper posting of notices of trespass and clean-up operations.
   2. Proper retention of property after clean-up, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
(e) Be informed during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.
(f) Interact as necessary with the Restorative Policing/Habitual Transient Offender Program Manager in accordance with Policy Manual § 453 to render assistance to the homeless.

464.3 FIELD CONTACTS
Officers are encouraged to contact the homeless for purposes of rendering aid, support and for community-oriented policing purposes. Nothing in this policy is meant to dissuade an officer from taking reasonable enforcement action when facts support a reasonable suspicion of criminal activity. However, when encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a
continuation of the offense or a breach of the peace, officers are encouraged to consider long-term solutions to problems that may relate to the homeless, such as shelter referrals and counseling in lieu of physical arrest.

Officers should provide homeless persons with resource and assistance information whenever it is reasonably apparent that such services may be appropriate.

464.3.1 OTHER CONSIDERATIONS
Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with Policy § 326.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

464.4 PERSONAL PROPERTY
The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping of the property.

Officers should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the department Homeless Liaison Officer. When practicable, requests by the public for clean-up of a homeless encampment should be referred to the Homeless Liaison Officer.

Officers who encounter unattended encampments, bedding or other personal property in public areas that reasonably appear to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a
Homeless Persons

complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

464.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (See Policy Manual § 418).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

If, at the conclusion of the contact, the investigating officer believes that repeat contacts will be generated because of the person's disability, the investigation should be referred to the Turlock Police Department's Restorative Policing Officer (See Policy Manual § 453).

464.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.
Traffic Function and Responsibility

500.1 PURPOSE AND SCOPE
The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

500.2 TRAFFIC OFFICER DEPLOYMENT
Several factors are considered in the development of deployment schedules for officers of the Turlock Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are citizen requests, construction zones or special events.

500.3 ENFORCEMENT
Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

500.3.1 WARNINGS
Warnings or other non-punitive enforcement actions should be considered in each situation and substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations.
Traffic Function and Responsibility

500.3.2 CITATIONS
Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge
(b) Court appearance procedure including the optional or mandatory appearance by the motorist
(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST
Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter
(b) Felony and misdemeanor driving under the influence of alcohol/drugs
(c) Felony or misdemeanor hit-and-run
(d) Refusal to sign notice to appear
(e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

500.4 SUSPENDED OR REVOKED DRIVERS LICENSES
If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator’s license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

500.5 HIGH-VISIBILITY VESTS
The Department has provided ANSI Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.5.1 REQUIRED USE
High-visibility vests shall be worn in accordance with FHWSA 23 CFR 634 when an employee is exposed to the hazards of approaching traffic and performing traffic control duties, investigating traffic collisions, handling lane closures, obstructed roadways and disaster scenes, and when engaged in special enforcement details upon any street, roadway, or highway including, but not limited to, driver license and sobriety checkpoints. Use of the vests shall also be mandatory when directed by a supervisor.
Traffic Function and Responsibility

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS
High-visibility vests are issued to individual employees. The employee shall be responsible for the serviceability of their vests.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Safety and Personnel Equipment Supervisor should be promptly notified whenever the supply of vests in the equipment room needs replenishing.
Traffic Collision Reporting

502.1 PURPOSE AND SCOPE
The Turlock Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

The Traffic Sergeant will be responsible for distribution of the Collision Investigation Manual. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy.

502.2 TRAFFIC COLLISION REPORTING
With the exceptions noted below, all traffic collision reports taken by members of this department shall be forwarded to that member's direct supervisor for approval.

Cases involving a fatality or major injury, where subject matter expertise is required, shall be reviewed by the Traffic Sergeant or his/her designee. The Traffic Sergeant or his/her designee will also be responsible for forwarding collisions involving death and/or serious injury to the District Attorney to review for criminal culpability.

502.3 REPORTING SITUATIONS

502.3.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES OR CITY PROPERTY
Traffic collision investigation reports shall be taken when a City-owned vehicle or City-owned property is involved in a traffic collision upon a roadway or highway wherein any damage or injury results. A general information report may be taken in lieu of a traffic collision report (CHP 555 form) at the direction of a supervisor when the collision occurs on private property or does not involve another vehicle.

Photographs of the collision scene and vehicle damage shall be taken at the discretion of the traffic investigator or any supervisor.

502.3.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES
When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Turlock Police Department resulting in a serious injury or fatality, the Traffic Sergeant or the Watch Commander, may notify the California Highway Patrol for assistance.

The term serious injury is defined as any injury that may result in a fatality.

502.3.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS
The Traffic Sergeant or on-duty Watch Commander may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

502.3.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY
In compliance with the Collision Investigation Manual, traffic collision reports shall not be taken for traffic collisions occurring on private property, unless there is a death or injury to
any person involved, a hit and run violation, or Vehicle Code violation. An Incident Report may be taken at the discretion of any supervisor.

**502.3.5 TRAFFIC COLLISIONS ON ROADWAYS OR HIGHWAYS**

Traffic collision reports shall be taken when they occur on a roadway or highway within the jurisdiction of this department under any of the following circumstances:

(a) When there is a death or injury to any persons involved in the collision.
(b) When there is an identifiable violation of the Vehicle Code.
(c) When a report is requested by any involved driver.

**502.3.6 COLLISION RELATED CITATIONS**

Officers who have attended specific POST approved courses of instruction in the investigation of traffic accidents are authorized under California Vehicle Code § 40600 to issue a written notice to appear for the Primary Collision Factor (PCF) when the investigating officer identifies a violation and recommends prosecution. The officer must base his/her recommendation as a result of their investigation, having evidence, either testimonial or real, or a combination of testimonial and real, that would be sufficient to issue a written notice to appear if the officer had personally witnessed the events investigated.

Officers who have not received the necessary training, but believe they have identified enough evidence to warrant a written notice to appear for the PCF, shall request their report be routed to the Traffic Sergeant to be reviewed for the issuance of a citation.

The Department's Subpoena Clerk will review subpoenas for citations, ascertain if it is related to a traffic collision, and will issue a Civil Subpoena for any potential witness(es) related to the prosecution of the case.

**502.4 NOTIFICATION IN EVENT OF SERIOUS INJURY OR DEATH RELATED TRAFFIC COLLISION**

In the event of a serious injury or death related traffic collision, the on-duty Watch Commander shall be notified as soon as practicable. If a Watch Commander is not on-duty, the on-call Administrator shall be notified as soon as practicable.

The Watch Commander or on-call Administrator shall determine the necessity of a Traffic Unit call out and notify the Field Operations Division Commander as soon as practicable.

**502.5 COLLISION REVIEW BOARD**

All traffic collisions involving department personnel while on duty or while operating a city vehicle will be forwarded to the Chief of Police for review.

Each member of this department who has been involved in an on-duty collision shall be subject to review by the Collision Review Board.

**Membership** - The Board shall consist of a Division Manager or a representative designated from management staff to serve as the Coordinator. Other Board members shall include one Corporal or Sergeant, one Officer and one other member selected by the involved Officer.

**Meetings** - The Board shall meet within sixty (60) days after the accident occurs.

**Appearances** - Members involved in an on-duty collision may be required by the Coordinator to make a personal appearance before the Board.
Traffic Collision Reporting

Decisions - The Board will determine if the incident was avoidable or unavoidable, as defined below:

Avoidable - The accident was within the control of the Officer.

Unavoidable - The accident was not within the control of the Officer.

The Board will also evaluate and may make recommendations with issues or concerns regarding training, equipment or supervision.

The Division Manager will make any recommendations to the Chief of Police. Once a determination has been made, the Manager will notify the employee of the findings and any recommendations.
Vehicle Towing

510.1 PURPOSE AND SCOPE
This policy provides the procedures for towing a vehicle by or at the direction of the Turlock Police Department. Nothing in this policy shall require the Department to tow a vehicle.

510.2 STORAGE AND IMPOUNDS
The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

510.2.1 VEHICLE STORAGE REPORT
Department members requesting towing, storage or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should to be given to the tow truck operator and the original shall be submitted to the Communications Center for CLETs entry as soon as practicable after the vehicle is stored.

510.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES
When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, a company will be selected from the rotational list of towing companies in Communications center.

If the owner is incapacitated, or for any reason it is necessary for the Department to assume responsibility for a vehicle involved in a collision, the officer shall request the dispatcher to call the next towing company on the rotation list. The officer will then store the vehicle using a CHP Form 180.

510.2.3 STORAGE AT ARREST SCENES
Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee’s vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high crime area).

The following are examples of situations where consideration should be given to leaving a vehicle at the scene in lieu of storing, provided the vehicle can be lawfully parked and left in a reasonably secured and safe condition:

• Traffic related warrant arrest.
• Situations where the vehicle was not used to further the offense for which the driver was arrested.
• Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
Vehicle Towing

- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases the owner shall be informed that the Department will not be responsible for theft or damages.

510.2.4 UNLICENSED DRIVERS

Officers contacting any person who has never been issued a driver's license, and who has had no prior traffic citations or convictions, may tow and store the vehicle they were driving only when the vehicle is in a location where it presents a traffic hazard, or it is illegally parked, or if leaving the vehicle in its present location might result in damage to the vehicle or its contents (a community caretaker function) and there is not another person who is immediately present and licensed to drive the vehicle. In such cases, officers may have the vehicle towed and stored per CVC § 22651(p).

Officers contacting any person who has never been issued a driver's license, and who has received one or more prior convictions for 12500(a) CVC, may impound the vehicle they were driving. In such cases, officers may tow or impound the vehicle per CVC § 22651(p) or for 30 days per CVC § 14602.6.

Officers contacting any person who has been issued a driver's license, but has let the license expire, will follow the below guidelines:

(a) If the license has been expired less than 6 months, the officer may issue a citation for CVC § 12500(a). The driver shall be permitted to drive their vehicle away.

(b) If the license has been expired more than 6 months, the officer may issue a citation for CVC § 12500(a). The officer may tow and store the vehicle they were driving only when the vehicle is in a location where it presents a traffic hazard, or it is illegally parked, or if leaving the vehicle in its present location might result in damage to the vehicle or its contents (a community caretaker function) and there is not another person who is immediately present and licensed to drive the vehicle. In such cases, officers may have the vehicle towed and stored per CVC § 22651(p).

If the storage or impounding of a vehicle is not warranted as prescribed in the above outlined instances and the driver of the vehicle desires the vehicle to be towed, officers shall have the driver select a towing company, if possible, and shall relay the request for the specific towing company to the dispatcher. Where there is no preferred company requested, a company will be selected from the rotational list of towing companies in the Communications Center.

510.2.5 SUSPENDED OR REVOKED DRIVERS

Officers contacting any person who has had their driver's license privilege suspended or revoked for anything other than a failure to pay child support (DSS) AND the driver had knowledge of the suspension or should have had knowledge of the suspension AND the driver is the registered owner or the registered owner did not take steps to ensure the driver was licensed, then the vehicle may be towed and impounded for 30 days per CVC 14602.6. If the aforementioned conditions are not met, the vehicle may be towed per CVC 22651(p).

510.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.
Vehicle Towing

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

510.2.7 COMMUNICATIONS CENTER RESPONSIBILITY

Communications Center personnel shall promptly enter pertinent data from the completed storage form (CHP Form 180) into the Stolen Vehicle System and return the form to the Shift Supervisor for approval (Vehicle Code §§ 22651.5(b), 22851.3(b) and 22854.5).

Upon receiving the storage form (CHP 180) of any such vehicle it shall be the responsibility of the Communications Center to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice shall be sent to all such individuals by first-class mail (Vehicle Code §§ 22851.3(d), 22852(a), and 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

(a) The name, address, and telephone number of this Department.
(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.
(c) The authority and purpose for the removal of the vehicle.
(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, writing, or by telephone within 10 days of the date appearing on the notice.

510.2.8 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

510.3 TOWING SERVICES

The City of Turlock periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used when a vehicle is being held as evidence in connection with an investigation.

510.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

510.5 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing. Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6).
Vehicle Towing

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner after all applicable fees are paid (Vehicle Code § 22850.3 and Vehicle Code § 22850.5).

(b) Vehicles removed that require valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3 and Vehicle Code § 22850.5).

(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent (verified by proof of power of attorney or notary public) with proof of current registration, proof of a valid driver's license and applicable fees paid prior to the end of the 30-day impoundment period if the vehicle was stolen, if the driver reinstates his/her driver's license, if the driver acquires a license and proper insurance, or under other circumstances as set forth in Vehicle Code § 14602.6.

(d) A vehicle removed pursuant to Vehicle Code § 14602.6(a), with the vehicle having completed the 30-day hold time period, shall be released to the registered owner or his/her agent (verified by proof of power of attorney or notary public) whether or not proof of current registration and/or proof of a valid driver's license can be provided. There are no statutory requirements that the person receiving the vehicle have a valid driver's license or current registration if the time period has elapsed - all provisions listed deal with vehicles released prior to the end of the 30-day hold. The owner or registered owner may have a number of ways to legally transport the vehicle from the towing facility. Personnel whose duties include releasing towed vehicles may consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release. Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.
Vehicle Impound Hearings

512.1 PURPOSE AND SCOPE
This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

512.2 STORED OR IMPOUND HEARING
When a vehicle is stored or impounded by any member of the Turlock Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code §§ 22650(a) and 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

512.2.1 HEARING PROCEDURES
The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(d)). The Traffic Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code §§ 22851.3(e)(2) and 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §§14602.6(b) and 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code §§ 14602.6(b) or 14608(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.
Vehicle Impound Hearings

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Division Commander. The hearing officer will recommend to the appropriate Division Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.
Impaired Driving and Evidence Collection

514.1 PURPOSE AND SCOPE
This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

514.2 POLICY
The Turlock Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

514.3 INVESTIGATIONS
Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

514.4 FIELD TESTS
The Traffic Sergeant should identify the primary field sobriety tests (FSTs) and any approved alternate tests for officers to use when investigating violations of DUI laws.

514.5 CHEMICAL TESTS
A person is deemed to have consented to a chemical test or tests under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence of alcohol or drugs, pursuant to Vehicle Code § 23152.
(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).
(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).
(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).
(e) The person is dead, unconscious or otherwise in a condition that renders him/her incapable of refusal (Vehicle Code § 23612(a)(5)).

514.5.1 CHOICE OF TEST
A person arrested for DUI has the choice of whether the test is of his/her blood or breath, and the officer shall advise the person that he/she has that choice. If the person arrested either is incapable, or states that he/she is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and
any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

514.5.2 BREATH TEST
The Traffic Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Sergeant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an alcoholic beverage and any drug. Evidence of the officer’s belief shall be included in the officer’s report (Vehicle Code § 23612(a)(2)(C)).

514.5.3 BLOOD TEST
Only persons authorized by law to withdraw blood shall collect blood samples (Vehicle Code § 23158). The withdrawal of the blood sample should be witnessed by the assigned officer. No officer, even if properly certified, should conduct the blood withdrawal.

Officers should inform an arrestee that if he/she chooses to provide a blood sample, a separate sample can be drawn for alternate testing. Should the arrestee so choose, unless medical personnel object, two samples should be drawn and retained as evidence, so long as only one puncture is required.

If an arrestee cannot submit to a blood test because he/she is a hemophiliac or is using an anticoagulant, he/she shall not be required to take a blood test. Such inability to take a blood test should not be treated as a refusal. However, the person may be required to complete another available and viable test.

514.5.4 URINE TESTS
If a urine test will be performed, the person should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff of the same sex as the person giving the sample. The person tested should be allowed sufficient privacy to maintain his/her dignity, to the extent possible, while still ensuring the accuracy of the specimen (Vehicle Code § 23158(i)).

The collection kit shall be marked with the person’s name, offense, Turlock Police Department case number and the name of the witnessing officer.
514.6 REFUSALS
When a person refuses to provide a viable chemical sample, officers should:

(a) Advise the person of the requirement to provide a sample (Vehicle Code § 23612).
(b) Audio-record the admonishment and the response if practicable.
(c) Document the refusal in the appropriate report.

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the person and take possession of any state-issued license to operate a motor vehicle that is held by that person (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

514.6.1 FORCED BLOOD SAMPLE WITHOUT CONSENT
A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained; or
(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol in the person's blood stream. Exigency can be established by the existence of special facts such as a lengthy delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

514.6.2 FORCED BLOOD SAMPLE
If a person indicates by word or action that he/she will physically resist a blood draw, the officer should advise a supervisor.

The officer should:

(a) Evaluate whether using force to obtain a blood sample is appropriate under the circumstances.
(b) Ensure that all attempts to obtain a blood sample through force cease if the person agrees to, and completes a viable form of testing in a timely manner.
(c) Advise the person of his/her duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the person to submit to such a sample without physical resistance. This dialogue should be recorded on audio and/or video if practicable.
(d) Ensure that the withdrawal is taken in a medically approved manner.
(e) With an evaluation as to the safety of the officer, medical staff, and suspect the priority, and when practicable, ensure the forced withdrawal is recorded on audio and/or video.
(f) Monitor and ensure that the type and level of force applied is reasonable under the circumstances:
   1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
   2. In misdemeanor cases, if the suspect becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
   3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood being withdrawn may be permitted.
(g) Ensure the use of force and methods used to accomplish the blood sample draw are documented in the related report.

514.7 ARREST AND INVESTIGATION

514.7.1 WARRANTLESS ARREST
In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic accident.
(b) The person is observed in or about a vehicle that is obstructing the roadway.
(c) The person will not be apprehended unless immediately arrested.
(d) The person may cause injury to him/herself or damage property unless immediately arrested.
(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

514.7.2 STATUTORY WARNING
An officer requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

514.7.3 PRELIMINARY ALCOHOL SCREENING
Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or a combination of alcohol and drugs. Unless the person is under the age of 21, he/she shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy his/her obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

514.7.4 PRELIMINARY ALCOHOL SCREENING FOR MINORS
If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of his/her blood, breath or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

514.7.5 OFFICER RESPONSIBILITIES
The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):
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(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).

(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

514.8 RECORDS UNIT RESPONSIBILITIES
The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney's office.

514.9 ADMINISTRATIVE HEARINGS
The supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officers who receive notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

Officers called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified. The Records Unit should forward this to the prosecuting attorney as part of the case file.

514.10 TRAINING
The Training Manager should ensure that officers participating in the enforcement of DUI laws receive regular training. Training should include, at minimum, current laws on impaired driving, investigative techniques and rules of evidence pertaining to DUI investigations. The Training Manager should confer with the prosecuting attorney's office and update training topics as needed.
Checkpoints

515.1 PURPOSE AND SCOPE
This policy explains the procedures and case law to be adhered to when conducting a checkpoint in the City of Turlock. Checkpoints seek out drivers who are too impaired by alcohol or drugs to safely operate a motor vehicle or drivers who are at or above the statutorily prohibited blood alcohol concentration limit.

It is acceptable to combine a DUI checkpoint with a Drivers License checkpoint. Statistics show that suspended/unlicensed drivers are many times more likely to be involved in collisions. Therefore, it is in the interest of public safety that suspended and unlicensed drivers are identified and removed from the roadway as well. However, the main reason for a Checkpoint should be to apprehend and deter impaired drivers.

515.2 CASE LAW GOVERNING DEPLOYMENT
In INGERSOLL v. PALMER, 43 Cal.3d 1321 (1987), the California Supreme Court set forth eight requirements for law enforcement to follow when conducting checkpoints with the purpose of seeking out impaired drivers. This decision also established that checkpoints are to be used to protect the public from impaired drivers. The eight requirements include:

(a) Decision making at the supervisory level - Site selection
(b) Limitations of discretion of field officers as to vehicles to stop/contact - A neutral mathematical formula
(c) Maintenance of safety conditions - Safety of motorists and officers to be considered
(d) Reasonable location
(e) Time and duration
(f) Indicia of official nature of the roadblock - High visibility/proper warning
(g) Length and nature of detention - Each motorist should be detained only long enough to determine sobriety
(h) Advance publicity

515.3 LOCATION
Checkpoint locations (including dates/times) shall be approved by the Field Operations Commander or his/her designee. The location of the checkpoint will be established by the Traffic Safety Unit Supervisor or the Traffic Officer who has been designated as the "Supervising Case Officer." The location should include an area that is suitable to conduct additional investigation such as field sobriety tests, and where personnel can stand with reasonable safety. Ideally, a parking lot would be best however, a blocked off lane of traffic will also suffice. In the latter, a vehicle should be parked, with the parking brake set, in a way that would protect any pedestrians in the blocked off lane from a motorist.

515.3.1 DETERMINATION OF LOCATION
The location will be determined by traffic volume, statistical data such as DUI arrests and DUI collisions, and the ability to safely establish the checkpoint. The location must also have an escape route that is a through street. This escape route offers motorists the opportunity to turn and take an alternate route if they do not want to proceed through the checkpoint.
515.4 DETERMINATION OF STOPPING VEHICLES
The Checkpoint supervisor or the Case Officer will determine a neutral mathematical formula when stopping cars. Such formulas may be every third, sixth, tenth or any other set number of vehicles. When a set number is established, the checkpoint staff will adhere to that number. Another possibility is that every vehicle is stopped.

515.4.1 DEVIATION OF THE ESTABLISHED FORMULA
The pre-determined formula can be changed at the checkpoint if the Supervisor or Case Officer determines there is a need. Such situations may be a severe back-up of vehicles that will cause an excessive delay for motorists. In this situation, the Supervisor or Case Officer will determine how many vehicles to let through the checkpoint without being checked to alleviate the congestion. Also, if a formula other than every car is established at the start of the checkpoint, but the traffic volume slows to a point where that formula is no longer realistic, the Supervisor or Case Officer may determine it would be a benefit to public safety to check every vehicle.

515.5 SAFETY
It is the responsibility of the Department to use sufficient equipment to warn of and illuminate the checkpoint. Lighting may include overhead streetlights. Portable lighting may also be utilized. All staff that are contacting drivers must wear a reflective vest in accordance with ANSI/ISEA 107-2004 or ANSI/ISEA 207-2006 and Department Policy. All staff will also be equipped with a flashlight.

515.5.1 TRAFFIC CONES
Orange cones with a minimum height of 18 inches and a reflective band should be used. These types of cones are highly visible to drivers from a safe distance away. Additionally, electronic "flares" may be placed under and/or in conjunction with the cones to further enhance the cones' visibility.

515.6 WARNING SIGNS
Warning signs will be high-visibility. They will read "DUI/Driver's License Checkpoint Ahead." Advance warning signs will be placed at least 100 feet BEFORE the last escape route. They will also be placed on any side street that is at or after the escape route. Signs will be placed to warn of lane closures, stopping traffic and the checkpoint itself.

515.6.1 ELECTRONIC MESSAGE BOARDS
Electronic message boards may be used to enhance the static signs, but not replace them. Electronic message boards do draw more attention to the checkpoint for motorists, giving them every opportunity to have advance notice. They do not have to be used, but should be considered by the Supervisor or Case Officer if staffing and logistics allow it.

515.7 TIME AND DURATION
The time and duration of the checkpoint shall be at the discretion of the Supervisor or Case Officer. Times of the checkpoint should be based on the general deterrence effect of the checkpoint and when the most impaired drivers are using the roadways. The purpose of the checkpoint is to either detect/arrest impaired drivers or to deter them from driving impaired. The duration should also be reasonable for the desired impact. Generally, six hours of actual operation time should be planned as a general guideline. The time of the checkpoint is usually set to begin in the evening and end shortly after the closing time of liquor-licensed
establishments. However, in certain circumstances, it is acceptable to begin the checkpoint much earlier. That decision is at the discretion of the supervisor directing the checkpoint.

515.8 PUBLIC NOTICE
The Supervisor or Case Officer is responsible for informing the PIO about the checkpoint and how it is being funded. The Supervisor, Case Officer, or PIO will prepare a press release and distribute to the local news sources at least 72 hours before the checkpoint.

515.9 DETENTION OF MOTORISTS
Officers contacting motorists that enter the checkpoint will address each driver with something similar to the following: “Good evening. I’m Officer [X] with the Turlock Police Department. We are conducting a DUI/Driver’s License checkpoint. May I see your license please?” The officer should then engage the driver in conversation or a brief questioning to investigate any signs of intoxication (e.g. the odor of an alcoholic beverage, slurred speech, bloodshot/watery eyes, nystagmus, etc.). If no impairment is observed, the driver should be permitted to leave as soon as traffic clears. If impairment is detected or suspected, the driver will be directed to the pull-out area for further investigation. If the driver does not have a valid license in their possession, they too will be directed to the pull-out area for further investigation. If a motorist refuses to comply with the orders of the officer by not rolling down the window, that officer should immediately inform the motorist they are being detained, that the motorist is obstructing and delaying a peace officer in the performance of his/her duties and alert the supervisor of the situation. The supervisor shall determine further action such as forcing the window/door open or permitting the driver to pass through unchecked. A department owned/operated vehicle should be moved to a position to prevent the motorist from leaving until permitted. All efforts should be made to avoid using civilian vehicles to intentionally block the motorist.

515.10 AVOIDANCE OF THE CHECKPOINT
Motorists who purposely turn to avoid the checkpoint CANNOT be stopped for simply refusing to drive into the checkpoint. However, if the motorist commits a vehicle code violation OR there are cues that the driver is impaired including, but not limited to: weaving, swerving, drifting, wide turns, unsteady speed, etc., OR there is other probable cause, that driver may be stopped for that reason.

515.11 VEHICLE REMOVAL
Motorists who enter the checkpoint and are either arrested or unlicensed can have their vehicles towed at the discretion of the arresting officer or supervisor. Due to the location of most checkpoints, it is not possible to leave vehicle parked after the checkpoint is complete. Additionally, it is often impractical to leave vehicle parked until the end of the checkpoint as it could cause staffing issues. The tow company facilitating the removal of the vehicle will be chosen by using the standard Tow Rotation List in the Communications Center. The following guidelines should be taken into account when considering the removal of a vehicle.

515.11.1 DRIVER ARRESTED FOR DUI
The vehicle may be towed per CVC 22651(h)(1). If the offense is for CVC 23136, the vehicle may be towed per CVC 22651(h)(2). If the driver is also suspended, see Policy § 515.11.2.

515.11.2 SUSPENDED DRIVER
If the driver is suspended for anything other than a failure to pay child support (DSS) AND the driver had knowledge of the suspension or should have had knowledge of the
suspension **AND** the driver is the registered owner or the registered owner did not take steps to ensure the driver was licensed, then the vehicle may be towed and impounded for 30 days per CVC 14602.6. If the aforementioned conditions are not met, the vehicle may be towed per CVC 22651(p).

515.11.3 **UNLICENSED DRIVER**
The requirements of CVC 2814.2 must be met before the removal of a vehicle is made.

If the motorist is stopped only for a violation of CVC § 12500(a), **and has never been licensed**, the registered owner must be permitted the opportunity to attempt to locate a licensed driver for their vehicle. If the driver is not the registered owner, the driver will have the opportunity to locate the registered owner themselves.

The vehicle will stay parked at the checkpoint until the end of the checkpoint. The end of the checkpoint shall be considered when vehicles are no longer being inspected and clean-up has begun. This should occur approximately one half hour (30 minutes) before the planned end of the detail. The driver shall be informed of the end of checkpoint time and notified the vehicle will be towed per CVC § 22651(p) if the registered owner has not returned with a valid license or licensed driver by that time. The vehicle’s keys will be maintained by checkpoint personnel.

- If the license has been expired **more than** 6 months, the preceding guidelines shall be followed.
- If the license has been expired **less than** 6 months, the driver shall be permitted to drive the car away.

515.11.4 **OTHER ARRESTS**
If the driver is arrested for any other reason than previously detailed, the vehicle may be towed per CVC 22651(h)(1).

515.12 **DISPOSITION OF ARRESTEES**
The decision to either release those arrested for misdemeanor violations with a citation or book them in Stanislaus County Jail rests with the arresting officer and/or supervisor. Due to the nature and reason for the Checkpoint, it is encouraged that those arrested for DUI be booked, however it is not mandatory. All other arrests should adhere to relative Department policy.

515.13 **OTHER CHECKPOINTS**
It is acceptable to combine a DUI checkpoint with a Drivers License checkpoint. Statistics show that suspended/unlicensed drivers are many times more likely to be involved in collisions, therefore it is in the interest of public safety that suspended and unlicensed drivers be identified and removed from the roadway as well. However, the main reason for a Checkpoint should be to apprehend and deter impaired drivers.
Traffic Citations

516.1 PURPOSE AND SCOPE
This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

516.2 RESPONSIBILITIES
The Traffic Sergeant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

A Secretary assigned to the Field Operations Division shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

516.3 DISMISSAL OF TRAFFIC CITATIONS
Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to the officer’s immediate supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may request the Field Operations Division Commander to recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

There will be cases where a citation has been issued to a defendant and the officer determines that the citation needs to be voided before it has been sent to the court. However, traffic citations may only be voided by a Traffic Court Judge/Commissioner. Therefore, any request to void a citation shall be referred to the officer’s immediate supervisor. Upon a review of the circumstances involving the issuance of the traffic citation, the supervisor may request the Field Operations Division Commander to authorize voiding of the traffic citation. The Division Commander may draft a letter to the court seeking voidance, copied to the Chief of Police for Department recordation. If approved, the officer will send a form letter to the defendant explaining that the citation has been voided. The Records Unit will retain the remaining copies of the voided citation in the appropriate file.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation. Upon dismissal of the traffic citation by the court, the officer shall notify his/her immediate supervisor of the circumstances surrounding the dismissal and shall complete any paperwork as directed or required. The citation dismissal shall then be forwarded to the Field Operations Division Commander for review.

516.4 CORRECTION OF TRAFFIC CITATIONS
When a traffic citation is issued and in need of correction, the issuing officer shall forward the citation and an amendment to the Records Unit for processing. The Records Unit will then forward the citation and amendment to the court.
516.5 DISPOSITION OF TRAFFIC CITATIONS
The court and file copies of all traffic citations issued by members of this department shall be forwarded to the Records Unit for processing.

516.6 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE
Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

516.6.1 APPEAL STAGES
Appeals may be pursued sequentially at three different levels:

(a) Administrative reviews are conducted by the Professional Standards Unit who will review written/documentary data. Requests for administrative reviews are available at the front desk or Professional Standards Unit of the Turlock Police Department. These requests are informal written statements outlining why the notice of parking violation should be dismissed. Copies of documentation relating to the notice of parking violation and the request for dismissal must be mailed to the current mailing address of the processing agency.

(b) If the appellant wishes to pursue the matter beyond administrative review, an administrative hearing may be conducted in person or by written application, at the election of the appellant. Independent referees review the existent administrative file, amendments, and/or testimonial material provided by the appellant and may conduct further investigation or follow-up on their own.

(c) If the appellant wishes to pursue the matter beyond an administrative hearing, a Superior Court review may be presented in person by the appellant after an application for review and designated filing fees have been paid to The Superior Court of California.

516.6.2 TIME REQUIREMENTS
Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code 40215(b)).

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 unless 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code 40209 and Vehicle Code 40210).

516.6.3 COSTS
(a) There is no cost for an administrative review.
Traffic Citations

(b) Appellants must pay the full amount due for the citation, or provide satisfactory proof of their inability to pay, before receiving an administrative hearing.

(c) An appeal through Superior Court requires prior payment of filing costs including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

516.7 JUVENILE CITATIONS
Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile’s age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

516.8 COLLISION RELATED CITATIONS
Officers who have attended specific POST approved courses of instruction in the investigation of traffic accidents are authorized under California Vehicle Code § 40600 to issue a written notice to appear for the Primary Collision Factor (PCF) when the investigating officer identifies a violation and recommends prosecution. The officer must base his/her recommendation as a result of their investigation, having evidence, either testimonial or real, or a combination of testimonial and real, that would be sufficient to issue a written notice to appear if the officer had personally witnessed the events investigated.

Turlock Police Department employees who desire to have such citations issued shall follow the guidelines outlined in Policy Manual § 502.3.6.
Disabled Vehicles

520.1 PURPOSE AND SCOPE
Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

520.2 OFFICER RESPONSIBILITY
When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

520.3 EXTENT OF ASSISTANCE
In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

520.3.1 MECHANICAL REPAIRS
Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

520.4 PUBLIC ACCESS TO THIS POLICY
This written policy is available upon request.
Parking Violations & Storage

524.1 PURPOSE AND SCOPE
This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Turlock City Ordinances regulating parking violations and abandoned vehicles under the authority of Vehicle Code §§ 22652.6 and 22669.

524.2 MARKING VEHICLES
Vehicles suspected of being in violation of the City of Turlock Parking Ordinances shall be marked. No case number is required at this time.

A visible chalk mark should be placed on a tire unless missing tires or other vehicle conditions prevent marking.

524.3 VEHICLE STORAGE
Any vehicle in violation may be stored by the authorized towing service and a vehicle storage report (CHP form 180) shall be completed by the employee authorizing the storage of the vehicle.

The storage report form shall be submitted to the Communications Center as soon as practicable following the storage of the vehicle. It shall be the responsibility of the Communications Center to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento (Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Communications Center to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers. Notice to all such individuals shall be sent first-class or certified mail pursuant to Vehicle Code § 22851.3(d).
Investigation and Prosecution

600.1  PURPOSE AND SCOPE
When assigned to a case for initial or follow-up investigation, Detectives shall proceed with due diligence in evaluating and preparing the case for appropriate clearance or presentation to a prosecutor for filing of criminal charges.

600.2  MODIFICATION OF CHARGES FILED
Employees are not authorized to recommend to the District Attorney, City Attorney, or to any other official of the court that charges on a pending case be altered or the case dismissed. In all cases resulting in court prosecution, any request to modify the charges filed or to recommend dismissal of charges in a pending case shall be made to the District Attorney's Office or City Attorney's Office only as authorized by a Division Commander or the Chief of Police.

600.3  INVESTIGATIONS
As a general rule, misdemeanor cases will be investigated by the Field Operations Division personnel assigned that case. Field Operations Division personnel shall conduct a thorough investigation on felony cases, concluding those cases that can be concluded in a timely manner and route open or active cases requiring further investigation to the Investigations Unit.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard, or assimilated by any other sense, and any actions taken. Employees shall not repress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing.

All reports taken by employees of this department shall adhere to the guidelines outlined in Policy Manual § 344.
Sexual Assault Victims' DNA Rights

602.1 PURPOSE AND SCOPE
Consistent with Penal Code § 293 and the Sexual Assault Victims' DNA Bill of Rights (Penal Code § 680), this policy will establish a procedure by which sexual assault victims may inquire about and be provided with information regarding the status of any DNA evidence in their case, their right to confidentiality and other rights afforded by law.

602.2 INVESTIGATION CONSIDERATIONS

602.2.1 VICTIM CONFIDENTIALITY
Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that his/her name will become a matter of public record unless the victim requests that his/her name not be made public. The reporting officer shall document in his/her report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code 293 § (a) and (b)).

(a) Except as authorized by law, members of this department shall not publicly disclose the name or address of any victim of a sex crime who has exercised his/her right to confidentiality (Penal Code § 293 (c) and (d)).

602.2.2 OFFICER RESPONSIBILITY
Whenever there is an alleged violation of Penal Code §§ 261, 261.5, 262, 286, 288a, or 289, the assigned Officer/Detective shall accomplish the following:

(a) Immediately provide the victim with the "Marsy's Rights" card containing the names and locations of rape victim counseling centers within the County and their 24-hour counseling service telephone numbers (Penal Code § 264.2(a)).

(b) If victim is transported to a hospital for any medical evidentiary or physical examination the officer/detective shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2(b)(1)).

1. Prior to any such examination the assigned officer shall ensure that the victim has been properly informed of his/her right to have a sexual assault victim counselor and at least one other support person present (Penal Code § 264.2(b)(2)).

2. A support person may be excluded from the examination by the officer/detective or the medical provider if his/her presence would be detrimental to the purpose of the examination (Penal Code § 264.2(b)(4)).

602.3 TESTING OF SEXUAL ASSAULT EVIDENCE

(a) Subject to available resources and other law enforcement considerations which may affect the ability to process and analyze the results of a sexual assault examination or other sexual assault victim evidence and other crime scene evidence, any member of this department assigned to investigate a sexual assault offense (Penal Code §§ 261, 261.5, 262, 286, 288a or 289) should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g).
Sexual Assault Victims’ DNA Rights

(b) In order to maximize the effectiveness of such testing and identifying the perpetrator of any sexual assault, the assigned officer/detective should further ensure that the results of any such test have been timely entered into and checked against both the Department of Justice Cal-DNA database and the Combined DNA Index System (CODIS).

(c) If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue is not going to be analyzed within two years of the crime, the assigned officer/detective shall be notified by the Property Specialist that they will be notifying the victim of such fact in writing within no less than 60 days prior to the expiration of the two-year period (Penal Code § 680(d)).

602.4 VICTIM NOTIFICATION OF DNA STATUS

(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, the assigned Officer/Detective may inform the victim of the status of the DNA testing of any evidence from the victim’s case.

1. Although such information may be communicated orally, the assigned Officer/Detective should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. Absent a written request, no member of this department is required to, but may, communicate with the victim or victim's designee regarding the status of any DNA testing.

(b) Subject to the commitment of sufficient resources to respond to requests for information, sexual assault victims shall further have the following rights:

1. To be informed whether or not a DNA profile of the assailant was obtained from the testing of the sexual assault examination evidence or other crime scene evidence from their case.

2. To be informed whether or not there is a match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the Department of Justice Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

3. To be informed whether or not the DNA profile of the assailant developed from the evidence has been entered into the Department of Justice Data Bank of case evidence.

(c) Provided that the sexual assault victim or victim's designee has kept the assigned officer informed with regard to current address, telephone number and e-mail address (if available), any victim or victim's designee shall, upon request, be advised of any known significant changes regarding the victim's case.

1. Although such information may be communicated orally, the assigned Officer/Detective should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. No Officer/Detective shall be required to or expected to release any information which might impede or compromise any ongoing investigation.

602.5 DESTRUCTION OF EVIDENCE

Any destruction of evidence related to a sexual assault shall occur only after victim notification is made as required pursuant to Penal Code § 680 and only in compliance with the Property and Evidence Policy.
Asset Forfeiture

606.1 PURPOSE AND SCOPE
This policy describes the authority and procedure for the seizure and liquidation of assets associated with specified controlled substances. This policy applies to forfeited or seized assets in the form of currency, real estate, automobiles, boats, aircraft, or any other items of value.

606.2 ASSET SEIZURE AUTHORITY
Health & Safety Code § 11470 provides for the forfeiture of any currency, and real and/or personal property, which represents proceeds or was used to facilitate narcotic activity in violation of the Health & Safety Code. The offense(s) must involve the manufacturing, distribution, transportation for sale, sales, possession for sale, offer for sale, offer to manufacture, or the conspiracy to commit certain Health & Safety Code violations.

Health & Safety Code § 11488(a) specifies that any peace officer having probable cause, may seize all moneys, negotiable instruments, securities, vehicles, boats, airplanes or other things of value which are forfeitable pursuant to Health & Safety Code § 11470 (e) or (f).

606.3 ASSET FORFEITURE PROCEDURE
Before seizing any currency, vehicle, or personal property pursuant to Health & Safety Code § 11470, a Patrol Officer should contact a Narcotics Detective. The following guidelines will be observed:

(a) The seizing officer or the detective will serve all persons with Notice of Seizure and Intended Forfeiture forms which includes an attached County of Origin Claim form Opposing Forfeiture, and a forfeiture receipt. Disclaimers (English/Spanish) will be completed on all persons disclaiming ownership of currency, vehicle, or property seized.

(b) When someone has made notification other than the Asset Forfeiture Detective, a copy of all reports and all applicable asset forfeiture paperwork must be forwarded to the Asset Forfeiture Detective in Narcotics, for review.

(c) Interview all persons involved concerning their possession of the seized assets, financial situation, employment, income, and other resources. The interviewing officer shall ensure that Miranda warnings are given and waivers obtained before interviewing any person who is in custody.

(d) Attempt to promptly determine all lien holders or all persons who may have a legal interest in the seized currency, vehicle or property for further contact, investigation and notification.

(e) The seizure of assets subject to forfeiture is a civil proceeding filed through the county of origin, Office of the District Attorney Forfeiture Unit or the Turlock Narcotics Enforcement Team.

606.3.1 SEIZED PROPERTY
Property seized subject to forfeiture will be inventoried and booked into Property. The property will be checked through the Automated Property System to determine if the property has been stolen.
Asset Forfeiture

The property will be booked as evidence, with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

606.3.2 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 denomination of the currency, 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 booked at the Turlock Police Department Evidence Room and will be booked on a single property form notating “subject to asset forfeiture” in the comments section of the property form. The seizing officer shall notify the Special Operations Division Commander of the booked currency and the circumstances of the seizure as soon as possible.

606.3.3 SEIZED VEHICLES
Vehicles seized subject to forfeiture will be taken to a designated secure storage facility. A seized vehicle should not be impounded. The officer seizing the vehicle shall notify the Turlock Narcotics Enforcement Team supervisor of the seizure of the vehicle and circumstances of the seizure as soon as possible.

A tow truck will be used to tow the vehicle to the storage facility.

Personal property located in a seized vehicle shall be removed and returned to the owner or booked into Property as either evidence or for safekeeping.

606.4 ASSET FORFEITURE LOG
A computerized inventory of all asset forfeiture cases shall be kept in the Investigation Unit. The inventory shall include the following:

- Case number
- Date of seizure
- Value
- Type of seizure (federal or state)
- Status of the seizure

Information maintained on the log will be provided to the Chief of Police or authorized staff, as requested.

606.5 PROCEEDS FROM FORFEITURE
Equitable shares received from seized assets shall be maintained in separate funds and shall be subject to accounting controls and annual financial audits.
Eyewitness Identification

610.1 PURPOSE AND SCOPE
This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques.

610.1.1 DEFINITIONS
Definitions related to the policy include:

Eyewitness identification process - Any field identification, live lineup or photographic identification.

Field identification - A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

Live lineup - A live presentation of individuals to a witness for the purpose of identifying or eliminating an individual as the suspect.

Photographic lineup - Presentation of photographs to a witness for the purpose of identifying or eliminating an individual as the suspect.

610.2 POLICY
This department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

610.3 INTERPRETIVE SERVICES
Officers should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating officer should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

610.4 EYEWITNESS IDENTIFICATION
Officers are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case. Officers should avoid mentioning that:

• The individual was apprehended near the crime scene.
• The evidence points to the individual as the suspect.
• Other witnesses have identified, or failed to identify, the individual as the suspect.
Eyewitness Identification

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

Each witness should be admonished that he/she is not required to make an identification of any person shown during an eyewitness identification process.

610.4.1 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS
Other persons or photos used in any lineup should bear similar characteristics to the suspect to avoid causing him/her to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup.

610.4.2 FIELD IDENTIFICATION CONSIDERATIONS
Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications.

When initiating a field identification, the officer should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.
(b) Assess whether a witness should be included in a field identification process by considering:
(c) 1. The length of time the witness observed the suspect.
   2. The distance between the witness and the suspect.
   3. Whether the witness could view the suspect's face.
   4. The quality of the lighting when the suspect was observed by the witness.
   5. Whether there were distracting noises or activity during the observation.
   6. Any other circumstances affecting the witness's opportunity to observe the suspect.
   7. The length of time that has elapsed since the witness observed the suspect.
(d) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.
(e) When feasible, officers should bring the witness to the location of the suspect, rather than bring the suspect to the witness.
(f) A person should not be shown to the same witness more than once.
(g) A person in a field identification should not be required to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

610.5 DOCUMENTATION
A thorough description of the eyewitness process and the results of any eyewitness identification should be documented in the case report. Witness comments of how certain he/she is of the identification or non-identification should be quoted in the report.

If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report.
**Brady** Material Disclosure

612.1 **PURPOSE AND SCOPE**
This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called *Brady* information) to a prosecuting attorney.

612.1.1 **DEFINITIONS**
Definitions related to this policy include:

*Brady information* - Information known or possessed by the Turlock Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

612.2 **POLICY**
The Turlock Police Department will conduct fair and impartial criminal investigations and will provide the prosecution with both incriminating and exculpatory evidence, as well as information that may adversely affect the credibility of a witness. In addition to reporting all evidence of guilt, the Turlock Police Department will assist the prosecution by complying with its obligation to disclose information that is both favorable and material to the defense. The Department will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

612.3 **DISCLOSURE OF INVESTIGATIVE INFORMATION**
Officers must include in their investigative reports adequate investigative information and reference to all material evidence and facts that are reasonably believed to be either incriminating or exculpatory to any individual in the case. If an officer learns of potentially incriminating or exculpatory information any time after submission of a case, the officer or the handling investigator must prepare and submit a supplemental report documenting such information as soon as practicable. Supplemental reports shall be promptly processed and transmitted to the prosecutor's office.

If information is believed to be privileged or confidential (e.g., confidential informant or protected personnel files), the officer should discuss the matter with a supervisor and/or prosecutor to determine the appropriate manner in which to proceed.

Evidence or facts are considered material if there is a reasonable probability that they would affect the outcome of a criminal proceeding or trial. Determining whether evidence or facts are material often requires legal or even judicial review. If an officer is unsure whether evidence or facts are material, the officer should address the issue with a supervisor.

Supervisors who are uncertain about whether evidence or facts are material should address the issue in a written memo to an appropriate prosecutor. A copy of the memo should be retained in the Department case file.

612.4 **DISCLOSURE OF PERSONNEL INFORMATION**
Whenever it is determined that *Brady* information is located in the personnel file of a member of this department who is a material witness in a criminal case, the following procedure shall apply:
(a) In the event that a Pitchess motion has not already been filed by the criminal defendant or other party pursuant to Evidence Code § 1043, the prosecuting attorney shall be notified of the potential presence of Brady information in the officer's personnel file.

(b) The prosecuting attorney should then be requested to file a Pitchess motion in order to initiate an in camera review by the court.

(c) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(d) The Custodian of Records shall accompany all relevant files during any in camera inspection and address any issues or questions raised by the court in determining whether any information contained in the files is both material and favorable to the criminal defendant.

(e) If the court determines that there is relevant Brady information contained in the files, only that information ordered released will be copied and released to the parties filing the motion.

   1. Prior to the release of any information pursuant to this process, the Custodian of Records should request a protective order from the court limiting the use of such information to the involved case and requiring the return of all copies upon completion of the case.

612.5 INVESTIGATING BRADY ISSUES

If the Department receives information from any source that a member may have issues of credibility, dishonesty or has been engaged in an act of moral turpitude or criminal conduct, the information shall be investigated and processed in accordance with the Personnel Complaints Policy.

612.6 TRAINING

Department members should receive periodic training on the requirements of this policy.
Department Owned and Personal Property

700.1 PURPOSE AND SCOPE
Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

700.2 CARE OF DEPARTMENTAL PROPERTY
Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of department property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of department property may lead to discipline including, but not limited to the cost of repair or replacement.

(a) Employees shall promptly report through their chain of command, any loss, damage to, or unserviceable condition of any department issued property or equipment assigned for their use.

(b) The use of damaged or unserviceable department property should be discontinued as soon as practical and replaced with comparable Department property as soon as available and following notice to a supervisor.

(c) Except when otherwise directed by competent authority or required by exigent circumstances, department property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.

(d) Department property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without proper authority.

(e) In the event that any Department property becomes damaged or unserviceable, no employee shall attempt to repair the property without prior approval of a supervisor.

700.3 FILING CLAIMS FOR PERSONAL PROPERTY
Claims for reimbursement for damage or loss of personal property must be made on the proper form. This form is submitted to the employee's immediate supervisor. The supervisor may require a separate written report of the loss or damage.

The supervisor shall direct a memo to the appropriate Division Commander, which shall include the results of his/her investigation and whether the employee followed proper procedures. The supervisor's report shall address whether reasonable care was taken to prevent the loss or damage.

Upon review by staff and a finding that no misconduct or negligence was involved, repair or replacement may be recommended by the Chief of Police who will then forward the claim to the Finance Department.

The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, non-prescription glasses, etc.) that are not reasonably required as a part of work.
700.3.1 REPORTING REQUIREMENT
A verbal report shall be made to the employee’s immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER
Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee’s immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY
If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor’s written report, shall promptly be forwarded to the appropriate Division Commander.
Personal Communication Devices

702.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

702.2 POLICY
The Turlock Police Department allows employees to utilize department-issued PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

702.3 PRIVACY POLICY
Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Department and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any department-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if department equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files without prior notice, consent or a search warrant, on department-issued or personally owned PCDs that have been used to conduct department-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee. Prior to conducting any search of personally owned devices, supervisors shall consult with the Chief of Police. All such searches shall be fully documented in a written report.
702.4 DEPARTMENT-ISSUED PCD
Depending on an employee's assignment and the needs of the position, the Department may, at its discretion, issue a PCD. Department-issued PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless an employee is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

702.5 PERSONALLY OWNED PCD
Employees may carry a personally owned PCD while on-duty, subject to the following conditions and limitations:

(a) Carrying a personally owned PCD is a privilege, not a right.
(b) The Department accepts no responsibility for loss of or damage to a personally owned PCD.
(c) Employees shall promptly notify the Department in the event the PCD is lost or stolen.
(d) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.
(e) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any department business-related communication.
(f) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.
(g) Use of a personally owned PCD constitutes consent for the Department to access the PCD to inspect and copy data to meet the needs of the Department, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Department with all telephone access numbers for the device upon request.

Except with prior express authorization from their supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the employee has prior express authorization from his/her supervisor, the employee may engage in business-related communications. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisor to ensure appropriate compensation. Employees who independently document off-duty department-related business activities in any manner shall promptly provide the Department with a copy of such records to ensure accurate record keeping.

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702.6 USE OF PERSONAL COMMUNICATION DEVICES
The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in a carrier approved by the Division Commander.

(b) All PCDs in the workplace should be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(d) Employees may use a PCD to communicate with other personnel in situations where the use of the radio is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid or in lieu of regular radio communications.

(e) Officers are prohibited from taking pictures, video or making audio recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(f) Employees will not access social networking sites for any purpose that is not official department business, while acting in their capacity. Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

702.7 SUPERVISORY RESPONSIBILITIES
Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty, as such contact may be compensable.

702.8 USE WHILE DRIVING
The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Except in an emergency, employees who are operating non-emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use (Vehicle Code § 23123). Hands-free use should be restricted to business-related calls or calls of an urgent nature.
702.9 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other department communications network.

The following situations are examples of when the use of a PCD may be appropriate:

(a) Barricaded suspects
(b) Hostage situations
(c) Mobile Command Post
(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.
(e) Major political or community events
(f) Investigative stakeouts
(g) Emergency contact with an allied agency or allied agency field unit
(h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available
Cellular Telephone Use While Driving

703.1 PURPOSE AND SCOPE
To provide direction and guidance for Departmental personnel in the use of cellular telephones while driving. The California Vehicle Code contains a scheduled change in law regarding cellular telephone use while driving, to take effect July 1, 2008.

The new laws generally prohibit the use of cellular phones while driving, without the utilization of a hands free device. Though the law specifically exempts operators of authorized emergency vehicles during the course of employment, it shall be the policy of the Turlock Police Department to abstain from such usage.

Effective July 1, 2008, Department personnel shall utilize a "hands free" device if using a cellular phone while driving a City vehicle. Department personnel shall otherwise pull off of the roadway or wait until stopped at a safe location before engaging in a cellular telephone conversation. An exception shall be recognized during the course of an emergency.

703.2 CALIFORNIA VEHICLE CODE
(a) California Vehicle Code Section 23123(a) - A person shall not drive a motor vehicle while using a wireless telephone unless that telephone is specifically designed and configured to allow hands-free listening and talking, and is used in that manner while driving.

1. Exceptions:
   (a) Using the phone to call for emergency purposes
   (b) Emergency services personnel operating an authorized emergency vehicle in the scope of duty (as referenced above)
   (c) A school bus driver, tow truck driver, farmer or commercial vehicle utilizing a push to talk two-way radio digital device.

(b) California Vehicle Code Section 23123(b) - Notwithstanding Section 23123, a person described in subdivision (a) under the age of 18 years shall not drive a motor vehicle while using a wireless telephone, even if equipped with a hands-free device, or while using a mobile service device. Again, an exception exists when the phone is used to call for emergency purposes.

703.3 INTENT
The introduction of these new laws is expected to gain a significant amount of exposure and be a highly scrutinized topic of debate. To have City personnel perceived as ignoring the law is a departure from the image we have strived to purvey.

703.4 DIRECTION
Effective July 1, 2008 - Department personnel without a hands-free device shall not use cellular phones while driving, except during the course of an emergency.
Vehicle Use

704.1 PURPOSE AND SCOPE
The Department utilizes City owned motor vehicles in a variety of applications operated by department personnel. In order to maintain a system of accountability and ensure City owned vehicles are used and maintained appropriately, regulations relating to the use of these vehicles have been established. The term "City owned" as used in this section also refers to any vehicle leased or rented by the City.

704.2 USE OF VEHICLES

704.2.1 SHIFT ASSIGNED VEHICLES
Personnel assigned to routine scheduled field duties shall log on to the in-car computer inputting the required information when going on duty. If the vehicle is not equipped with a working in-car computer, they shall notify the Communications Center. If the employee exchanges vehicles during the shift, the exchange shall be approved by the shift supervisor and the new vehicle number shall be noted on the daily attendance report.

The shift supervisor shall ensure a copy of the daily attendance report indicating personnel assignments and vehicle numbers is completed for each shift. The daily attendance report shall be maintained for a minimum of two (2) years.

Employees shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shift. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

Officers shall inspect patrol vehicles at the beginning of their shift and ensure that the following equipment, at a minimum, is present in the vehicle:

(a) 20 Emergency Road Flares
(b) Vehicle Code
(c) Crime Scene Barricade Tape
(d) First Aid Kit
(e) Blanket
(f) Blood-borne Pathogen Kit (Including protective gloves)
(g) Spare Tire
(h) Roll-a-Tape
(i) Fire Extinguisher
(k) Evidence Collection Kit
(l) Six (6) Traffic Cones
704.2.2 UNSCHEDULED USE OF VEHICLES
Personnel utilizing a vehicle for any purpose other than their normally assigned duties shall first notify the Watch Commander of the reasons for use. The person responsible for the vehicle shall make an entry on the vehicle sign out log.

This section does not apply to personnel permanently assigned an individual vehicle (i.e. Command Staff, Detectives)

704.2.3 UNDERCOVER VEHICLES
Unmarked units, if not assigned to an individual employee, shall not be used without first obtaining approval from the respective unit supervisor.

An employee driving unmarked department vehicles shall ensure that the following equipment, at a minimum, is present in the vehicle:

(a) 20 Emergency Road Flares
(b) Crime Scene Barricade Tape
(c) First Aid Kit

704.2.4 SPECIAL OPERATIONS DIVISION VEHICLES
Special Operations Division vehicle use is restricted to Investigation personnel unless approved by a Special Operations Division Supervisor.

704.2.5 NON-SWORN EMPLOYEE USE
Non-sworn employees using marked vehicles shall ensure all weapons are removed from the vehicles and an "out of service" sign/decal is affixed to the vehicle before going into service. Non-sworn employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

704.2.6 AUTHORIZED PASSENGERS
Personnel operating City owned vehicles shall not permit persons other than City employees or persons required to be conveyes in the performance of duty or otherwise authorized by a supervisor to ride as a passenger in their vehicle.

The interior of any vehicle that has been used to transport any person other than an employee should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized items have not been left in the vehicle.

704.2.7 PARKING
City owned vehicles should be parked in their assigned stalls. Employees shall not park privately owned vehicles in any stall assigned to a City owned vehicle or in other areas of the parking lot not designated as a parking space unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

704.3 VEHICLE EQUIPMENT
Employees with take home City owned vehicles shall meet the following criteria:

(a) Off-street parking shall be available at the employee’s residence
(b) Vehicles shall be locked when not attended
Vehicle Use

(c) All firearms and kinetic impact weapons shall be removed from the interior of the vehicle and placed in the trunk or properly secured in the residence when the vehicle is not attended (Refer to Policy Manual § 312 - Firearms regarding safe storage of firearms at home)

When an employee is on vacation, leave, or out of the area in excess of one week, the vehicle shall be stored in a secure garage at the employee's residence or at the police facility.

704.3.1 KEYS

Personnel assigned a permanent vehicle shall be issued keys for their respective vehicle. The loss of any assigned key shall be promptly reported in writing through the employee's chain of command.

704.4 ENFORCEMENT ACTIONS

When driving an assigned vehicle to and from work outside the jurisdiction of the Turlock Police Department, and officer shall not become involved in enforcement actions except in those circumstances where a potential threat to life or serious property damage exists.

Officers driving marked vehicles shall be armed at all times.

Officers may render public assistance (i.e. stranded motorist) when deemed prudent.

704.5 MAINTENANCE

Each employee is responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicle.

Employees shall make daily inspections of their assigned vehicle for service/maintenance requirements and damage.

Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to employees under their command to ensure the vehicles are being maintained in accordance with policy.

When a City owned vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

Routine maintenance and oil changes shall be done in accordance with the shop schedule. The vehicles will normally be serviced at the City maintenance shop.

(a) When leaving a vehicle at the City maintenance shop, the employee will complete a vehicle repair request form explaining the service or repair. The white copy shall be left on the seat or dash. The yellow copy shall be delivered to the Sergeant responsible for the vehicle fleet.

(b) Vehicles requiring warranty service shall be taken to the nearest authorized dealer after receiving clearance from the vehicle fleet Sergeant.
704.5.1 VEHICLE INSPECTIONS
Employees who drive an assigned City owned vehicle shall complete a monthly vehicle inspection. Employees will document the inspection on the appropriate form, which shall be forwarded to the vehicle fleet Lieutenant no later than the 10th of each month.

704.5.2 VEHICLE REFUELING
Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at an authorized location.

704.5.3 ACCESSORIES AND/OR MODIFICATIONS
No modifications, additions or deletions of any equipment or accessories shall be made to any vehicle without the written permission from the vehicle fleet Lieutenant.

704.6 COLLISION DAMAGE, ABUSE, AND MISUSE
Any time a City-owned or leased vehicle is involved in a traffic collision, either singularly or with another vehicle, an outside agency of authority may be requested to investigate the cause and responsibility. The employee involved in the collision shall draft a memorandum to the vehicle fleet Lieutenant. If the employee is incapable, the supervisor shall complete the memorandum.

Any damage to a vehicle, not caused by a traffic collision, shall be immediately reported within the shift the damage was discovered, documented on a memorandum format and forwarded to the shift supervisor. The shift supervisor shall forward the memorandum to the vehicle fleet Lieutenant.

An Administrative Investigation may be conducted to determine any vehicle abuse or misuse. If it is determined that abuse or misuse was a result of negligent conduct or operation, appropriate disciplinary action may result.

704.7 TOLL ROAD USAGE
Law enforcement vehicles are not routinely exempted from incurring toll road charges. Pursuant to the non-revenue policy of the toll roads, law enforcement agencies responding to an emergency or incident on the toll roads, while on-duty, are exempt from paying the toll. Commuting or returning to the City after an emergency does not qualify for this exemption and personnel using City owned vehicles are subject to the toll charge. To avoid unnecessary toll road violation charges, all employees operating a City owned vehicle upon the toll road shall adhere to the following:

(a) All employees operating City owned vehicles for any reason other than an initial response to an emergency shall stop and pay the appropriate toll charge. Employees may submit for reimbursement from the City for any toll fees.

(b) All employees passing through the toll plaza or booth during a response to an emergency shall draft a memorandum to their respective Division Commander within five (5) working days explaining the circumstances.
Communication Operations

802.1 PURPOSE AND SCOPE
The basic function of the communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The latter situation places the greatest demands upon the communications system and tests the capability of the system to fulfill its functions. Measures and standards of performance are necessary to assess the effectiveness with which any department, large or small, uses available information technology in fulfillment of its missions.

802.1.1 FCC COMPLIANCE
Turlock Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and guidelines.

802.2 COMMUNICATION OPERATIONS
This department provides 24-hour telephone service to the public for information or assistance that may be needed in emergencies. The ability of citizens to telephone quickly and easily for emergency service is critical. This department provides access to the 911 system for a single emergency telephone number. This department has two-way radio capability providing continuous communication between Communications Center and officers.

802.2.1 COMMUNICATIONS LOG
It shall be the responsibility of Communications Center to record all relevant information on calls for criminal and non-criminal service or self-initiated activity. Employees shall attempt to elicit as much information as possible to enhance the safety of the officer and assist in anticipating conditions to be encountered at the scene. Desirable information would include, at a minimum, the following:

- Event number
- Date and time of request
- Name and address of complainant, if possible
- Type of incident reported
- Location of incident reported
- Identification of officer(s) assigned as primary and backup
- Time of dispatch
- Time of the officer's arrival
- Time of officer's return to service
- Disposition or status of reported incident

802.3 RADIO COMMUNICATIONS
Operations are more efficient and officer safety is enhanced when dispatchers, supervisors, and fellow officers know the status of officers, their locations and the nature of cases.
Identification systems are based on factors such as beat assignment, team assignment and shift.

Example:

Field Unit (Patrol) - A11 where "A" designates the team, the 2nd digit "1" designates the shift and the 3rd digit "1" designates the beat.

Employees should use the entire call sign when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate unit. Employees initiating communication with other agencies shall use their entire call sign. This requirement does not apply to continuing conversation between the mobile unit and dispatcher once the mobile unit has been properly identified.
Property and Evidence

804.1 PURPOSE AND SCOPE
This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and those persons authorized to remove and/or destroy property.

804.2 PROPERTY AND EVIDENCE PROCEDURE MANUAL
The Turlock Police Department Property and Evidence Procedure Manual has been developed to outline the complete description of property and evidence procedures. Employees of this department shall refer to and comply with that manual for matters related to property and/or evidence procedures.

804.2.1 REVIEW AND UPDATE OF PROPERTY AND EVIDENCE PROCEDURE MANUAL
The Division Commander having management oversight of Property and Evidence shall direct an annual review and update of the manual. Changes and updates shall be authorized through approval of the Chief of Police or his/her designee.

804.2.2 PROPERTY AND EVIDENCE PROCEDURE MANUAL LOCATIONS
A paper copy of the Property and Evidence Procedure Manual will be maintained in the Property booking area. The Field Operations and Special Operations Divisions will also maintain a paper copy in a location readily accessible by employees. Additionally, each employee will have access to an electronic version of the manual that will be located on department computers.
Records Unit Procedures

806.1  PURPOSE AND SCOPE
This policy provides for the proper procedures to be followed by employees of the Turlock Police Department when utilizing the Department's Records Unit.

806.2  RECORDS UNIT PROCEDURES MANUAL
The Turlock Police Department Records Unit Procedures Manual has been developed to outline the complete description of Records procedures. Employees of this department shall refer to and comply with that manual for matters related to Records procedures.

806.2.1  REVIEW AND UPDATE OF RECORDS UNIT PROCEDURES MANUAL
The Division Commander having management oversight of the Records Unit shall direct an annual review and update of the manual. Changes and updates shall be authorized through approval of the Chief of Police or his/her designee.

806.2.2  RECORDS UNIT PROCEDURES MANUAL LOCATIONS
A paper copy of the Records Unit Procedures Manual will be maintained in the Records Unit. Each Division will also maintain a paper copy in a location readily accessible by employees. Additionally, each employee will have access to an electronic version of the manual that will be located on department computers.
Restoration of Firearm Serial Numbers

808.1 PURPOSE AND SCOPE
The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

808.2 PROCEDURE
Any firearm coming into the possession of the Turlock Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

808.2.1 PRELIMINARY FIREARM EXAMINATION
(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

808.2.2 PROPERTY BOOKING PROCEDURE
Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

808.2.3 PROPERTY AND EVIDENCE SPECIALIST RESPONSIBILITY
The property and evidence specialist receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.
**Restoration of Firearm Serial Numbers**

**808.2.4 DOCUMENTATION**
Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

**808.2.5 FIREARM TRACE**
After the serial number has been restored (or partially restored) by the criminalistics laboratory, the property and evidence specialist will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

**808.3 BULLET AND CASING IDENTIFICATION**
Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.
Records Release and Security

810.1 PURPOSE AND SCOPE
The purpose of this section is to establish a comprehensive reference and procedure for the maintenance and release of Department reports and records in accordance with applicable law.

810.2 PUBLIC REQUESTS FOR RECORDS
The California Public Records Act (Government Code § 6250, et seq.) provides that records created by a public agency shall be subject to inspection and release pursuant to request, except pursuant to exemptions set forth in the Act or otherwise established by statute. Public requests for records of this department shall be processed as follows:

810.2.1 PROCESSING OF REQUESTS
Any member of the public, including the media and elected officials, may access unrestricted records of this department by submitting a written and signed request for each record sought and paying any associated fees (Government Code § 6253).

The processing of requests is subject to the following limitations:

(a) The employee processing the request shall determine if the requested record is available and, if so, whether the record is exempt from disclosure. Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Chief of Police or the authorized designee. If an extension is authorized, the Department shall provide written notice of the extension to the requesting party (Government Code § 6253(c)).

(b) In accordance with the Public Records Act, the Department is not required to create records that do not otherwise exist in order to accommodate a request under the Act.

Requests by elected officials for records that are not open to public inspection should be referred to the Support Operations Division Commander for a determination as to whether the records will be released.

810.3 REPORT RELEASE RESTRICTIONS
Absent a valid court order or other statutory authority, records and/or unrestricted portions of such records of this department shall be made public subject to the following restrictions:

810.3.1 GENERAL CASE AND CRIME REPORTS
Reports containing any of the items listed below will not be released:

(a) Victim Information - Victims of crimes who have requested that their identifying information be kept confidential, victims who are minors and victims of certain offenses as set forth in (Government Code § 6254 (f)(2)) (e.g., sex crimes, Penal Code § 293) shall not be made public. No employee shall disclose to any arrested person or to any person who may be a defendant in a criminal action the address or telephone number.
of any person who is a victim or witness in the alleged offense, unless it is required by law (Penal Code § 841.5).

(b) **Confidential Information** - Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved or information that would endanger the successful completion of the investigation or a related investigation shall not be made public.

1. Analysis and conclusions of investigating officers may also be exempted from disclosure.

2. If it has been noted in any report that an individual wishes to protect his/her right to privacy under the California Constitution, such information may not be subject to public disclosure. In order to capture this request for privacy, the officer shall list this information in the routing area under "Other" in a manner that easily identifies which individual listed is requesting the right under the California Constitution.

(c) **Specific Crimes** - Certain types of reports involving, but not limited to, **Child Abuse/Molest** (Penal Code § 11167.5), **Elder Abuse** (Welfare and Institutions Code § 15633) and **Juveniles** (Welfare and Institutions Code § 827) shall not be made public.

(d) **General Information** - Absent statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 6254(f).

(e) **Deceased Juvenile Crime Victims** - The Code of Civil Procedure § 130 limits the dissemination of autopsy and private medical information concerning a murdered child by allowing families to request that the autopsy report of the victim be sealed from public inspection. Such requests shall be honored, with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

### 810.3.2 ARREST REPORTS

Arrestee information shall be subject to release in the same manner as information contained in other reports as set forth above.

In addition to the restrictions stated above, all requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, City Attorney or the courts pursuant to Penal Code § 1054.5.

Local criminal history information including, but not limited to, arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

### 810.3.3 TRAFFIC COLLISION REPORTS

Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies and those individuals and their authorized representatives set forth in Vehicle Code § 20012.
810.3.4 PERSONNEL RECORDS
Personnel records, medical records and similar records which would involve personal privacy shall not be made public (Government Code § 6254(c); Penal Code § 832.7; Penal Code § 832.8).

Peace officer personnel records are deemed confidential (Penal Code § 832.7, et seq.) and shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order (Evidence Code § 1043, et seq.).

The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police or as required by law.

810.3.5 CONCEALED WEAPONS PERMITS
Information contained in CCW permit applications or other files which would tend to reveal where the applicant is vulnerable or which contains medical or psychological information shall not be made public (Government Code § 6254(u)).

810.3.6 DOMESTIC VIOLENCE REPORTS
Victims of domestic violence or their representative shall be provided, without charge, one copy of all domestic violence incident report face sheets, one copy of all domestic violence incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

810.4 OTHER RECORDS
Any other record not addressed in this policy shall not be subject to release where such record is exempted or prohibited from disclosure pursuant to state or federal law, including, but not limited to provisions of the Evidence Code relating to privilege or to the security of the department's electronic technology systems (Government Code § 6254(k) and Government Code 6254.19).

The Department maintains the right to refuse to disclose or release any other record when it would appear that the public's interest in accessing such record is outweighed by the need for nondisclosure (Government Code § 6255).

Inter-departmental notifications shall be sent to the Human Resources Manager at which time he/she will consult with the City Attorney to determine if a nexus to employment exists.

Any reports involving employees of allying agencies can be released to the requesting agency, however a request should be made on agency letterhead.

Any record which was created exclusively in anticipation of potential litigation involving this department shall not be subject to public disclosure (Government Code § 6254(b)).

810.4.1 PERSONAL IDENTIFYING INFORMATION
Employees shall not access, use or disclose personal identifying information, including an individual's photograph, social security number, driver identification number, name, address, telephone number and the individual's medical or disability information, which is contained in any driver license record, motor vehicle record or any department record except as authorized by the Department and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721 and 18 USC § 2722).
810.5 **SUBPOENA DUCES TECUM**

Any Subpoena Duces Tecum (SDT) should be promptly provided to a supervisor or his/her designee for review and processing. While a Subpoena Duces Tecum may ultimately be subject to compliance. Any questions should be directed to the City Attorney.

All questions regarding compliance with any Subpoena Duces Tecum should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

810.6 **RELEASED RECORDS TO BE STAMPED**

The top page of any record released pursuant to a Public Records Act request or Subpoena Duces Tecum shall be stamped in red ink with a departmental stamp identifying the individual to whom the record was released.

810.7 **PITCHESS MOTIONS**

Employees asked for the release of information through the processing of a Pitchess Motion request shall adhere to the procedures outlined in Policy Manual § 1026.

810.8 **INFORMATION RELEASE ON LAW ENFORCEMENT ARRESTS**

Employees of the Turlock Police Department are encouraged and required to respect the privacy of others regarding information gained through the performance of their duties. Employees are prohibited from discussing the following arrests with other City Departments, members of the media or public without prior approval:

(a) Turlock Police Department employees are arrested by the Turlock Police Department

(b) City of Turlock employees are arrested by the Turlock Police Department

(c) Turlock Police Department employees are arrested by another agency

(d) Turlock Police Department arrests an employee of another agency

810.8.1 **TURLOCK POLICE EMPLOYEES ARRESTED BY TURLOCK POLICE DEPARTMENT**

In the event an employee of the Turlock Police Department is placed under arrest, for any misdemeanor or felony, by an officer of the Turlock Police Department, the on-duty or on-call Watch Commander shall be notified as soon as practical. The Watch Commander shall have the responsibility to determine the circumstances of the arrest and notify the arrested employee’s Division Commander and Chief of Police as soon as practical.

Public information, as defined by Government Code § 6254(f)(1), shall be included in the appropriate databases, such as the media logs and web-based crime log. Other information contained in the report shall be confidential and shall not be released to the public or discussed with other employees without the prior approval of the Chief of Police or his/her designee.

810.8.2 **OTHER CITY EMPLOYEES ARRESTED BY TURLOCK POLICE DEPARTMENT**

In the event any other employee of the City of Turlock is placed under arrest, for any misdemeanor or felony, by an officer of the Turlock Police Department, the on-duty or on-call Watch Commander shall be notified as soon as practical. The Watch Commander shall have the responsibility to determine the circumstances of the arrest and notify the Field Operations Division Commander and Chief of Police as appropriate.

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Public information, as defined in Government Code § 6254(f)(1), shall be included in the appropriate databases, such as the media logs and web-based crime log. Other information contained in the report shall be confidential and shall not be released to the public or discussed with other employees without the prior approval of the Chief of Police, Division Commanders, Watch Commander, or Records Supervisor.

The Records Supervisor shall route a copy of the arrest report and associated documents to the City of Turlock Human Resources (HR) Department. The HR Department shall review the circumstances with the City Attorney and determine if release of the information to select members of other City Departments is appropriate.

The release of another information to any member of another City Department, verbally or in writing, shall require the authorization of the Chief of Police or his/her designee.

### 810.8.3 TURLOCK POLICE DEPARTMENT EMPLOYEE ARRESTED BY ANOTHER AGENCY

In circumstances where members of this agency have official contact with any other law enforcement agency where such activity may result in criminal prosecution, excluding infractions, they are required to report such activity to the on-duty supervisor as soon as practicable per Policy Manual § 340. The on-duty supervisor shall immediately notify the on-duty or on-call Watch Commander. The Watch Commander shall have the responsibility to determine the circumstances of the contact and notify the involved employee's Division Commander and Chief of Police as appropriate.

In the event of an arrest or detention of any Turlock Police Department employee by any other law enforcement agency, the Watch Commander shall make telephone contact with the other agency and gain what information is available detailing the circumstances of the detention or arrest. The Watch Commander shall make a request for a complete copy of the report, through the appropriate procedures, as soon as possible.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent administrative investigation shall be conducted based upon the allegations in the report in accordance with Policy Manual § 1020.

### 810.8.4 EMPLOYEE OF ANOTHER LAW ENFORCEMENT AGENCY ARRESTED BY TURLOCK POLICE DEPARTMENT

In circumstances where officers of the department have arrested an employee of any other law enforcement agency, the officer shall ensure the on-duty Turlock Police Department supervisor is aware of the circumstances of the arrest. The on-duty supervisor shall immediately notify the on-duty or on-call Watch Commander. The Watch Commander shall have the responsibility to determine the circumstances of the arrest and will notify the Field Operations Division Commander and Chief of Police as appropriate.

Neither the on-duty supervisor not the Watch Commander may initiate contact with the other law enforcement agency. If requested by the on-duty Watch Commander, or equivalent position, of the other law enforcement agency, the Turlock Police Department Watch Commander shall release only that information which would be contained in public databases, such as the media log or web-based crime log. Other information, including a copy of the report, must be requested through the Records Unit, following Labor Code § 432.7(b).
Records Release and Security

Information contained in the report shall be handled in the same manner as any other arrest. Public information, as defined by Government Code § 6254(f)(1), shall be included in the appropriate databases, such as the media logs and web-based crime log. The release of any other information to any member of any other law enforcement agency, the media, or the public, either verbally or in writing, except as detailed above, shall require the authorization of the Chief of Police or his/her designee.
Criminal Offender Record Information (CORI)

812.1 PURPOSE & SCOPE
This policy provides guidelines for the release of criminal offender information, security of that information, and persons authorized to release that information.

812.2 AUTHORITY
This policy is established pursuant to the mandate of the Regulations Regarding Security of Criminal Offender Record Information in California, Title 11, California Code of Regulations. Other authority includes Penal Code § 11105, which delineates who has access to Criminal Offender Record Information (CORI), and Penal Code §§ 11140 through 11144, which establishes penalties for the improper use of rap sheets.

812.3 DEFINITIONS
Criminal Offender Record Information - (CORI) shall include CII manual/automated rap sheets and abstracts, CII crime summaries, CII criminal history transcripts, FBI rap sheets, and any TPD documents containing a list of prior arrests.

• For the Turlock Police Department, arrest information shall be considered CORI information 30 days after the arrest.

Criminal Justice Agency - A public agency or component thereof which performs a criminal justice activity as its principal function.

Authorized Recipient - Any person or agency authorized by court order, statute or case law to receive CORI.

Right to Know - Persons or agencies authorized by court order, statute or decisional case law to receive the information.

Need to Know - A necessity exists to obtain CORI in order to execute official responsibilities.

812.4 AUTHORIZED RECIPIENTS OF CORI
CORI may be released only to authorized recipients who have both a right to know and a need to know. All law enforcement personnel with proper identification are authorized recipients, if they have an official need to know.

The California Department of Justice has issued a list of agencies authorized to receive criminal history information. Persons not included in the Department of Justice list are not authorized recipients and shall not receive CORI.

812.4.1 CRIMINAL RECORD SECURITY OFFICER
The Records Supervisor is the designated Criminal Record Security Officer for the Turlock Police Department. This supervisor is responsible for ensuring compliance with this procedure and with applicable records security regulations and requirements imposed by
Criminal Offender Record Information (CORI)

federal and state law. The Criminal Record Security Officer will resolve specific questions that arise regarding authorized recipients of CORI.

812.4.2 RELEASE OF CORI

Only the persons listed below are authorized to release CORI. Each authorized person releasing CORI is responsible to ensure that each request granted appears legitimate and that the requester is an authorized recipient with a right and need to know.

(a) Records Supervisor
(b) Full-time employees of the Records Unit
(c) Personnel specifically designated in writing by Division Commanders with the concurrence of the Criminal Records Security Officer

812.4.3 RELEASE OF CORI TO FIELD PERSONNEL

Personnel shall not have access to CORI until a background investigation has been completed and approved.

CORI shall not generally be transmitted by radio, cellular phone, or through computer terminals to field personnel or vehicles except in cases where circumstances reasonably indicate that the immediate safety of the officer or the public are at significant risk. Examples of situations where the transmission of summary criminal history information would be justified include a hostage situation or an armed suspect however a routine investigation or traffic enforcement stop would not be sufficient justification.

Nothing in this procedure is intended to prohibit broadcasting warrant information concerning wanted persons.

812.5 JUVENILE RECORDS

Nothing in this procedure is intended to alter existing statutes, case law, or the policies and orders of the Juvenile Court regarding the release of juvenile offender records. Refer to Policy Manual § 324 for more specific information regarding cases involving juveniles.

812.6 REVIEW OF CRIMINAL OFFENDER RECORD

Penal Code §§ 11120 through 11127 provide the authority and procedure whereby an individual may review his/her own California Department of Justice (CII) rap sheet.

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements.

812.7 PROTECTION OF CORI

CORI shall be stored in the Records Unit where constant personnel coverage will be provided. CORI stored elsewhere shall be secured in locked desks, locked file cabinets, or in locked rooms.

Direct access to CORI stored in the Records Unit shall be restricted to the Records Unit personnel authorized to release it. Direct access to CORI stored in desks, file cabinets, and rooms outside the Records Unit shall be restricted to those persons who possess both the right to know and the need to know the information.
812.7.1 COMPUTER TERMINAL SECURITY
Computer terminal equipment capable of providing access to automated criminal offender record information is located in the Records Unit, Communications Center, the Crime Analysis Unit and in the Investigation Unit to preclude access by unauthorized persons.

No employee shall be authorized to operate computer terminal equipment with access to CORI until the operator has completed the appropriate training.

812.7.2 DESTRUCTION OF CORI
When any document providing CORI has served the purpose for which it was obtained, it shall be destroyed by shredding.

Each employee shall be responsible for destroying the CORI documents they receive.

812.7.3 CUSTODIAN OF CRIMINAL RECORDS
The Records Supervisor, unless otherwise directed by the Chief of Police or his/her designee, shall be the Department's official Custodian of Criminal Records. The Custodian of Criminal Records shall be responsible for the security, storage, dissemination and destruction of criminal records, and will serve as a primary contact for the California Department of Justice for any related issues. The Chief of Police or his/her designee may appoint other department employees to the role of Custodian of Criminal Records, who will share the same responsibilities regarding criminal records.

The Chief of Police or his/her designee will ensure that he/she makes the appropriate applications and notifications to the California Department of Justice regarding the Department's Custodian of Criminal Record appointments, per the requirements of Penal Code § 11102.2.

This subsection is not intended to interfere with any other employee acting as a custodian of records for other statutory purposes but is narrowly tailored to address issues of criminal history records.

812.8 TRAINING PROGRAM
All personnel authorized to process or release CORI shall be required to complete a training program prescribed by the Criminal Record Security Officer. The Training Bureau shall coordinate the course to provide training in the proper use, control, and dissemination of CORI.

812.9 PENALTIES FOR MISUSE OF RECORDS
Penal Code §§ 11140 and 11144 make it a misdemeanor to furnish, buy, receive, or possess Department of Justice rap sheets without authorization by a court, statute, or case law.

Title 11, California Administrative Code § 702 provides that authorized persons or agencies violating the Regulations Regarding the Security of Criminal Offender Record Information in California may lose direct access to CORI maintained by the California Department of Justice.

Divulging the content of any criminal record to anyone other than authorized personnel is a violation of Turlock Police Department Policy Manual § 340.37 (a).
Criminal Offender Record Information (CORI)

Employees who obtain, or attempt to obtain, information from the department files other than that to which they are entitled in accordance with their official duties is a violation of Turlock Police Department Policy Manual § 340.37(a).
Computers and Digital Evidence

814.1 PURPOSE AND SCOPE
This policy establishes procedures for the seizure and storage of computers, personal communications devices (PCDs) digital cameras, digital recorders and other electronic devices that are capable of storing digital information; and for the preservation and storage of digital evidence. All evidence seized and/or processed pursuant to this policy shall be done so in compliance with clearly established Fourth Amendment and search and seizure provisions.

814.2 SEIZING COMPUTERS AND RELATED EVIDENCE
Computer equipment requires specialized training and handling to preserve its value as evidence. Officers should be aware of the potential to destroy information through careless or improper handling, and utilize the most knowledgeable available resources. When seizing a computer and accessories the following steps should be taken:

(a) Photograph each item, front and back, specifically including cable connections to other items. Look for a phone line or cable to a modem for Internet access.

(b) Do not overlook the possibility of the presence of physical evidence on and around the hardware relevant to the particular investigation such as fingerprints, biological or trace evidence, and/or documents.

(c) If the computer is off, do not turn it on.

(d) If the computer is on, do not shut it down normally and do not click on anything or examine any files.
   1. Photograph the screen, if possible, and note any programs or windows that appear to be open and running.
   2. Disconnect the power cable from the back of the computer box or if a portable notebook style, disconnect any power cable from the case and remove the battery.

(e) Label each item with case number, evidence sheet number, and item number.

(f) Handle and transport the computer and storage media (e.g., tape, discs, memory cards, flash memory, external drives) with care so that potential evidence is not lost.

(g) Lodge all computer items in the Property Room. Do not store computers where normal room temperature and humidity is not maintained.

(h) At minimum, officers should document the following in related reports:
   1. Where the computer was located and whether or not it was in operation.
   2. Who was using it at the time.
   3. Who claimed ownership.
   4. If it can be determined, how it was being used.

(i) In most cases when a computer is involved in criminal acts and is in the possession of the suspect, the computer itself and all storage devices (hard drives, tape drives, and disk drives) should be seized along with all media. Accessories (printers, monitors, mouse, scanner, keyboard, cables, software and manuals) should not be seized unless as a precursor to forfeiture.

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814.2.1 BUSINESS OR NETWORKED COMPUTERS
If the computer belongs to a business or is part of a network, it may not be feasible to seize the entire computer. Cases involving networks require specialized handling. Officers should contact a certified forensic computer examiner for instructions or a response to the scene. It may be possible to perform an on-site inspection, or to image the hard drive only of the involved computer. This should only be done by someone specifically trained in processing computers for evidence.

814.2.2 FORENSIC EXAMINATION OF COMPUTERS
If an examination of the contents of the computer's hard drive, or floppy disks, compact discs, or any other storage media is required, forward the following items to a computer forensic examiner:

(a) Copy of report(s) involving the computer, including the Evidence/Property sheet.
(b) Copy of a consent to search form signed by the computer owner or the person in possession of the computer, or a copy of a search warrant authorizing the search of the computer hard drive for evidence relating to investigation.
(c) A listing of the items to search for (e.g., photographs, financial records, e-mail, documents).
(d) An exact duplicate of the hard drive or disk will be made using a forensic computer and a forensic software program by someone trained in the examination of computer storage devices for evidence.

814.3 SEIZING DIGITAL STORAGE MEDIA
Digital storage media including hard drives, floppy discs, CD's, DVD's, tapes, memory cards, or flash memory devices should be seized and stored in a manner that will protect them from damage.

(a) If the media has a write-protection tab or switch, it should be activated.
(b) Do not review, access or open digital files prior to submission. If the information is needed for immediate investigation request the Property and Evidence Unit to copy the contents to an appropriate form of storage media.
(c) Many kinds of storage media can be erased or damaged by magnetic fields. Keep all media away from magnetic devices, electric motors, radio transmitters or other sources of magnetic fields.
(d) Do not leave storage media where they would be subject to excessive heat such as in a parked vehicle on a hot day.
(e) Use plastic cases designed to protect the media, or other protective packaging, to prevent damage.

814.4 SEIZING PCDS
Personal communication devices such as cell phones, PDAs or other hand-held devices connected to any communication network must be handled with care to preserve evidence that may be on the device including messages, stored data and/or images.

(a) Officers should not attempt to access, review or search the contents of such devices prior to examination by a forensic expert. Unsent messages can be lost, data can be inadvertently deleted and incoming messages can override stored messages.
Computers and Digital Evidence

(b) Do not turn the device on or off. The device should be placed in a solid metal container such as a paint can or in a faraday bag, to prevent the device from sending or receiving information from its host network.

(c) When seizing the devices, also seize the charging units and keep them plugged in to the chargers until they can be examined. If the batteries go dead all the data may be lost.

814.5  DIGITAL EVIDENCE RECORDED BY OFFICERS

Officers handling and submitting recorded and digitally stored evidence from digital cameras and audio or video recorders will comply with these procedures to ensure the integrity and admissibility of such evidence.

814.5.1  COLLECTION OF DIGITAL EVIDENCE

Once evidence is recorded it shall not be erased, deleted or altered in any way prior to submission. All photographs taken will be preserved regardless of quality, composition or relevance. Video and audio files will not be altered in any way.

814.5.2  SUBMISSION OF DIGITAL MEDIA

The following are required procedures for the submission of digital media used by cameras or other recorders:

(a) The recording media (smart card, compact flash card or any other media) shall be collected and downloaded on a weekly basis by the Investigations CSO for submission into evidence.

(b) The Investigations CSO will make a copy of the memory card using appropriate storage media. Once they have verified that the images properly transferred to the storage media, the technicians will erase the memory card for re-use. The storage media will be marked as the original.

(c) Officers requiring a copy of the digital files must request a copy through the Investigations CSO or Property and Evidence Technician.

814.5.3  DOWNLOADING OF DIGITAL FILES

Digital information such as video or audio files recorded on devices using internal memory must be downloaded to storage media. Where possible, the device should be connected to a computer and the files accessed directly from the computer directory or downloaded to a folder on the host computer for copying to the storage media.
Crime Analysis

815.1 PURPOSE AND SCOPE
The Crime Analysis unit is located within the Field Operations Division. Its function is to provide statistical and analytical data to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data for field interrogations and arrests. Crime analysis can be useful to the agency's long range planning efforts by providing estimates of future crime trends and assisting in the indentification of enforcement priorities.

815.2 DATA SOURCES
All sources available to this department that contain data essential to crime analysis shall be identified and accessible for use in the crime analysis process, including but not limited to:

(a) Crime reports
(b) Field Interview cards
(c) Arrest reports
(d) Citations
(e) Gang files
(f) Parole & Probation records
(g) Computer Aided Dispatch (CAD) data
(h) Records Management System (RMS) data
(i) Statewide Integrated Traffic Reporting System (SWITRS)

815.3 CRIME ANALYSIS FACTORS
The following minimum criteria should be used in collecting data for Crime Analysis:

(a) Frequency by type of crime
(b) Geographical factors
(c) Temporal factors
(d) Victim and target descriptors
(e) Suspect descriptors
(f) Suspect vehicle descriptors
(g) Modus Operandi (MO) factors
(h) Physical evidence information

815.4 CRIME ANALYSIS DISSEMINATION
For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the agency's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans,
Crime Analysis

it should be provided to all affected units. Information that could aid another jurisdiction in the identification of crime series, suspects, trends, or patterns occurring within their jurisdiction should be forwarded the information as needed.
Animal Services Procedures

820.1 PURPOSE AND SCOPE
The purpose of this policy is to establish guidelines for Animal Services Officers and Turlock Police Department personnel in dealing with animal services related calls for service and to set forth procedures regarding animal services, the handling of injured animals, and the abatement of animal nuisances.

820.2 ANIMAL SERVICES PROCEDURE MANUAL
The Turlock Police Department Animal Services Procedure Manual has been developed to outline the complete description of Animal Services procedures. Employees of this department shall refer to and comply with that manual for matters related to Animal Services procedures.

820.3 REVIEW AND UPDATE OF ANIMAL SERVICES PROCEDURE MANUAL
The Division Commander having management oversight of the Animal Services Unit shall direct an annual review and update of the manual. Changes and updates shall be authorized through approval of the Chief of Police or his/her designee.

820.4 ANIMAL SERVICES PROCEDURE MANUAL LOCATIONS
Each Division will maintain a paper copy in a location readily accessible by employees. Additionally, each employee will have access to an electronic version of the manual that will be located on department computers.
Temporary Holding Facility

900.1 PURPOSE AND SCOPE
This policy establishes guidelines for the booking, housing, security and release of prisoners at the Turlock Police Department's Temporary Holding Facility.

900.2 TEMPORARY HOLDING FACILITY PROCEDURES MANUAL
The Turlock Police Department Temporary Holding Facility Procedures Manual has been adopted to outline the complete description of the guidelines for the booking, housing, security, and release of prisoners at the Turlock Police Department's Temporary Holding Facility. Employees of this department shall refer to that manual for matters related to the Temporary Holding Facility procedures.

900.2.1 REVIEW AND UPDATE OF TEMPORARY HOLDING FACILITY PROCEDURES MANUAL
The Division Commander having management oversight of Professional Standards shall direct an annual review and update of the manual to reflect the procedures being followed within the Temporary Holding Facility (Title 15 § 1029 California Code of Regulations). Changes and updates shall be authorized through approval of the Chief of Police or his/her designee.

900.2.2 TEMPORARY HOLDING FACILITY PROCEDURES MANUAL LOCATIONS
A paper copy of the Temporary Holding Facility Procedures Manual will be maintained in the Temporary Holding Facility area. Each Division will also maintain a paper copy in a location readily accessible by employees. Additionally, each employee will have access to an electronic version of the manual that will be located on department computers.
Custody Searches

902.1 PURPOSE AND SCOPE
The purpose of this policy is to establish consistent department procedures which conform to Penal Code § 4030 regarding pat-down, booking and strip searches of pre-arraignment detainees.

902.2 DEFINITIONS OF SEARCHES
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 prisoner, or other prisoners.

Booking Search - This search is used in the jail and again involves a thorough patting down of an individual's clothing. 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)). This includes monitoring of an arrestee changing clothes where the arrestee's underclothing, buttocks, genitalia or female breasts are visible to the monitoring employee.

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)).

Search Incident to Arrest - This is a search wherein the officer searches the arrestee for additional evidence relative to the arrest charges or for other illegal contraband after an arrest is made.

902.3 PAT DOWN SEARCHES
When any officer has reasonable suspicion to believe that a person being lawfully detained may possess weapons or other dangerous items, or in such circumstances the officer reasonably believes that the individual may present a threat to officer safety, that officer may conduct a normal pat-down search of that individual.

Prior to detaining any individual in any police vehicle, an officer should conduct a normal pat-down search of that individual.

Whenever practical, a pat-down search of an individual should be conducted by an officer of the same sex as the person being searched. Absent the availability of a same sex officer, it is recommended that a witness officer be present during any pat-down search of an individual of the opposite sex as the searching officer.
902.4 BOOKING SEARCHES
Any person taken into custody may be subjected to booking searches, metal detector searches, and thorough clothing searches in order to discover and retrieve concealed weapons and contraband prior to being placed in a booking cell.

902.5 STRIP SEARCHES
No person held at a Turlock Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articuable facts to believe the person has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a pat-down search that may be a weapon or contraband and cannot be safely retrieved without a modified strip search or strip search.

(b) Circumstances of a current arrest that specifically indicate the person may be concealing a weapon or contraband. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (past possession of contraband while in custody, assaults on staff, escape attempts).

(d) The person's actions or demeanor.

(e) Criminal history (level of experience in a custody setting).

No transgender or intersex prisoner shall be searched or examined for the sole purpose of determining the prisoner's genital status. If the prisoner's genital status is unknown, it may be determined during conversations with the prisoner, by reviewing medical records, or, if necessary, as part of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

902.5.1 STRIP SEARCH PROCEDURES
Strip searches at Turlock Police Department facilities shall be conducted as follows (Penal Code § 4030; 28 CFR 115.115):

(a) Written authorization from the Watch Commander shall be obtained prior to the strip search.

(b) All employees involved with the strip search shall be of the same sex as the person being searched, unless the search is conducted by authorized medical personnel (28 CFR 115.115).

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that the search cannot be observed by persons not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second officer of the same sex should be present during the search for security and as a witness to the finding of evidence.

(e) Employees conducting a strip search shall not touch the breasts, buttocks or genitalia of the person being searched.

(f) The primary employee conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
Custody Searches

2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Watch Commander.
4. The name of the person who was searched.
5. The name and sex of the persons who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, recovered during the search.
10. The facts upon which the employee based his/her belief that the person searched was concealing a weapon or controlled substance, if the person was not arrested for a felony.

(g) A copy of the written authorization shall be retained and made available upon request to the prisoner or the prisoner’s authorized representative.

(h) No employee should view a prisoner's private underclothing, buttocks, genitalia or female breasts while the prisoner is showering, performing bodily functions or changing clothes, unless the prisoner otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the prisoner with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the prisoner’s consent and/or otherwise protect the prisoner’s privacy and dignity.

902.6 PHYSICAL BODY CAVITY SEARCH

(a) No person arrested on a misdemeanor or infraction shall be subjected to a body cavity search without a search warrant (Penal Code § 4030(h)).

(b) 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)).

(c) 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)).

(d) Except for the above mentioned licensed medical personnel, persons present must be of the same sex as the person being searched. Privacy requirements, including restricted touching of body parts, are the same as the strip search standard.

902.7 TRAINING

The Training Manager shall ensure members have training in, at a minimum (28 CFR 115.115):

- Conducting searches properly in a professional and respectful manner and in the least intrusive manner possible, consistent with security needs.
- Conducting cross-gender searches.
- Conducting searches of transgender and intersex prisoners.
Prison Rape Elimination

904.1 PURPOSE AND SCOPE
This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect and respond to sexual abuse, harassment and retaliation against detainees or prisoners in the Turlock Police Department Temporary Holding Facilities (28 CFR 115.111).

904.1.1 DEFINITIONS
Definitions related to this policy include:

Intersex - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

Sexual abuse - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse:
- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh or the buttocks of another person, excluding contact incidental to a physical altercation (28 CFR 115.6)

Sexual abuse also includes abuse by a staff member, contractor or volunteer as follows, with or without consent of the detainee, prisoner or resident:
- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva or anus
- Contact between the mouth and any body part where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object or other instrument, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any other intentional contact, either directly or through the clothing, of or with the genitalia, anus, groin, breast, inner thigh or the buttocks, that is unrelated to official duties, or where the staff member, contractor or volunteer has the intent to abuse, arouse or gratify sexual desire
- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- Any display by a staff member, contractor or volunteer of his/her uncovered genitalia, buttocks or breast in the presence of a detainee, prisoner or resident
- Voyeurism by a staff member, contractor or volunteer (28 CFR 115.6)
Sexual harassment - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures or actions of a derogatory or offensive sexual nature by one detainee, prisoner or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee, prisoner or resident by a staff member, contractor or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6).

Transgender - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

904.2 POLICY

The Turlock Police Department has zero tolerance toward all forms of sexual abuse and sexual harassment (28 CFR 115.111). The Department will not tolerate retaliation against any person who reports sexual abuse or sexual harassment or who cooperates with a sexual abuse or sexual harassment investigation.

The Turlock Police Department will take immediate action to protect detainees and prisoners who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162).

904.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee department efforts to comply with PREA standards in the Turlock Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of detainees or prisoners includes the requirement to adopt and comply with applicable PREA and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees and prisoners from sexual abuse (28 CFR 115.113). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of detainees and prisoners (28 CFR 115.151).

(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents or a similarly comprehensive and authoritative protocol.
Prison Rape Elimination

2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.

3. A process to document all referrals to other law enforcement agencies.

4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFE or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFE or SANEs shall be documented.

5. In accordance with security needs, provisions to permit, to the extent available, detainee and prisoner access to victim advocacy services if the detainee or prisoner is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that detainees and prisoners with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other detainees or prisoners for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's or prisoner's safety, the performance of first-response duties under this policy, or the investigation of a prisoner's allegations of sexual abuse, harassment or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of a detainee or prisoner (28 CFR 115.154).

2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house detainees or prisoners overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).
904.4 REPORTING SEXUAL ABUSE AND HARASSMENT
Detainees or prisoners may make reports verbally, in writing, privately or anonymously of any of the following (28 CFR 115.151):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees or prisoners or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

During intake the Department shall notify all detainees and prisoners of the zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward detainee or prisoner reports of sexual abuse and sexual harassment to agency officials. This allows the detainee or prisoner to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

904.4.1 MEMBER RESPONSIBILITIES
Department members shall accept reports from detainees, prisoners and third parties and shall promptly document all reports (28 CFR 115.151).

All members shall report immediately to the Watch Commander any knowledge, suspicion or information regarding:

(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.
(b) Retaliation against detainees or the member who reports any such incident.
(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

904.4.2 WATCH COMMANDER RESPONSIBILITIES
The Watch Commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that a detainee or prisoner was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged detainee or prisoner victim is transferred from the Temporary Holding Facility to a jail, prison or medical facility, the Department shall, as permitted by law, inform the
receiving facility of the incident and the prisoner's potential need for medical or social services, unless the prisoner requests otherwise (28 CFR 115.165).

904.5 INVESTIGATIONS
The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

904.5.1 FIRST RESPONDERS
The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):
(a) Separate the parties.
(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.
(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.
(d) If the abuse occurred within a time period that still allows for the collection of physical evidence, ensure that the alleged abuser does not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

If the first responder is not an officer the responder shall request that the alleged victim not take any actions that could destroy physical evidence and should then notify a law enforcement staff member (28 CFR 115.164).

904.5.2 INVESTIGATOR RESPONSIBILITIES
Investigators shall (28 CFR 115.171):
(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.
(b) Interview alleged victims, suspects and witnesses.
(c) Review any prior complaints and reports of sexual abuse involving the suspect.
(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.
(e) Assess the credibility of the alleged victim, suspect or witness on an individual basis and not by the person's status as a detainee or a member of the Turlock Police Department.
(f) Document in written reports a description of physical, testimonial, documentary and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.
(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe a detainee or prisoner sexually abused another detainee or prisoner in the Temporary Holding Facility (28 CFR 115.178).
(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.
904.5.3 ADMINISTRATIVE INVESTIGATIONS
Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

904.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS
No detainee or prisoner who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Detainee or prisoner victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

904.5.5 CONCLUSIONS AND FINDINGS
All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees or prisoners and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with detainees or prisoners by a contractor or volunteer.

904.6 RETALIATION PROHIBITED
All detainees, prisoners and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee or prisoner victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for detainees, prisoners or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.
The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees, prisoners or members who have reported sexual abuse and of detainees or prisoners who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees or prisoners, such monitoring shall also include periodic status checks.

904.7 REVIEWS AND AUDITS

904.7.1 INCIDENT REVIEWS
An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):
(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.
(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.
(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.
(d) Assess the adequacy of staffing levels in that area during different shifts.
(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

904.7.2 DATA REVIEWS
The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):
(a) Identification of any potential problem areas.
(b) Identification of any corrective actions taken.
(c) Recommendations for any additional corrective actions.
(d) A comparison of the current year's data and corrective actions with those from prior years.
Prison Rape Elimination

(e) An assessment of the department's progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be redacted from the reports when publication would present a clear and specific threat to the safety and security of the Temporary Holding Facility. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Turlock Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

904.8 RECORDS
The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

904.9 TRAINING
All employees, volunteers and contractors who may have contact with detainees or prisoners shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Manager shall be responsible for developing and administering this training as appropriate, covering at a minimum (28 CFR 115.131):
• The Department's zero-tolerance policy and the right of detainees and prisoners to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
• The dynamics of sexual abuse and harassment in confinement settings, including which detainees and prisoners are most vulnerable.
• The right of detainees, prisoners and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
• Detecting and responding to signs of threatened and actual abuse.
• Communicating effectively and professionally with all detainees and prisoners.
• Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):
• Techniques for interviewing sexual abuse victims.
• Proper use of Miranda and Garrity warnings.
• Sexual abuse evidence collection in confinement settings.
• Criteria and evidence required to substantiate a case for administrative action or prosecution referral.
Prison Rape Elimination

The Training Manager shall maintain documentation that employees, volunteers, contractors and investigators have completed required training and that they understand the training. This understanding shall be documented through individual signature or electronic verification.

All current employees and volunteers who may have contact with detainees or prisoners shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.
Recruitment and Selection

1000.1 PURPOSE AND SCOPE
The employment policy of the City of Turlock shall provide equal opportunities for applicants and its employees regardless of race, sexual orientation, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, marital status, veteran status, or sex, and shall not show partiality or grant any special favors to any applicant, employee or group of employees. The rules governing employment practices for this department are maintained by the City of Turlock Department of Human Resources.

The purpose of this policy is to set uniform, job related, non discriminatory standards for the selection of employees and volunteers of the Turlock Police Department. The express purpose is to assure that persons working for this department will adhere to the highest standards of integrity, professionalism, and community service.

This policy shall establish the pre-employment selection standards for the department and all its personnel in the conduct and administration of pre-employment background investigations. All department personnel are bound by this policy.

1000.2 COMPLIANCE WITH MISSION STATEMENT
In its Mission Statement, the Turlock Police Department has entered into a compact with the citizens of this community that, "As police professionals, we commit ourselves to public service and public safety."

1000.2.1 VETERAN’S PREFERENCE
Qualifying veterans of the armed forces of the United States shall receive a veteran’s preference as applicable. Preference points shall be added after the applicant has received a passing score on an entrance exam and is qualified for placement on the employment list (Government Code § 18978).

1000.3 COMPLIANCE WITH LAWS AND REGULATIONS
Employment standards shall be established for each job classification and shall include minimally, the specific training, abilities, knowledge and skills required to perform the duties of the job in a satisfactory manner. The City of Turlock Department of Human Resources maintains standards for all positions.

California Government Code Section 1031 declares that each class of public employee declared by law to be peace officers shall be of good moral character as determined by thorough background investigation. California Department of Justice CLETS and CORI regulations require that all persons with access to CLETS and CORI information undergo a background check. Title 42, United States Code Section 2000-e, and California Government Code Section 12900 seq. established laws for non-discriminatory employment.

Pre-employment background investigations for police officers and public safety dispatchers conducted by the department shall be in compliance with the standards adopted by the California Commission on Peace Officer Standards and Training. Such standards necessarily include an assessment of applicant qualifications regarding such background dimensions which POST may have adopted for the position(s) in question.
1000.3.1 ELIGIBILITY FOR BACKGROUND INVESTIGATION
Applicants declared qualified for employment with this department as a result of the competitive examination process established by the Personnel Rules of the City of Turlock shall undergo a thorough and complete background investigation prior to appointment to or employment with this department. Additionally, those City employees or contractors working within the police facility and volunteers assigned to the police department shall also undergo a thorough and complete background investigation.

1000.3.2 PRE-BACKGROUND INTERVIEW
Each applicant for employment with the department shall be required to meet with a background investigator upon commencement of any background investigation for the express purpose of conducting an initial inquiry into the applicant's apparent qualifications and conformity with this policy.

1000.3.3 PERSONAL HISTORY STATEMENT FORM
Qualified applicants shall be required to accurately, honestly, and thoroughly complete the department's approved "Personal History Statement." Completed Personal History Statements are deemed to be the property of the department and shall become part of the employee's background file.

1000.4 BEHAVIORAL STANDARDS FOR APPLICANTS FOR EMPLOYMENT
The purpose of a pre-employment background investigation shall be to promptly, efficiently, and fairly identify those applicants who are unfit for public service or whose prior conduct is contradictory to or incompatible with the law enforcement mission, the fair and impartial administration of law, or the provision of community service. No selection standard of the department shall be in conflict with or contrary to the spirit or the letter of fair employment laws of the State of California or the laws of the United States. The department enthusiastically declares itself to be an equal opportunity employer.

1000.4.1 PEACE OFFICER DISQUALIFICATIONS
California Government Code Section 1029 states that the following persons are disqualified from being employed as a peace officer:

(a) Any person who has been convicted of a felony.

(b) Any person who has been convicted of any offense in another jurisdiction which would have been a felony if convicted in this state.

(c) Any person who, after January 1, 2004, has been convicted of a crime based upon a verdict or finding or guilt of a felony by the trier of fact, or upon the entry of a plea of guilty or nolo contendere to a felony. This paragraph shall apply regardless of whether, pursuant to subdivision (b) of Section 17 of the Penal Code, the court declares the offense to be misdemeanor or the offense becomes a misdemeanor by operations of law.

(d) Any person who has been charged with a felony and adjudged by a superior court to be mentally incompetent under Chapter 6 (commencing with Section 1367) of Title 10 of Part 2 of the Penal Code.

(e) Any person who has been found not guilty by reason of insanity of any felony.
Recruitment and Selection

(f) Any person who has been determined to be a mentally disordered sex offender pursuant to Article 1 (commencing with Section 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(g) Any person adjudged addicted or in danger of becoming addicted to narcotics, convicted, and committed to a state institution as provided in Section 3051 of the Welfare and Institutions Code.

Proceedings under juvenile court are generally not considered to be a criminal conviction under Government Code 1029 unless the individual was certified, tried and convicted as an adult. However, the conduct surrounding the offense should certainly be considered as part of the overall background.

1000.4.2 FELONY CONVICTIONS DISQUALIFICATIONS

No person who has ever been convicted of any offense declared by law to be a felony in this or any other state shall be eligible for appointment to any position with the department. Nor shall any person who has ever been convicted of any act in another state or country which would constitute a felony if committed in California be eligible for appointment to any position with the department.

1000.4.3 MISDEMEANOR CONVICTIONS DISQUALIFICATIONS

No person who has been convicted within the past two years of any criminal offense declared by law to be a misdemeanor in this or any other state shall be eligible for appointment to any position with the department.

No person still on probation (supervised or unsupervised) for any criminal conviction shall be eligible for appointment to any position with the department.

No person convicted of any of the following misdemeanor offenses shall be eligible for appointment with the department:

(a) Larceny/theft
(b) Assault or battery
(c) Indecent exposure
(d) Annoying children
(e) Perjury
(f) Resisting arrest
(g) Filing a false police report
(h) Impersonating a peace officer
(i) Domestic violence
(j) Fraud

No person having been convicted of any offense listed in Penal Code Section 12021 (c) within ten years of the date of conviction shall be eligible for appointment as a police officer with the department.

A person that has been convicted of any misdemeanor offense involving the use or attempted use of physical force or the threatened use of a deadly weapon committed against a person in a domestic violence relationship (i.e. spouse, ex-spouse, co-habitant, parent, or child) is prohibited from carrying a firearm and therefore is ineligible for appointment as a police officer with this department.
Recruitment and Selection

Any person whose conviction has been set aside pursuant to Penal Code Section 1203.4a shall be considered to have been convicted within the meaning of this section. Peace officer applicants whose convictions have been set aside pursuant to Penal Code Section 1000.4 shall be considered to have been convicted within the meaning of this section. Persons whose juvenile records have been and remain sealed or expunged pursuant to Welfare and Institutions Code 781 and/or Penal Code Section 851.7 or 851.8 shall be deemed never to have been convicted within the meaning of this section.

1000.4.4 CRIMINAL CONDUCT DISQUALIFICATIONS
Applicants for employment with this department whose prior conduct includes involvement in criminal conduct as specified shall not be eligible for appointment to the position of a peace officer with this department. "Involvement in criminal conduct," specifically includes acts which have gone undetected, unreported, and/or unprosecuted.

(a) As an adult, any act which would constitute a felony in this state committed within the past five years.

(b) Any act which would constitute a misdemeanor offense committed at any time after application for employment with the department.

(c) Any act, as specified, committed at any time prior to or following the application for employment with the department, including:
   1. Forcible rape
   2. Robbery
   3. Possession of controlled substances for sale
   4. Assault with a deadly weapon
   5. Lewd acts with a child
   6. Perjury
   7. Homicide
   8. Grand larceny
   9. Theft of public funds
   10. Assault under color of authority
   11. Any offense declared by law to constitute a "hate crime"
   12. Embezzlement
   13. Sexual assault

1000.4.5 CRIMINAL CONDUCT - LATERAL APPLICANTS
Applicants for employment with the department who are presently employed by a public criminal justice agency shall be required to sign a disclosure statement authorizing the department to reveal to their present employer any admissions of criminal conduct which occurred or which may have occurred during their employment for that agency. Upon written demand of the department head or any such agency and consistent with this order, the department shall fully cooperate with any official investigation initiated by that applicant's present employer concerning any such admissions of criminal activity.

1000.4.6 CRIMINAL CONDUCT - OUTSTANDING ARREST WARRANT(S)
No person who has an outstanding warrant for his/her arrest shall be eligible for appointment to any position within the department. Any peace officer of the department aware of the existence of such a warrant shall immediately serve same.
1000.4.7 GROSS MISCONDUCT
No person who, as an adult, has been previously dismissed from any employment or discharged from the Armed Forces of the United States for any proven acts of gross misconduct shall be eligible for appointment with the department. "Gross misconduct" shall include, but not limited to:

(a) Embezzlement
(b) Willful disobedience of a lawful order
(c) Sexual harassment
(d) False statements to a superior officer
(e) Filing false official reports
(f) Desertion
(g) Assault under color of authority
(h) Battery against any coworker or supervisor
(i) Terrorists threats against any coworker or supervisor

1000.4.8 MILITARY SERVICE - SELECTIVE SERVICE
No person who shall have been dishonorably discharged from the Armed Forces of the United States shall be eligible for appointment to the department.

No person who shall have been legally required to register for Selective Service and has failed to do so shall be eligible for appointment to the department.

1000.5 USERS OF ILLEGAL DRUGS - CURRENT
No person who is a current user of illegal drugs shall be eligible for appointment to the department. "Current" user of illegal drugs shall mean any person who has illegally used any controlled substances (as defined in Schedules I through IV of the Uniform Controlled Substance Act) within one year prior to application for employment with the department.

1000.5.1 USERS OF ILLEGAL DRUGS - PRIOR
Person(s) who have within the past seven years ingested any controlled substance(s) classified as a hallucinogen or any other controlled substance (as defined in Schedules I through IV of the Uniform Controlled Substance Act) by means of injection, shall not be eligible for appointment to the department.

Person(s) who have within the past three years, and as an adult illegally possessed any controlled substance (as defined in Schedules I through IV of the Uniform Controlled Substance Act), excluding the simple possession of an ounce or less of marijuana shall be not eligible for appointment to the department.

1000.6 FALSE STATEMENT(S) ON APPLICATION
Any applicant for employment with the department who makes any knowing or deliberate false statement or omission of material fact on any application document for the department shall be disqualified for further consideration. False statements include deliberately non-responsive answers and knowing evasions of any type. Knowing and deliberate false statements or omissions of material fact discovered on any application document at any time following appointment with the department shall be immediately investigated and where proven, shall be grounds for dismissal and/or removal from office.
Recruitment and Selection

1000.6.1 FRAUDULENT APPLICATION DOCUMENT(S)
Any applicant who knowingly offers or furnishes any altered or fraudulent document(s) in connection with his/her application for employment with the department shall be disqualified for further consideration. Where such altered or fraudulent documents are discovered subsequent to employment with the department, such shall be immediately investigated, and where proven, shall be grounds for dismissal and/or removal from office.

1000.6.2 INVOLUNTARY SEPARATION FROM EMPLOYMENT
Any applicant who, as an adult, has been dismissed from employment "for cause" two or more times shall not be eligible for appointment to the department.

1000.6.3 INVOLUNTARY SEPARATION FROM EMPLOYMENT/EXCEPTIONS
The department may waive the prohibition of the section above if, in its sole judgement, one or more of the "for cause" dismissals are found to be without merit. Within the meaning of this section, "layoffs" shall not be considered as "dismissal for cause."

1000.6.4 DELINQUENCY ON FINANCIAL OBLIGATIONS/CHILD SUPPORT
Any applicant for employment with the department who is presently delinquent or in arrears for any court ordered child support payment shall not be eligible for appointment.

1000.6.5 DELINQUENCY ON FINANCIAL OBLIGATIONS/COLLECTIONS
Any applicant for employment with the department who owes a debt payable through a collection agency/service may not be eligible for appointment.

1000.7 BACKGROUND INVESTIGATION RESULTS/NOTIFICATION
Any applicant for employment to the department who is disqualified from the employment process based on his/her background investigation shall be informed of his/her right(s) to appeal such decisions of the department. In addition:

(a) Any applicant who is disqualified from the employment process based in part or in whole upon their credit history shall be informed of that fact and shall be furnished a copy of his/her credit report.

(b) Any applicant who is disqualified from the employment process based on their failure to meet any of the P.O.S.T. background dimensions, the requirements of this policy, City policy, or as a matter of law shall be informed in writing of his/her disqualification and the reason(s) for the disqualification.

1000.7.1 BACKGROUND INVESTIGATION RESULTS/RIGHTS TO APPEAL
Any applicant who has received written notice of his/her disqualification from the employment process may appeal his/her disqualification. The applicant shall submit a written appeal on a form prescribed by the department within ten (10) business days of notifications of the applicant's disqualification. The appeal shall contain a concise statement of facts stating why the applicant's continuation in the employment process is not barred by P.O.S.T. background dimensions, this policy, by City policy, or as a matter of law.

1000.7.2 BACKGROUND INVESTIGATION RESULTS/APPEAL HEARING
Where an applicant submits in writing a timely appeal of his/her disqualification from the employment process, the department shall promptly schedule an appeal hearing. The applicant/appellant must make his/herself reasonably available. The applicant/appellant
shall receive ten (10) days written notice of the date and time of the appeal hearing. Such hearing shall consist of:

(a) A hearing officer appointed by the Chief of Police or his/her designee.

(b) An opportunity for the applicant to present such relevant information or factual documentation as may bear upon the question of disqualification.

(c) A presentation by the department as to the reasons for disqualification.

1000.7.3 BACKGROUND INVESTIGATION REJECTION APPEAL/NOTIFICATION

Within ten (10) business days following the appeal hearing, the hearing officer and/or the Chief of Police shall provide written notification to the applicant/appellant of the hearing officer's final determination of disqualification with regard to the appeal. The decision of the hearing officer shall be final.

1000.7.4 DISQUALIFICATION OF APPLICANT DUE TO THE RESULTS OF MEDICAL EXAMINATION (PHYSICAL/EMOTIONAL/MENTAL)

An applicant for employment who is disqualified due to the results of a medical examination, which includes the physical and psychological exam provided for in California Government Code section 1031, may, at his/her own expense, within twenty (20) business days following the date of the written notice of his/her disqualification, submit independent medical opinion(s) to the department for consideration.

Independent medical opinion(s) of the following will be considered:

(a) Physical disqualification:
   1. A licensed physician and surgeon

(b) Psychological disqualification:
   1. A physician and surgeon who holds a valid California license to practice medicine and meets the requirements set forth in California Government Code section 1031
   2. A psychologist licensed by the California Board of Psychology who meets the requirements set forth in California government Code section 1031

The applicant's independent medical opinion(s) will be submitted to the department's medical and/or mental health examiner for review, interpretation, consideration, and opinion. The applicant's independent medical opinion(s) will be considered before a final determination on disqualification is made. The applicant will receive written notification of the final determination regarding disqualification within twenty (20) business days from the date all of the applicant's medical opinion(s) are received by the department.

1000.7.5 BACKGROUND INVESTIGATION/CONFIDENTIALITY

Pre-employment background investigations are regarded as confidential documents pursuant to Article 1, Section 1, of the California Constitution, (f) and (c) of the Government Code Section 6254, Civil Code Section 1798.38 and Section 1798.40, Evidence Code Section 1043, Penal Code Section 832.7, and Title 42 United States Code Section 12112.

(a) The department shall safeguard this information pursuant to law and hereby restrict access thereunto to persons who have legal authority and need to access such information.
(b) No investigator or other department member privy to pre-employment background investigation information shall release, disseminate, or disclose such information other than through the chain of command, except as provided by this policy or in response to a lawful order of any competent court.

(c) Nothing in this section shall be construed to mean that applicants are prohibited from purchasing or receiving copies of eligible information and/or documents concerning themselves pursuant to any legally sufficient request(s) under the California Public Records Act.

1000.7.6 BACKGROUND INVESTIGATION/SHARING OF INFORMATION DURING OFFICIAL INQUIRIES

Except as previously described upon presentation and acceptance of a valid authorization form which specifies the release of pre-employment background investigation, the department may share information from its own pre-employment background investigation(s) with another duly authorized representative of a government agency, except information which, in its sole judgement, risk compromising any confidential sources defined in California Civil Code Sections 1798.38 or 1798.40 or is contained in the investigation's analysis and conclusions pursuant to California Government Code Section 6254(f). Prior to the release of such information, the department shall first secure in writing an approval agreement for non-disclosure from the authorized representative of the governmental agency to whom the information is being released.

1000.7.7 DUPLICATION OF OFFICIAL BACKGROUND INVESTIGATION RECORDS/TRAINING PURPOSES

Except for approved training purposes and with the express permission of the Chief of Police, no department member shall remove, secret from, or retain any written or recorded information gathered in an official background investigation. Any documents or written information approved for use in official training programs of the department shall first have all identifying information removed therefrom, and all such training materials remain the property of the department and are subject to as control and recall.

1000.7.8 RETENTION OF BACKGROUND INVESTIGATION RECORDS

Background Investigation files of employees and volunteers shall be retained for a minimum of five (5) years after the employee or volunteer has separated from the department.

Background Investigation files of unsuccessful applicants (not hired) shall be retained for a minimum of five (5) years after the date they are declared ineligible for hire or the date of the expiration of their eligibility list.

EEOC/FLSA/ADEA (Age) requires 3 years; State Law requires 2-3 years; 29 CFR 1627.3(a)(5) and (6), 8 CCR §11040.7(c), GC§§12946, 34090
Evaluation of Employees

1002.1 PURPOSE AND SCOPE
The objective of the evaluation system is to record work performance for both the Department and the employee, giving recognition for good work and providing a guide for improvement where needed. The employee performance evaluation report is a gauge in measuring performance and is used for making personnel decisions relating to merit increase, promotion, reassignment, and corrective action. The report also provides a guide for mutual work planning and review and an opportunity to convert general impressions into a more objective history of work performance based on job standards.

1002.2 POLICY
Employee performance evaluations will be written based on job related factors specific to the position occupied by the employee without regard to sex, race, color, or creed. Each evaluation will cover a specific period and should be based on performance during that period. The employee’s immediate supervisor will complete each evaluation. Other supervisors directly familiar with the employee’s performance during the rating period should be consulted by the immediate supervisor for their input.

All sworn and non-sworn supervisory personnel shall be sent to a POST approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected, and the evaluation rating criteria with each employee at the beginning of the rating period. When a non-probationary employee’s job performance falls below the established standards of the job, the supervisor should, as soon as practical, but at least 90 days prior to the end of the annual evaluation period, advise the employee in writing in order to provide an opportunity for the employee to improve performance. The involved employee will be provided the opportunity to initial any such writing and respond in writing within 30 days, if desired. Failure to meet established performance standards is justification for an unsatisfactory rating. Rating factors that are not observed are assumed to be performed at a standard level.

1002.3 FULL TIME PROBATIONARY PERSONNEL
Non-sworn personnel are on probation for 12 months (18 months if TAPO, i.e. CSO's and Dispatchers) before being eligible for certification as permanent employees. An evaluation is completed every six months for all full-time non-sworn personnel during the probationary period.

Sworn personnel are on probation for 18 months before being eligible for certification as permanent employees. Probationary officers not in training are evaluated monthly and every six months during the probationary period.

1002.4 FULL-TIME PERMANENT STATUS PERSONNEL
Permanent employees are subject to two types of performance evaluations:

Regular - An Employee Performance Evaluation shall be completed once each year by the employee’s immediate supervisor on the anniversary of the employee’s date of hire.
**Evaluation of Employees**

except for employees who have been promoted in which case an Employee Performance Evaluation shall be completed on the anniversary of the employee's date of last promotion.

**Special** - A special evaluation may be completed any time the rater and the rater's supervisor feel one is necessary due to employee performance that is deemed less than standard. Generally, the special evaluation will be the tool used to demonstrate those areas of performance deemed less than standard when follow-up action is planned (action plan, remedial training, retraining, etc.). The evaluation form and the attached documentation shall be submitted as one package.

**1002.4.1 RATINGS**

When completing the Employee Performance Evaluation, the rater will place a check mark in the column that best describes the employee's performance. The definition of each rating category is as follows:

**Outstanding** - actual performance well beyond that required for the position. It is exceptional performance, definitely superior or extraordinary.

**Exceeds Standards** - Represents performance that is better than expected of a fully competent employee. It is superior to what is expected, but is not of such rare nature to warrant outstanding.

**Meets Standards** - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Needs Improvement** - Is a level of performance less than that expected of a fully competent employee and less than standards required of the position. A needs improvement rating must be thoroughly discussed with the employee.

**Unsatisfactory** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

*NOTE: Effective July 1, 2010, with the implementation of the new evaluations, the "Outstanding" and "Unsatisfactory" categories will no longer be used when rating employees.*

Space for written comments is provided throughout the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement. Any rating under any job dimension marked Needs Improvement or Exceeds Standards shall be substantiated in the rater comments section.

**1002.5 EVALUATION INTERVIEW**

When the supervisor has completed the evaluation, it shall be forwarded to the Division Commander for a preliminary review. Arrangements shall then be made for a private discussion of the evaluation with the employee. The supervisor should discuss the results of the just completed rating period and clarify any questions the employee may have.

If the employee has valid and reasonable protests of any of the ratings, the supervisor may make appropriate changes to the evaluation.

Areas needing improvement and goals for reaching the expected level of performance should be identified and discussed. The supervisor should also provide relevant counseling regarding advancement, specialty positions and training opportunities.
Evaluation of Employees

The supervisor and employee will sign and date the evaluation. Permanent employees may seek an interview with superiors within their Chain of Command, up to and including the Chief of Police, to contest the performance evaluation by checking the appropriate box. Permanent employees may also write comments in the Employee Comments section of the performance evaluation report.

1002.5.1 DISCRIMINATORY HARASSMENT FORM
At the time of each employee's evaluation, the reviewing supervisor shall ensure that the employee is familiar with the City and Department harassment and discrimination policies. Following such policy review, the supervisor shall provide the employee a form that shall be initialed and returned to the supervisor and attached to the evaluation certifying the following:

(a) The employee understands the harassment and discrimination policies.
(b) That the employee knows how and where to report harassment policy violations.
(c) Whether the employee has been the subject of, or witness to, any conduct that violates the discrimination or harassment policy which has not been previously reported.

If the employee has expressed any questions or concerns, the receiving supervisor or other authorized individual shall ensure that appropriate follow-up action is taken.

1002.5.2 CAREER ASSESSMENT FORM
NOTE: Effective July 1, 2010, with the implementation of the new evaluations, the following guidelines will be used when rating employees.

The Career Assessment Form gives the rater the opportunity to assist their employees by providing direct input and information to assist them in attaining their career goals.

At the time of each employee's evaluation, the Career Assessment Form shall be completed for all employees who are off probation and are interested in promotion or changing assignments in the future. If the employee is not currently interested in either promoting or changing assignments, no form is required.

If the employee is interested in promotion or changing assignments, the rating supervisor shall ensure the following:

(a) All information is completed throughout the form.
(b) Include positive comments/suggestions on how the employee should proceed to obtain their desired position.

The rating supervisor shall ensure the employee signs and initials the Career Assessment Form and that it is attached to the evaluation.

1002.6 EVALUATION REVIEW
After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Division Commander). The Division Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Division Commander shall evaluate the supervisor on the quality of ratings given.
Evaluation of Employees

1002.7   EVALUATION DISTRIBUTION
The original performance evaluation shall be maintained in the employee's personnel file in the office of the Chief of Police for the tenure of the employee's employment. A copy will be given to the employee and a copy will be forwarded to City Department of Human Resources.
Promotions and Special Assignments

1004.1 PURPOSE AND SCOPE
The purpose of this policy is to establish required guidelines for promotions or transfers to Special Assignments within the ranks of the Turlock Police Department.

It is the intent of the Department that requirements outlined in current labor unit agreements, Memorandum of Understandings, and the City of Turlock Personnel System Rules and Regulations are followed and that all requests are considered equally. To facilitate the selection process, the following procedure is established whereby all such requests will be reviewed on an equal basis as assignments are made.

1004.2 GENERAL REQUIREMENTS
As a general rule, announcements for promotions or transfers to Special Assignments within the Turlock Police Department shall be posted at least 15 days prior to the examination and shall minimally contain the following:

(a) The position being tested for
(b) The minimum requirements or qualifications for the position
(c) The passing score required (if any)

Specifications for promotional opportunities shall be on file with the City of Turlock Human Resources Office.

Members of this department shall follow the application instructions outlined within the job announcement.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations, or for training.

1004.3 SELECTION PROCESS
Once a candidate has been selected for a position, the recommendation shall be forwarded to the Chief of Police or his/her designee for approval. The Chief of Police or his/her designee shall author a memorandum announcing the appointment.
Grievance Procedure

1006.1 PURPOSE AND SCOPE
It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department's philosophy is to promote a free verbal communication between employees and supervisors.

1006.1.1 GRIEVANCE DEFINED
A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- City rules & regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to alleged acts of sexual, racial, ethnic or other forms of unlawful harassment, as well as complaints related to allegations of discrimination on the basis of sex, race, religion, ethnic background and other lawfully protected status or activity are subject to the complaint options set forth in Policy Manual § 328, and personnel complaints consisting of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law set forth in Policy Manual §1020.

1006.2 PROCEDURE
Any employee filing a grievance shall follow the Personnel System Rules and Regulations adopted by the Turlock City Council. If the employee belongs to a collective bargaining unit where grievance procedures are addressed, the employee shall follow the guidelines contained in their respective MOU.

In all cases, the office of the Chief of Police will be notified with copies forwarded to the Chief of Police's office through all steps of the grievance.

1006.3 EMPLOYEE REPRESENTATION
Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

1006.4 GRIEVANCE RECORDS
Official records of grievances will be kept in the office of the Chief of Police.

1006.5 GRIEVANCE AUDITS
The Special Operations Captain or his/her designee shall perform an annual audit of all grievances filed the previous calendar year to evaluate whether or not any policy/procedure changes or training may be appropriate to avoid future filings of grievances. The Special
Grievance Procedure

Operations Captain or his/her designee shall record these findings in a confidential and generic memorandum to the Chief of Police without including any identifying information from any individual grievance. If the audit identifies any recommended changes or content that may warrant a critical revision to this policy manual, the Special Operations Captain or his/her designee should promptly notify the Chief of Police.
Reporting of Employee Convictions

1010.1 PURPOSE AND SCOPE
Convictions of certain offenses may restrict or prohibit an employee’s ability to properly perform official duties; therefore, all employees shall be required to promptly notify the Department of any past and current criminal convictions.

The Professional Standards Supervisor shall submit, in a timely manner, a notice to the Commission on Peace Officer Standards and Training (POST) of any appointment, termination, reinstatement, name change or status change regarding any peace officer, reserve peace officer, public safety dispatcher and records supervisor employed by this department (11 CCR § 9040).

The Professional Standards Supervisor shall submit, in a timely manner, a notice to POST of a felony conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR § 9041).

1010.2 DOMESTIC VIOLENCE CONVICTIONS AND RESTRAINING ORDERS
California and federal law prohibit individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing a firearm. Such convictions and court orders often involve allegations of the use or attempted use of force or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members are responsible for ensuring that they have not been disqualified from possessing a firearm by any such conviction or court order and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

1010.3 OTHER CRIMINAL CONVICTIONS
Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on an employee’s ability to fully perform the duties of the job.

Moreover, while legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust.

1010.4 REPORTING PROCEDURE
All members of this department and all retired officers with an identification card issued by the Department shall promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing of any past or current criminal arrest or conviction regardless of whether or not the matter is currently on appeal and regardless of the penalty or sentence, if any.
Reporting of Employee Convictions

All members and all retired officers with an identification card issued by the Department shall further promptly notify their immediate supervisor (or the Chief of Police in the case of retired officers) in writing if the member or retiree becomes the subject of a domestic violence restraining order or similar court order.

Any member whose criminal conviction unduly restricts or prohibits that member from fully and properly performing his/her duties may be disciplined including, but not limited to, being placed on administrative leave, reassignment and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member on his/her own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline.

1010.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Each employee shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm as a part of their employment. Relief from any domestic violence or other restriction shall also be pursued through the employee's own resources and on the employee's own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee's duties, the employee may be placed on administrative leave, reassigned or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.
Alcohol and Drug Use Policy

1012.1 PURPOSE AND SCOPE
The intent of this policy is to deter the misuse or abuse of legal or illegal substances that create a threat to the safety and health of any employee or member of the public. The Turlock Police Department discourages alcohol and drug abuse and strives to achieve a workforce free from the influence of drugs and alcohol.

1012.2 GENERAL GUIDELINES
The consumption of alcohol or other intoxicants is generally prohibited by on-duty personnel except as necessary in the performance of an official special assignment. Personnel who consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

Employees who have consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect their senses or judgment shall not report for duty.

1012.2.1 PURCHASE OR POSSESSION OF DRUGS OR ALCOHOL ON-DUTY
Department employees shall not purchase or possess alcohol or other controlled substances on City property, at work, or while on-duty except in the performance of a special assignment as described in Policy Manual § 1012.2.

Department employees shall not illegally manufacture any alcohol or drugs while on-duty, on City property or at any other time.

1012.2.2 USE OF PRESCRIBED MEDICATIONS
Department employees who are medically required to take prescription medications, or have medications present in their system, during work hours shall not allow such medications to impair their ability to perform their work. Any employee who is required to take any medication with side effects which might impair his/her ability to fully and safely perform all requirements of their position shall report the need for such medication to their immediate supervisor. No employee shall be permitted to work or drive a department-owned or department-leased vehicle while taking such potentially impairing medication without first having been reviewed by the City physician, who will determine if it is safe to do so.

Possession of medical marijuana or being under the influence of medical marijuana on or off duty is prohibited and may lead to disciplinary action.

1012.3 EMPLOYEE ASSISTANCE PROGRAM
There may be available a voluntary Employee Assistance Program to assist employees who wish to seek help for alcohol and drug problems. There is also available a variety of insurance coverage which provide treatment for drug and alcohol abuse. Employees may contact the Department of Human Resources, their insurance provider, or the Employee Assistance Program for additional information.

Employees who experience drug or alcohol problems are encouraged to seek referral for rehabilitation through the Employee Assistance Programs or their insurance provider. It is

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Alcohol and Drug Use Policy

the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1012.3.1 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due employees, and disclosure of any information relating to chemical abuse treatment, except on a need to know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.
Sick Leave Reporting

1014.1 PURPOSE AND SCOPE
Employees of this department are provided with a sick leave benefit that gives them continued compensation during times of absence due to personal or family illness. The number of hours available is detailed in the employee's respective personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA), the California Family Rights Act or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 1510).

1014.2 EMPLOYEE RESPONSIBILITIES
Sick leave may be used for absences caused by illness, injury, temporary disability (including pregnancy/maternity), or for medical, dental or vision exams or medical treatment of the employee or the employee's immediate family when it is not possible to schedule such appointments during non-working hours.

Sick leave is not considered vacation, and abuse of sick leave may result in discipline and/or denial of sick-leave benefits. Employees on sick leave shall not engage in other employment or self-employment, or participate in any sport, hobby, recreational or other activity which may impede recovery from the injury or illness.

Upon return to work, employees shall complete and submit a leave request describing the type of leave used and the specific amount of time taken.

1014.2.1 NOTIFICATION
Employees shall notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work. At a minimum, employees shall make such notification no less than one hour before the start of their scheduled shift. If an employee is unable to contact the supervisor in the case of an emergency, every effort should be made to have a representative contact the supervisor.

When the necessity for leave is foreseeable, such as an expected birth or planned medical treatment, the employee shall, whenever possible, provide the Department with no less than 30-days notice of the intent to take leave.

1014.3 EXTENDED ILLNESS
Except for instances involving advanced notice from a health care provider, employees on extended absences shall contact their unit supervisor at three-day intervals to provide an update on their absence and expected date of return.

Employees absent from duty due to personal illness in excess of three consecutive days will be required to furnish a statement from their health care provider supporting the use of sick leave and/or the ability to return to work. The Department shall reserve the right to require, prior to the employee returning to work, a statement signed by the designated City health
care provider indicating they are medically cleared to perform the basic and essential job functions of their regular assignment without restrictions or limitations.

Nothing in this section precludes a supervisor, with cause, from requiring a physician's statement if three or fewer sick days are taken.

1014.4 SUPERVISOR RESPONSIBILITY

Supervisors should monitor sick leave usage and regularly review the attendance of employees under their command to ensure that the use of sick leave is consistent with this policy. Supervisors should address sick-leave use in the employee's performance evaluation when it has negatively affected the employee's performance or ability to complete assigned duties, and when unusual amounts of sick leave by the employee has had a negative impact on department operations. When appropriate, supervisors should counsel employees regarding the excessive use of sick leave and should consider referring the employee to the Employee Assistance Program.
Communicable Diseases

1016.1 PURPOSE AND SCOPE
This policy is intended to provide guidelines for department personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. The policy will offer direction in achieving the following goals:

(a) To manage the risks associated with blood borne pathogens (BBP), aerosol transmissible diseases, and other potentially infectious substances.
(b) To assist department personnel in making decisions concerning the selection, use, maintenance, limitations, storage, and disposal of personal protective equipment (PPE).
(c) To protect the privacy rights of all department personnel who may be exposed to or contract a communicable disease during the course of their duties.
(d) To provide appropriate treatment and counseling should an employee be exposed to a communicable disease.

1016.2 PROCEDURES FOR CONTACT WITH BLOOD OR BODY FLUIDS
All department personnel who may be involved in providing emergency medical care, or who come in contact with another person’s blood or body fluids (e.g., during an altercation or while attending to any injured person), shall follow these procedures and guidelines. For purposes of this policy, contact with blood or body fluids is synonymous with "blood borne pathogen exposure" as defined in Health & Safety Code § 121060.1.

1016.2.1 EXPOSURE CONTROL OFFICER
The Professional Standards Sergeant is designated as the Department's Exposure Control Officer (ECO). The Exposure Control Officer shall be responsible for the following:

(a) The overall management of the BBP Exposure Control Plan (ECP).
(b) Establishing written procedures and a training program related to aerosol transmissible diseases, as required by 8 CCR § 5199.
(c) The ECO will work with management to develop and administer any additional related policies and practices necessary to support the effective implementation of this plan and remain current on all legal requirements concerning BBP and other communicable diseases.
(d) The ECO will act as a liaison during OSHA inspections and shall conduct program audits to maintain an up-to-date exposure control plan.
(e) The ECO will maintain an up-to-date list of police personnel requiring training, develop and implement a training program, maintain class rosters and quizzes, and periodically review the training program.
(f) The ECO will review and update the Exposure Control Plan annually (on or before January 1st of each year).

Department supervisors are responsible for exposure control in their respective areas. They shall work directly with the ECO and the affected employees to ensure that the proper exposure control procedures are followed.
Communicable Diseases

1016.2.2 UNIVERSAL PRECAUTIONS
All human blood and body fluids such as saliva, urine, semen, and vaginal secretions are to be treated as if they are known to be infectious. Where it is not possible to distinguish between body fluid types, all body fluids are to be assumed potentially infectious.

1016.2.3 PERSONAL PROTECTIVE EQUIPMENT
Personal protective equipment is the last line of defense against communicable disease. Therefore, the following equipment is provided for all personnel to assist in the protection against such exposures:

- Not less than two pair disposable latex gloves. (Keeping a box in the car recommended.)
- Rescue mask with a one-way valve
- Alcohol (or similar substance) to flush skin at emergency site. (Keeping several alcohol hand wipes or sanitizer in the car recommend)

The protective equipment is to be kept in each police vehicle; inspected at the start of each shift and replaced immediately upon returning to the station if used or damaged during the shift, or as otherwise needed.

1016.2.4 IMMUNIZATIONS
All department personnel who, in the line of duty, may be exposed to or have contact with a communicable disease shall be offered appropriate treatment immunization.

1016.2.5 WORK PRACTICES
All personnel shall use the appropriate barrier precautions to prevent skin and mucous membrane exposure whenever contact with blood or body fluid is anticipated.

Disposable gloves shall be worn on all medical emergency responses. Disposable gloves shall be worn before making physical contact with any patient and/or when handling items (e.g., evidence, transportation vehicle) soiled with blood or other body fluids. Should one's disposable gloves become contaminated with blood or other body fluids, the gloves shall be disposed of as contaminated waste. Care should be taken to avoid touching other items (e.g., pens, books, and personal items in general) while wearing the disposable gloves in a potentially contaminated environment.

All procedures involving blood or other potentially infectious materials shall be done in a way to minimize splashing, spraying, or otherwise generating droplets of those materials.

Eating, drinking, smoking, applying lip balm, and handling contact lenses shall be prohibited in areas where a potential for an exposure exists.

1016.3 DISPOSAL AND DECONTAMINATION
The following procedures will apply to the disposal and decontamination after responding to an event that involved contact with a person's blood or body fluids.

1016.3.1 USE OF WASTE CONTAINERS
Officers shall dispose of biohazard with the on-scene fire response vehicle, or at the attending clinic/hospital with their approval, or in an appropriately marked biohazard waste container at the station immediately upon arrival.

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1016.3.2 DECONTAMINATION OF SKIN AND MUCOUS MEMBRANES
Personnel shall wash their hands immediately (on-scene if possible), or as soon as possible following the removal of potentially contaminated gloves. Antibacterial soap and warm water or an approved disinfectant shall be used to wash one's hands, paying particular attention to the fingernails.

If an employee's intact skin contacts someone else's blood or bodily fluids or other potentially infectious materials, the employee shall immediately wash the exposed part of his/her body with soap and warm water and/or an approved disinfectant, as soon as possible. If the skin becomes grossly contaminated, body washing shall be followed by an approved hospital strength disinfectant. If large areas of the employee's skin are contaminated, the employee shall shower as soon as possible, using warm water and soap and/or an approved disinfectant. Medical treatment should be obtained.

Contaminated non-intact skin (e.g., injured skin, open wound) shall be cleaned using an approved disinfectant and then dressed or bandaged as required. Medical treatment is required.

All hand, skin, and mucous membrane washing that takes place in the station shall be done in the designated cleaning or decontamination area. Cleaning shall not be done in the kitchen, bathrooms, or other locations not designated as the cleaning or decontamination area.

1016.3.3 SHARPS AND ITEMS THAT CUT OR PUNCTURE
All personnel shall avoid using or holding sharps (needles) unless needed to do so while assisting a paramedic, or collecting them for evidence. Unless required for evidentiary reasons related to evidence preservation, employees are not to recap sharps. If recapping is necessary, a one-handed method shall be employed to avoid a finger prick. Disposal, when practicable, shall be into a puncture proof biohazard container.

All sharps and items that cut or puncture (e.g., broken glass, razors, and knives) shall be treated cautiously to avoid cutting, stabbing, or puncturing one's self or any other person. In addition, if a sharp object contains known or suspected blood or other bodily fluids, that item is to be treated as a contaminated item. If the item is not evidence, touching it with the hands shall be avoided. Rather, use a device such as tongs, or a broom and a dustpan to cleanup debris. If the material must be hand held, protective gloves must be worn.

1016.3.4 DISPOSABLE PROTECTIVE EQUIPMENT
Contaminated disposable supplies (gloves, dressings, CPR mask) shall be transported with the patient or suspect in the ambulance or police vehicle. The waste material shall then be disposed of in a biohazard waste container at the hospital or police station. Disposable gloves are to be worn while placing the waste into the waste biohazard container, placing the gloves in with the waste when through.

1016.3.5 DECONTAMINATION OF PERSONAL PROTECTIVE EQUIPMENT
After using any reusable personal protective equipment, it shall be washed or disinfected and stored appropriately. If the personal protective equipment is non-reusable (e.g., disposable gloves), it shall be discarded in a biohazard waste container as described in Policy Manual § 1016.3.4.

Any personal protective equipment that becomes punctured, torn, or loses its integrity, shall be removed as soon as feasible. The employee shall wash up and replace the
personal protective equipment if the job has not been terminated. If this situation resulted in a contaminated non-intact skin event, Policy Manual § 1016.3.2 shall be implemented.

Contaminated reusable personal protective equipment that must be transported prior to cleaning it shall be placed into a biohazard waste bag and transported in the ambulance, paramedic truck or police vehicle. Gloves shall be worn while handling the biohazard waste bag and during placement into the biohazard waste container, and then included in with the waste.

1016.3.6  DECONTAMINATION OF NON-DISPOSABLE EQUIPMENT

Contaminated non-disposable equipment (e.g., flashlight, gun, baton, clothing, portable radio) shall be decontaminated as soon as possible. If it is to be transported, it shall be done by first placing it into a biohazard waste bag.

Grossly contaminated non-disposable equipment items shall be transported to a hospital, fire station, or police station for proper cleaning and disinfecting. Porous surfaces such as nylon bags and straps shall be brushed and scrubbed with a detergent and hot water, laundered and allowed to dry. Non-porous surfaces (e.g., plastic or metal) shall be brushed and scrubbed with detergent and hot water, sprayed with a bleach solution, rinsed, and allowed to dry. Delicate equipment (e.g., radios) should be brushed and scrubbed very carefully using a minimal amount of a type of germicide that is approved by Environmental Protection Agency (EPA).

While cleaning equipment, pay close attention to handles, controls, portable radios, and corners (tight spots). Equipment cleaning shall not be done in the kitchen, bathrooms, or other areas not designated as the cleaning/decontamination area.

Contaminated equipment should be cleaned using an approved EPA germicide or a 1:100 solution of chlorine bleach (one-quarter-cup of bleach per one gallon of water) while wearing disposable gloves and goggles. Large particles of contaminants such as, vomit, feces, blood clots, etc. should first be removed (using a disposable towel or other means to prevent direct contact) and properly disposed of.

1016.3.7  DECONTAMINATION OF CLOTHING

Contaminated clothing such as uniforms and undergarments shall be removed as soon as feasible and rinsed in cold water to prevent the setting of bloodstains. If the clothing may be washed in soap and hot water, do so as soon as possible.

Contaminated leather boots shall be brushed and scrubbed with detergent and hot water. If the contaminant soaked through the boot, the boot shall be discarded.

1016.3.8  DECONTAMINATION OF VEHICLES

Contaminated vehicles and components such as the seats, radios, and doors shall be washed with soap and warm water and disinfected with an approved germicide as soon as feasible.

1016.3.9  DECONTAMINATION OF STATION AND CLEANING AREA

The ECO shall designate a location at the station that will serve as the area for cleaning/decontamination. This area is to be used to keep equipment clean and sanitary and for the employees to wash any potential contamination from their bodies. This area is to be thoroughly cleaned after each use and to be maintained in a clean and sanitary
Communicable Diseases

order at all times between each use. The application of cosmetics, smoking cigarettes, consuming food and drink are prohibited in this designated area at all times.

1016.4 POST-EXPOSURE REPORTING AND FOLLOW-UP REQUIREMENTS
In actual or suspected exposure incidents, proper documentation and follow-up action must occur to limit potential liabilities and to ensure the best protection and care for the employee(s).

1016.4.1 EMPLOYEE RESPONSIBILITY TO REPORT EXPOSURE
To provide appropriate and timely treatment should exposure occur, all employees shall verbally report the exposure to their immediate supervisor and complete a written exposure report as soon as possible following the exposure or suspected exposure. That report shall be submitted to the employee's immediate supervisor. Additionally, employees should document in the exposure report whether they would like the person who was the source of the exposure to be tested for communicable diseases.

1016.4.2 SUPERVISOR REPORTING REQUIREMENTS
The supervisor on-duty shall investigate every exposure that occurs as soon as possible following the incident, while gathering the following information:

(a) Name and social security number of the employee(s) exposed.
(b) Date and time of incident.
(c) Location of incident.
(d) What potentially infectious materials were involved.
(e) Source of material or person.
(f) Current location of material or person.
(g) Work being done during exposure.
(h) How the incident occurred or was caused.
(i) PPE in use at the time of the incident.
(j) Actions taken post-event (e.g., clean-up, notifications).

The supervisor shall advise the employee of the laws and regulations concerning disclosure of the identity and infectious status of a source, and Policy § 1016.5, which addresses source testing.

If the ECO is unavailable to seek testing of the person who was the source of the exposure, it is the responsibility of the exposed employee's supervisor to ensure testing is sought (Policy § 1016.5).

1016.4.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT
Any employee who was exposed or suspects he/she was exposed to HIV or to hepatitis B or C should be seen by a physician or qualified health care provider as soon as possible. Employees and Supervisors shall following the reporting guidelines outlined in Policy Manual § 1042. The doctor or qualified health care provider should be provided with the supervisor's report and the employee's medical records relevant to the visit and examination.

The blood of the exposed employee shall be tested.
Communicable Diseases

The health care professional will provide the ECO and/or the City's Risk Manager with a written opinion/evaluation of the exposed employee's medical condition. This opinion should only contain the following information:

- If a post-exposure treatment is indicated for the employee.
- If the employee received a post-exposure treatment.
- Confirmation that the employee received the evaluation results.
- Confirmation that the employee was informed of any medical condition resulting from the exposure incident and whether further treatment or evaluation will be required.
- Whether communicable disease testing from the source is warranted, and if so, which diseases should the testing include.

All other findings or diagnosis shall remain confidential and are not to be included in the written report.

1016.4.4 COUNSELING
The Department shall provide the exposed employee (and his/her family if necessary) the opportunity for counseling and consultation.

1016.4.5 CONFIDENTIALITY OF REPORTS
Most of the information involved in this process must remain confidential.

All medical records stemming from an exposure incident will be maintained in accordance with Policy Manual § 1026.

1016.5 SOURCE TESTING
Testing for communicable diseases of a person who was the source of an exposure should be sought when it is desired by the exposed employee or when it is otherwise appropriate. There are four methods to obtain such testing. It is the responsibility of the ECO to ensure the proper testing and reporting occur. These methods are:

(a) Obtaining voluntary consent from any person who may be the source of an exposure covering testing for any communicable disease.

(b) Filing a report with the County Health Officer when an employee is exposed to the bodily fluids of an arrestee. The County Health Officer may pursue testing for HIV or hepatitis B or C (Penal Code § 7510 et seq.).

(c) Seeking consent for testing or applying for a court order for HIV, hepatitis B and hepatitis C testing (Health and Safety Code § 121060 et seq.).

(d) Seeking a court order when the person who may be the source of an exposure will not consent to testing and the exposure does not fall under the statutory schemes for testing. This covers testing for any communicable disease as deemed appropriate by a health care professional and documented in the request for the court order.

1016.5.1 EXPOSURE FROM A NON-ARRESTEE
Upon notification of an employee’s exposure to a person who was not arrested, the ECO should attempt to determine if the person who was the source of the exposure will voluntarily consent to testing. If consent is indicated, the following steps should be taken:

(a) A licensed health care provider should notify the person to be tested of the exposure and make a good faith effort to obtain voluntary informed consent from the person or
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his/her authorized legal representative to perform a test for HIV, hepatitis B, hepatitis C and other communicable diseases the health care provider deems appropriate.

(b) The voluntary informed consent obtained by the health care provider must be in writing and include consent for three specimens of blood for testing. The ECO should document the consent as a supplement to the Exposure Control Report.

(c) The results of the tests should be made available to the source and the exposed employee.

If consent is not obtained, the ECO should promptly consult with City Attorney and consider requesting that a court order be sought for appropriate testing.

1016.5.2 EXPOSURE FROM AN ARRESTEE

Upon notification of an exposure to an employee by a person who was arrested, the ECO should take the following steps:

(a) Comply with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

(b) Take reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(c) In all cases, comply with the reporting and testing scheme of Penal Code § 7510 et seq. This includes completing a State Department of Health Services Form CDPH 8479 and submitting it to the County Health Officer with a copy of the Exposure Control Report by the end of the employee’s shift. If submission by the end of the shift is not practicable, it must occur as soon as possible but no later than two days after the incident. The exposed employee’s name should not appear on this form.

(d) Remain in contact with the County Health Officer to determine whether testing of the arrestee will occur and whether the testing satisfies the medical needs of the employee.

(e) The results of the tests should be made available to the donor and the exposed employee.

Since there is potential for overlap between the two statutory schemes, the ECO is responsible for coordinating the testing with the County Health Officer to prevent unnecessary or duplicate testing.

In the rare event that the exposed employee is not covered by either statutory scheme, the ECO should seek consent or a court order in the same manner as for a non-arrestee.
Smoking and Tobacco Use

1018.1 PURPOSE AND SCOPE
This policy establishes limitations on the use of tobacco products by employees and others while on-duty or while in Turlock Police Department facilities or vehicles.

1018.2 POLICY
The Turlock Police Department recognizes that tobacco use is a health risk and can be offensive to other employees and to the public. It is the policy of the Turlock Police Department to limit the offensive nature of tobacco use to other employees and to the public.

1018.3 EMPLOYEE USE
Tobacco use by employees is prohibited anytime employees are in public view representing the Department.

Smoking and other use of tobacco products is not permitted inside any City facility, office or vehicle (California Labor Code § 6404.5).

It shall be the responsibility of each employee to ensure that no employee smokes or uses any other tobacco product inside City facilities, offices or vehicles.

1018.4 ADDITIONAL PROHIBITIONS
No person shall smoke tobacco products within 20 feet of a main entrance, exit, or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement, or any other purpose (Government Code § 7596 et seq.).
Personnel Complaints

1020.1 PURPOSE AND SCOPE
The purpose of this procedure is to provide guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members and employees of this department.

1020.1.1 PERSONNEL COMPLAINTS DEFINED
Personnel complaints consist of any allegation of misconduct or improper job performance against any department employee that, if true, would constitute a violation of department policy, federal, state or local law.

Inquiries about employee conduct which, even if true, would not qualify as a personnel complaint may be handled informally by a department supervisor and shall not be considered a complaint.

This policy shall not apply to any interrogations, counseling, instruction, informal verbal admonishment or other routing or unplanned contact of an employee in the normal course of duty, by a supervisor or any other employee, nor shall this policy apply to an investigation concerned solely and directly with alleged criminal activities (Cal. Government Code 3303(i)).

Personnel Complaints shall be classified in one of the following categories:

Informal - A matter in which the complaining party is satisfied that appropriate action has been taken by a department supervisor of rank greater than the accused employee. Informal complaints need not be documented on a personnel complaint form and the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

Formal - A matter in which the complaining party requests further investigation or which a department supervisor determines that further action is warranted. Such complaints may be investigated by a department supervisor of rank greater than the accused employee or referred to the Professional Standards Unit depending on the seriousness and complexity of the investigation.

1020.2 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1020.2.1 AVAILABILITY OF COMPLAINT FORMS
Personnel complaint forms will be maintained in a clearly visible location in the public lobby. Forms may also be available at other government facilities.

1020.2.2 SOURCE OF COMPLAINTS
(a) A department employee becoming aware of alleged misconduct shall immediately notify a supervisor.
(b) A supervisor receiving a complaint from any source alleging misconduct of an employee which, if true, could result in disciplinary action.
(c) Anonymous complaints and third party complaints should be accepted and investigated to the extent that sufficient information is provided.

1020.2.3 ACCEPTANCE OF COMPLAINTS
A complaint may be filed in person, in writing, by email or by telephoning the Department. Although not required, every effort should be made to have the complainant appear in person. The following should be considered before taking a complaint:

(a) Complaints shall not be prepared unless the alleged misconduct or job performance is of a nature which, if true, would normally result in disciplinary action.

(b) When an uninvolved supervisor or the Watch Commander determines that the reporting person is satisfied that their complaint required nothing more than an explanation regarding the proper/improper implementation of department policy or procedure, a complaint need not be taken.

(c) When the complainant is intoxicated to the point where his/her credibility appears to be unreliable, identifying information should be obtained and the person should be provided with a Personnel Complaint form.

(d) Depending on the urgency and seriousness of the allegations involved, complaints from juveniles should generally be taken only with their parents or guardians present and after the parents or guardians have been informed of the circumstances prompting the complaint.

1020.2.4 COMPLAINT DOCUMENTATION
Formal complaints of alleged misconduct should be documented on a Personnel Complaint form by the complaining citizen. A supervisor can assist the citizen in completing the form to ensure that the nature of the complaint is defined as clearly as possible. However, a supervisor shall not fill out a form on behalf of the citizen.

A supervisor may elect to document informal complaints by a memo to the chain of command.

When a Personnel Complaint form is completed in person, the complainant should legibly write a detailed narrative of his/her complaint. If circumstances indicate that this is not feasible, the complaint may be dictated to the receiving supervisor. In an effort to ensure accuracy in any complaint, it is recommended that a recorded statement be obtained from the reporting party. A refusal by a party to be recorded shall not alone be grounds to refuse to accept a complaint. Whether handwritten or dictated, the complainant's signature should be obtained at the conclusion of the statement. The complainant should be provided with a copy of his/her own original complaint per Penal Code § 832.7.

1020.3 SUPERVISOR AND DIVISION COMMANDER RESPONSIBILITY
A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation. Moreover, supervisors shall also maintain the ability to engage in the interrogation of an employee in the normal course of duty, counseling, instruction, or informal admonishment, or other routine or unplanned contact (Cal. Government Code § 3303(i)).

In general, the primary responsibility for the initial investigation of a personnel complaint shall rest with the employee's immediate supervisor or Watch Commander if the supervisor is not available.
Personnel Complaints

This initial investigation is to determine whether or not the matter can be resolved at the immediate supervisor level as an informal complaint with no further administrative action. If the complaint is being made on a date or time when the immediate supervisor is not on duty, an attempt will be made to gain the citizen's agreement to allow the immediate supervisor to contact the citizen on their next duty day.

If the complainant's first contact is with the Records Unit, lobby receptionist or emergency dispatcher, an attempt should be made to have a supervisor or Watch Commander immediately meet with or speak with the complainant.

If the matter cannot be resolved in an informal manner, the supervisor shall be responsible for the following:

(a) A supervisor receiving a formal complaint involving allegations of a potentially serious nature shall ensure that the Watch Commander, Division Commander and Chief of Police are notified as soon as practicable.

(b) A supervisor receiving or initiating any formal citizen complaint should attempt to ensure that the citizen completes a Personnel Complaint form as fully as possible. The original complaint form will then be directed to the Division Commander of the accused employee. If the citizen refuses or fails to complete a Personnel Complaint form, the supervisor will not complete a form for the citizen, but will report the complaint to the chain of command by using a memo.
   1. During the preliminary investigation of any complaint, the supervisor should make every reasonable effort to obtain names, addresses and telephone numbers of additional witnesses.
   2. Once immediate medical attention has been provided, photographs of alleged injuries as well as accessible areas of non-injury should be taken.

(c) A supervisor dealing with an accused employee shall ensure that the procedural rights of the employee are followed pursuant to Government Code § 3303, et seq.

(d) The original complaint form will be directed to the Division Commander of the accused employee. The Division Commander can take appropriate action, or if the Division Commander believes an administrative investigation is warranted, they will forward the complaint form with their written recommendation to the Chief of Police.

(e) Only the Chief of Police or Acting Chief of Police has the authority to initiate an administrative investigation and he can either assign the investigation to the Professional Standards Unit, or to the Division Commander.

(f) In no case shall complainants be directed immediately to the Professional Standards Unit. Personnel Complaint Forms shall not be delivered or directed to the Professional Standards Unit.

1020.4 ASSIGNMENT TO ADMINISTRATIVE LEAVE

Generally, administrative leave will only be authorized by the Chief of Police or Division Commander.

However, when a complaint of misconduct is of a serious nature or when circumstances practically dictate that it would impose an unreasonable risk to the Department, the employee, other employees or the public, a supervisor may assign the accused employee to administrative leave pending review of the circumstances by the Chief of Police.
1020.4.1 ADMINISTRATIVE LEAVE
An employee placed on administrative leave may be subject to the following guidelines:

(a) Under such circumstances, an employee placed on administrative leave shall continue to receive regular pay and benefits pending the imposition of any discipline.

(b) An employee placed on administrative leave may be required by a supervisor to relinquish any badge, departmental identification, assigned weapon(s) and any other departmental equipment.

(c) An employee placed on administrative leave may be ordered to refrain from taking any action as a departmental employee or in an official capacity. The employee shall be required to continue to comply with all policies and lawful orders of a supervisor. The employee’s powers of arrest may be suspended and their authority to carry a concealed weapon may be suspended.

(d) An employee placed on administratrive leave may be forbidden from accessing non-public areas of the department or from accessing departmental files, databases or email systems. An employee may be forbidden from contacting other department employees.

(e) An employee placed on administrative leave may be temporarily reassigned to a different shift (generally normal business hours) during the pendency of the investigation and the employee may be required to remain available for contact at all times during such shift and report as ordered. The employee may be required to remain at their residence during normal business hours and be required to report by phone to the department at the beginning and end of each duty day and be available for contact during such shift and be available to respond to the Police Department or other duty station.

(f) It shall be the responsibility of the assigning supervisor to promptly notify the employee's Division Commander and the Chief of Police that the employee was placed on administrative leave.

1020.5 ALLEGATIONS OF CRIMINAL CONDUCT
Where an employee of this department is accused of potential criminal conduct, a separate supervisor or assigned detective shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practical when an employee is formally accused of criminal conduct. In the event of serious criminal allegations, the Chief of Police may request a criminal investigation by an outside law enforcement agency.

An employee accused of criminal conduct shall be provided with all rights and privileges afforded to a civilian and the employee may not be administratively ordered to provide any information to a criminal detective.

No information or evidence administratively coerced from an employee may be provided to a criminal detective.

Any law enforcement agency is authorized to release information concerning the arrest or detention of a peace officer, which has not led to a conviction, however, no disciplinary action, other than paid administrative leave shall be taken against the accused employee based solely on an arrest or crime report (Labor Code § 432.7(b)). An independent
administrative investigation shall be conducted based upon the allegations in the report in accordance with department policy.

1020.6 ADMINISTRATIVE INVESTIGATION OF COMPLAINT

Whether conducted by a supervisor or an assigned member of the Professional Standards Unit, the following procedures shall be followed with regard to the accused employee(s):

(a) Interviews of accused employees shall be conducted during reasonable hours and, if the employee is off-duty, the employee shall be compensated (Government Code § 3303(a)).

(b) No more than two interviewers may ask questions of an accused employee (Government Code § 3303(b)).

(c) Prior to any interview, an employee shall be informed of the nature of the investigation (Government Code § 3303(c)). The employee shall be advised of the specific policies, rules, procedures or guidelines that were potentially violated and a brief, general description of the acts that are alleged to have occurred.

(d) All interviews shall be for a reasonable period and the employee's personal needs shall be accommodated (Government Code § 3303(d)).

(e) No employee shall be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers. Any employee refusing to answer questions directly related to the investigation may be ordered to answer questions administratively or be subject to discipline for insubordination. Nothing administratively ordered may be provided to a criminal investigator (Government Code § 3303(e)).

(f) Absent circumstances preventing it, the interviewer should record all interviews of employees and witnesses. The employee may also record the interview. If the employee has been previously interviewed, a copy of that recorded interview shall be provided to the employee prior to any subsequent interview (Government Code § 3303(g)).

(g) If the allegations involve potential criminal conduct, the employee shall be advised of his/her Constitutional rights pursuant to Lybarger. This admonishment shall be given administratively whether or not the employee was advised of these rights during any separate criminal investigation. (Government Code § 3303(h)).

(h) All employees subjected to interviews that could result in punitive action shall have the right to have an uninvolved representative present during the interview. The officer should choose a representative who is reasonably available to represent the officer and who is physically able to represent the officer at the reasonably scheduled interrogation, or the department may proceed with the interview with another representative. However, in order to maintain the integrity of each individual employee's statement, involved employees shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed (Government Code § 3303(i)).

(i) All employees shall provide complete and truthful responses to questions posed during interviews.

(j) No employee may be compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).
Personnel Complaints

(k) As part of the investigation and investigation reporting process, the investigator shall not initiate a Personnel Complaint form if one was not originally generated by a citizen and they shall not complete a form that was only partially completed by the citizen.

1020.6.1 ADMINISTRATIVE SEARCHES
An employee of this department may be administratively ordered to submit to a blood, breath, or urine test for alcohol and drugs under any of the following circumstances:

• When the employee is found to be exhibiting objective symptoms of intoxication or drug influence while on duty.

The use of compelled testing results shall be restricted to the administrative investigation.

Any employee may be compelled to disclose personal financial information pursuant to proper legal process; if such information tends to indicate a conflict of interest with official duties, or, if the employee is assigned to or being considered for a special assignment with a potential for bribes (Government Code § 3308).

Employees shall have no expectation of privacy when using telephones, computers, radios or other communications provided by the Department.

Assigned lockers and storage spaces may only be administratively searched in the employee's presence, with the employee's consent, with a valid search warrant or where the employee has been given reasonable notice that the search will take place (Government Code § 3309).

All other departmentally assigned areas (e.g., desks, office space, assigned vehicles) may be administratively searched by a supervisor, in the presence of an uninvolved witness, for non-investigative purposes. (e.g., obtaining a needed report or radio). An investigative search of such areas shall only be conducted upon a reasonable suspicion that official misconduct is involved.

1020.6.2 ADMINISTRATIVE INVESTIGATION FORMAT
Investigations of personnel complaints shall be detailed and complete. The report or case file should essentially follow this format or be subdivided into the following sections:

Report of Findings - Include the identity of the employee(s), the identity of the assigned investigator(s), the initial date and source of the complaint, and a very brief summary of the facts giving rise to the investigation.

Summary Of Allegations - List the allegations separately and include all applicable policy sections, personnel rules or laws that would be violated if the allegations were true.

Summary of Interviews and Evidence - A comprehensive summary of all employee and witness statements and investigative steps completed with the details of the interview or evidence applicable to each allegation provided.

The investigator is not tasked with determining guilt or innocence and their investigation and report should only reflect the facts and evidence gained or lack thereof. But there shall be no value judgements, conclusions or recommendations by the investigator relative to guilt, innocence or discipline.

Recommendations concerning Dispositions - The Special Operations Division Commander will review the thoroughness and completeness of the investigation and report.
Personnel Complaints

and submit a recommendation to the Division Commander of the accused employee regarding the disposition of each allegation and what discipline or other action should be provided as outlined in Policy manual 1020.8 below.

Exhibits - A separate list of exhibits (recordings, photos, documents, etc.) should be attached to the report.

Transcripts - A complete typed transcript of each recorded interview will be maintained in a separate portion of the file.

1020.7 DISPOSITION OF PERSONNEL COMPLAINTS

Each allegation shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged act(s) did not occur or did not involve department personnel. Complaints which are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.5(c)).

Exonerated - When the investigation discloses that the alleged act occurred, but that the act was justified, lawful and/or proper.

Not Sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the employee.

Sustained - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.

If an investigation discloses misconduct or improper job performance which was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

1020.8 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation. In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or § 3508.1. If the nature of the allegations dictates that confidentiality is necessary to maintain the integrity of the investigation, the involved employee(s) need not be notified of the pending investigation unless and until the employee is interviewed or formally charged within one year of discovery.

In most cases, administrative investigations will be conducted by the Professional Standards Unit. Upon completion, the report shall be forwarded to the Special Operations Division Commander or his or her designee for review of thoroughness. The Special Operations Division Commander will then refer the report and any supporting documents to the Division Commander of the division in which the principle employee of the investigation is assigned.

The Division Commander of the employee in question shall review the investigation and make written recommendations as to Findings and Discipline and if found necessary a separate written recommendation concerning Policy, Training and Personnel issues.
Recommendations concerning Policy, Training or Personnel issues are not to be disciplinary in nature. Rather, they are recommendations on methods of improving the department's performance by changing policy, procedure, personnel practices or providing specific training based upon facts developed in the administrative investigation.

The report and all written recommendations are then forwarded to the Chief of Police. The Chief of Police may accept or modify the findings and recommendation for disciplinary action contained in the report.

Within 30 days of the final review by the Chief of Police, written notice of the findings shall be sent to the complaining party. This notice shall indicate the findings, however, will not disclose the any information involving discipline. The complaining party should also be provided with a copy of his/her own original complaint. (Penal Code § 832.7)

Any complaining party who is not satisfied with the findings of the Department concerning their complaint may contact the Chief of Police to discuss the matter further.

1020.8.1 CONFIDENTIALITY OF PERSONNEL FILES
All investigations of personnel complaints, whether originating from a citizen or internally, shall be considered confidential peace officer personnel files. The contents of such files shall not be revealed to other than the involved employee or authorized personnel except pursuant to lawful process.

In the event that an accused employee (or the representative of such employee) knowingly makes false representations regarding any internal investigation and such false representations are communicated to any media source, the Department may disclose sufficient information from the employee's personnel file to refute such false representations (Penal Code § 832.5).

All sustained citizen's complaints shall be maintained for a period of at least five years (Penal Code § 832.5). All internally initiated complaints shall be maintained at least two years (Government Code § 34090 et seq.).

Sustained complaints shall be maintained in the employee's personnel file. Complaints which are unfounded, exonerated or not sustained shall be maintained by the Professional Standards Unit apart from the employee's personnel file.
Seat Belts

1022.1 PURPOSE AND SCOPE
The use of seat belts and other safety restraints significantly reduces the chance of death or injury in case of a traffic collision. This policy establishes guidelines for seat belt and child safety seat use to promote maximum operator and passenger safety, thus reducing the possibility of death or injury as the result of a motor vehicle crash. This policy will apply to all employees operating or riding in department vehicles (Vehicle Code § 27315.5).

1022.2 WEARING OF SAFETY RESTRAINTS
All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

1022.2.1 TRANSPORTING CHILDREN
Children under the age of 8 should be transported in compliance with California's restraint system requirements (Vehicle Code § 27360).

A child may be transported by sworn personnel without the use of a child passenger restraint system in an authorized emergency vehicle if a child passenger restraint system is unavailable and the child is secured by a seat belt (Vehicle Code § 27363(b) and Vehicle Code § 165).

Members should deactivate, if available, the passenger side airbag when appropriate, such as when transporting a rear-facing infant or child in the front seat.

1022.3 TRANSPORTING PRISONERS
Whenever possible, prisoners should be secured in the prisoner restraint system in the rear seat of the patrol vehicle or, when a prisoner restraint system is not available, by seat belts. The prisoner should be in seating position for which seat belts have been provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

1022.4 INOPERABLE SEAT BELTS
No person shall operate a department vehicle in which the seat belt in the driver's position is inoperative. No person shall be transported in a seating position in which the seat belt is inoperative.

No person shall modify, remove, deactivate or otherwise tamper with the vehicle safety belts, except for vehicle maintenance and repair staff who shall do so only with the express authorization of the Chief of Police.
**Seat Belts**

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.
Body Armor

1024.1 PURPOSE AND SCOPE
The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1024.2 POLICY
It is the policy of the Turlock Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

1024.3 ISSUANCE OF BODY ARMOR
The Chief of Police, or his/her designee, shall ensure that body armor is issued to all officers when the officer begins service at the Turlock Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Chief of Police, or his/her designee, shall also establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

1024.3.1 USE OF SOFT BODY ARMOR
The Department encourages all on-duty officers to wear soft body armor. Their use in some instances is required.

All personnel, sworn and non-sworn, assigned to the Field Operations Division and are performing field duties shall be required to wear body armor.

When officers/detectives are assigned to a SWAT operation, stakeout, service of arrest warrant(s), or, are serving a search warrant, the wearing of body armor is mandatory. Once the scene is secure, and with the approval of a supervisor, officers/detectives may remove their body armor to conduct searches or other duties.

A stakeout, for purposes of this section, is a pre-planned event where time and practicality allow officers to put on body armor in anticipation of encountering armed or dangerous suspects or circumstances.

Body armor must be either department-issued or department-approved.

1024.3.2 INSPECTIONS OF BODY ARMOR
Officers should ensure that their issued body armor is worn and maintained in accordance with this policy through routine observation.

1024.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR
Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label
Body Armor

that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.
Personnel Files

1026.1 PURPOSE AND SCOPE
This section governs the maintenance, retention and access to peace officer personnel files in accordance with established law. It is the policy of this department to maintain the confidentiality of peace officer personnel records pursuant to Penal Code § 832.7.

1026.2 PERSONNEL FILES DEFINED
Pursuant to Penal Code § 832.8, peace officer personnel records shall include any file maintained under an individual officer's name relating to:

(a) Personal data, including marital status, family members, educational and employment history, or similar information.
(b) Medical history including medical leave of absence forms, fitness for duty examinations, workers compensation records, medical releases and all other records which reveal an employee's past, current or anticipated future medical conditions.
(c) Election of employee benefits.
(d) Employee advancement, appraisal, or discipline.
(e) Complaints, or investigations of complaints, concerning an event or transaction in which the officer participated, or which the officer perceived, and pertaining to the manner in which the officer performed official duties.
(f) Any other information the disclosure of which would constitute an unwarranted invasion of personal privacy.

1026.3 EMPLOYEE RECORD LOCATIONS
Employee records will generally be maintained in any of the following:

Department File - That file which is maintained in the office of the Chief of Police as a permanent record of a sworn officer's employment with this department.

Training File - Any file which is maintained in the office of the Chief of Police as a permanent record which documents the training records of an employee.

Internal Affairs Files - Those files which are maintained in the office of the Chief of Police that contain Administrative Investigations or Citizen Complaints of employee misconduct and all materials relating to the investigation into such allegations, regardless of disposition. Information contained in such a file will be purged in accordance with the City of Turlock Records Retention Schedule adopted by City Council.

Medical File - That file which is maintained in the office of the Chief of Police as a permanent record that exclusively contains material relating to an employee's medical history.

Evaluation File - Any file which is separately maintained internally by an employee's supervisor(s) within an assigned division for the purpose of completing timely performance evaluations. Information contained in such a file will be purged on an annual basis.
1026.4 CONFIDENTIALITY OF ALL PERSONNEL FILES

Pursuant to Penal Code § 832.7, all of the above-defined personnel records shall be deemed confidential and shall not be subject to disclosure except pursuant to the discovery procedures set forth in Evidence Code § 1043, et seq. or in accordance with applicable federal discovery laws. Nothing in this section is intended to preclude review of personnel files by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

A file review form will be located inside all files contained within the office of the Chief of Police. This form will be completed by all persons wishing to review a file.

1026.5 REQUESTS FOR DISCLOSURE

Only written requests for the disclosure of any information contained in any peace officer personnel record will be considered. Since the format of such requests may be strictly governed by law with specific responses required, all such requests shall be promptly brought to the attention of the office of the Chief of Police.

Upon receipt of any such request, the Chief of Police or his/her designee shall notify the affected employee(s) as soon as practicable that such a request has been made (Evidence Code § 1043(a)).

The Chief of Police or his/her designee shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this will require assistance of approved and available legal counsel.

All requests for disclosure, which result in access to an employee's personnel file(s), shall be logged in the corresponding file.

1026.5.1 RELEASE OF CONFIDENTIAL INFORMATION

Except as provided by this policy or pursuant to lawful process, no information contained in any confidential peace officer personnel file shall be disclosed to any unauthorized person(s) without the expressed prior consent of the involved officer or written authorization of the Chief of Police or his/her designee.

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

Pursuant to Penal Code § 832.7(e), the disposition of any citizen's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall be limited to the disposition and shall not include what discipline, if any was imposed.

The Department may also release any factual information concerning a disciplinary investigation if the officer who is the subject of the investigation (or the officer's representative) publicly makes a statement which is published in the media and which the officer (or representative) knew to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7(d)).

1026.6 EMPLOYEE ACCESS TO OWN FILE

Any employee may request access to his/her own personnel file(s) during the normal business hours of the individual(s) responsible for maintaining such file(s). Any employee seeking the removal of any item from his/her personnel file shall file a written request to
the office of the Chief of Police. The Department shall thereafter remove any such item if appropriate or within 30 days provide the employee with a written explanation why the contested item will not be removed (Government Code 3306.5). If the contested item is not removed from the file, the employee's request and the department's written response shall be retained with the contested item in the employee's personnel file.

Employees may be restricted from accessing files containing any of the following information:

(a) Ongoing Internal Affairs investigations to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the employee of the intent to discipline.

(b) Confidential portions of Internal Affairs files which have not been sustained against the employee

**1026.7 PURGING OF FILES**

Formal citizen complaints and all related files not sustained, unfounded or exonerated and not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Penal Code § 832.5).

All other not sustained, unfounded or exonerated disciplinary files and investigations of non-citizen initiated complaints not pending litigation or other ongoing legal proceedings may be purged no sooner than five years from the underlying complaint date (Government Code § 34090).

Purging of these files will be done in accordance with the City of Turlock Records Retention Schedule adopted by City Council.
Employee Awards & Commendations

1030.1 PURPOSE AND SCOPE
The purpose of this policy is to establish Departmental procedures for commending members for outstanding performance, heroic or meritorious acts. The Turlock Police Department expects a high level of professional conduct from all employees; however, members of the Department frequently perform their duties in a manner exceeding the highest standards of the Department. When such conduct occurs, official commendations will be made.

The official commendation of such performance is to be provided by the Department to give full public recognition to those who have brought honor to themselves, the Police Department, and the community. Commendations may either originate from the community or from within the Department. Written nominations will be accepted throughout the year. Annual Service Award nominations will be accepted on a yearly basis.

1030.2 REPORTING PROCEDURE
Employees may be nominated or recommended for an award or commendation by any member of the Turlock Police Department.

The Department's inter-office memorandum shall be used to document any commendable act by an employee and routed through the chain of command. Depending on the type of award or commendation recommended, the Division Commander will route the memorandum to the Chief of Police and/or the Commendation Review Board.

1030.2.1 TYPES OF COMMENDATIONS
(a) Major Awards/Commendations:
   1. Outstanding and exemplary duty performance involving exceptional bravery, heroism, or distinguished service which would merit consideration for an award or commendation.
   2. All major awards/commendations will be reviewed by the Commendation Review Board to determine the appropriate level of recognition.

(b) Minor Awards/Commendations:
   1. A commendatory act by an employee which would merit consideration for an award or commendation.
   2. The Chief of Police or his/her designee may acknowledge this recommendation by awarding the recipient with a written commendation from his/her office or may instead chose to refer the recommendation to the Commendation Review Board to determine the appropriate level of recognition.

1030.3 COMMENDATION REVIEW BOARD

1030.3.1 FORMATION
An Awards and Commendation Board is proposed so as to uniformly recognize all commendations brought about under the proposed policy.
Employee Awards & Commendations

It will be the responsibility of the board to evaluate and classify each commendation. Board findings will be forwarded to the Chief of Police for review and final approval.

1030.3.2 SELECTION AND MEMBERSHIP
Chairperson and members of the Board will be selected by the Chief of Police or his/her designee.

The Board will be comprised of one representative from each work group or as deemed necessary by the Chief of Police, as follows:

(a) Chairperson
(b) T.C.E.A. Representative
(c) T.A.P.O. Representative
(d) Police Management Representative
(e) Non-sworn Representative
(f) Animal Control / Neighborhood Services Representative
(g) Board Coordinator - Chief's designee (non-voting member)

At least one member shall be sworn.

All five voting members must be present to vote on recommendations for awards.

Each voting member will have one vote.

The Board will meet at the request of the Chief of Police. There will be at least one meeting scheduled at the end of each year.

Term for representatives will be three years.

1030.4 MEDALS
Several commendatory incidents of bravery, each being worthy of an award, will not qualify the employee for a higher award.

In the event of the employee's death, the award will be presented to the next of kin.

Recipients of all Medal awards for bravery will receive the following:

(a) Medal suspended on a neck ribbon.
(b) Medal ribbon.
(c) Bar ribbon.
(d) Plaque.
(e) Written citation.

1030.4.1 MEDAL OF HONOR
The Medal of Honor is the Department's highest award for bravery. It may be awarded to employees who, while serving in an official capacity distinguish themselves by conspicuous bravery and heroism above and beyond the normal requirements of police service. Nomination for this award will be based on the following criteria:
Employee Awards & Commendations

(a) The act was performed displaying extreme courage while the employee was consciously facing imminent injury or death.

(b) The act was necessary to prevent catastrophe, death, or injury to another person or persons.

1030.4.2 POLICE CROSS
The Police Cross is awarded where an employee lost his/her life in the performance of duty under honorable circumstances.

The Police Cross will be awarded posthumously to the nearest surviving family member. Recipients of the Police Cross will receive the following:

(a) Medal on a medal ribbon.

(b) Written citation.

Presentation of this award does not preclude awarding other medals posthumously, if the appropriate criteria are met.

1030.4.3 MEDAL OF VALOR
The Medal of Valor is the Department's second highest award for bravery.

It may be awarded to employees who, while serving in an official capacity, distinguish themselves by conspicuous bravery above and beyond the normal requirements of police service.

Nomination for this award will be based on the following criteria:

(a) The act was performed displaying extreme courage under conditions likely to result in serious injury or death to the employee.

(b) The act was necessary to prevent the death or serious injury to another person or persons.

(c) The employee did not use poor judgment or procedures which created the necessity for the act.

1030.4.4 MEDAL OF MERITORIOUS SERVICE
To be awarded to an employee for meritorious service in a duty of great responsibility, involving operational risks to an employee, or may be awarded to an employee for an act which results in the saving of a life or attempted saving of a life, in which extraordinary efforts were used and personal risk to the employee was involved.

1030.4.5 PURPLE HEART
The Purple Heart medal may be awarded to an employee who, while serving in an official capacity, incurs a serious injury. Nomination for this award will be based on the following criteria:

(a) The injury was incurred as a direct result of the actions of another person

(b) The injury was caused by an explosive device, firearm, dangerous weapon, or deadly force
Employee Awards & Commendations

1030.5 SPECIAL AWARDS
Special awards are based on an employee’s exceptional performance which is above that normally expected and meets the appropriate criteria. They can be awarded at any time as deemed by the Chief of Police.

1030.5.1 DISTINGUISHED SERVICE MEDAL
The Distinguished Service Medal may be awarded to employees who, while serving in an official capacity, distinguish themselves by meeting the following criteria:

(a) The service contributed significantly towards the Department attaining its goals and objectives.
(b) The service significantly impacted the Department in a positive manner.
(c) The service involved a great deal of responsibility and personal initiative.

1030.5.2 DEPARTMENT RECOGNITION AWARD
The Department Recognition Award may be awarded to the following:

(a) To an employee of any rank for outstanding performance of duties under unusual or complicated conditions over any period of time.
(b) To an employee for recognition of proactive philosophy as demonstrated by projects or community involvement which brings positive recognition to the Department or City.
(c) To an employee of another agency qualifying under any of the above mentioned conditions, if earned while aiding, assisting, or working with any employee of the Turlock Police Department.
(d) To any distinct work group of employees when the actions of the group as a whole meet the qualifications.
(e) To Citizens whose actions exemplify excellence in the performance of their civic responsibilities, show unselfish devotion to their fellow men and the community, and/or bring honor to themselves and recognition to the City through their actions.

1030.5.3 POLICE OFFICER OF THE YEAR
The Police Officer of the Year Award may be awarded to a sworn officer of any rank who:

(a) Demonstrates the qualities set forth by the Turlock Police Department's Mission Statement, and
(b) Values their work as a source of enjoyment and satisfaction.
(c) Examples of outstanding qualities must be included with each nomination.

Nominations will be considered by merit and may be made by any member of the Turlock Police Department. Nominations will not be recognized as valid without a signature. Nominations will be reviewed by the Commendation Review Board. Results will be forwarded to the Chief of Police for final review.

The Police Officer of the Year plaque will be presented at a time and location determined by the Chief of Police. The recipient's name will be added to the perpetual plaques.

The Turlock Police Department Police Officer of the Year will also have their name submitted to the V.F.W., Modesto Civitan Club, and Turlock Moose Club for presentation of their Police Officer of the Year Awards.
1030.5.4  EMPLOYEE OF THE YEAR
The Employee of the Year may be awarded to a non-sworn employee of any rank who:

(a) Demonstrates the qualities set forth by the Turlock Police Department's Mission Statement, and
(b) Values their work as a source of enjoyment and satisfaction.
(c) Examples of outstanding qualities must be included with each nomination.

Nominations will be considered by merit and may be made by any member of the Turlock Police Department. Nominations will not be recognized as valid without a signature. Nominations will be reviewed by the Commendation Review Board. Results will be forwarded to the Chief of Police for final review.

1030.5.5  POLICE VOLUNTEER OF THE YEAR
The Police Volunteer of the Year may be awarded to a volunteer employee who:

(a) Demonstrates the qualities set forth by the Turlock Police Department's Mission Statement, and
(b) Values their work as a source of enjoyment and satisfaction.
(c) Examples of outstanding qualities must be included with each nomination.

Nominations will be considered by merit and may be made by any member of the Turlock Police Department. Nominations will not be recognized as valid without a signature. Nominations will be reviewed by the Commendation Review Board. Results will be forwarded to the Chief of Police for final review.

1030.5.6  AWARD OF EXCELLENCE
The Award of Excellence is an achievement award that may be presented to a full-time, sworn or non-sworn, employee or work group (part-time employees are not eligible), based on their outstanding accomplishment(s)/achievement(s) during the past twelve (12) months. All full-time, sworn or non-sworn, employees are eligible for this award, regardless of whether they have received another award.

This award is based upon excellence in overall service and is to be awarded under one or more following criteria;

(a) In recognition of an employee or work group for outstanding performance of duties over a period of time.
(b) In recognition of an employee or work group who practices the concepts in Turlock Police Department's Mission Statement
(c) Examples of outstanding qualities must be included with each nomination.

Nominations will be considered by merit and may be made by and member of the Turlock Police Department. Nominations will not be recognized as valid without a signature. Nominations will be reviewed by the Commendation Review Board. Results will be forwarded to the Chief of Police for final review.

1030.6  PRESENTATION OF AWARDS
Arrangements for the awards will be the responsibility of the Commendation Review Board.
Employee Awards & Commendations

All major awards, awards for bravery and special awards may be presented by the Chief of Police, his/her representative, or the Mayor as deemed appropriate by the City Council, at a regular meeting of the Council. A letter of proclamation may accompany any of the awards and be presented by the City Council as deemed appropriate.

The Chief of Police may also choose to present any award at a special ceremony.

1030.7 Wearing of Medals / Bar Ribbons
Authorized medals shall be worn on the uniform shirt or Class A jacket only on special occasions as prescribed by the Chief of Police or Division Manager. Medals and bar ribbons shall not be worn at the same time.

Wearing of Bar Ribbons:

• Single Bar Ribbon - shall be worn centered above the name tag, with the bottom of the bar ribbon slightly above the name tag.
• Two Bar Ribbons - shall be worn in a row, centered above the name tag, with the bottom of the bar ribbons slightly above the name tag.
• Multiple Bar Ribbons - shall be worn in a row, centered above the name tag, with the bottom of the bar ribbons slightly above the name tag.

Three bar ribbons shall constitute one row. The bar ribbons shall extend toward the wearer’s left in descending order of precedence. In the event that there is a second row required for medals, the top row will be immediately above the bottom row, which will be slightly above the name tag. An incomplete row shall be the top row, with its bar ribbons centered on the complete row beneath. Officers shall wear only the authorized bar ribbons on their uniform shirt or Class A jacket.

Awards authorized for wearing with the Department uniform, in descending order of precedence, are:

(a) Medal of Honor
(b) Medal of Valor
(c) Meritorious Service Medal
(d) Distinguished Service Medal
(e) Purple Heart
Fitness for Duty

1032.1 PURPOSE AND SCOPE
All employees are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of their assigned duties. The purpose of this policy is to ensure that all employees of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

1032.2 EMPLOYEE RESPONSIBILITIES
(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform the duties of their job function.
(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.
(c) During working hours, all employees are required to be alert, attentive, and capable of performing their assigned responsibilities.
(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1032.3 SUPERVISOR RESPONSIBILITIES
(a) A supervisor observing an employee, or receiving a report of an employee who is perceived to be, unable to safely perform his/her duties due to a physical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.
(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made in an effort to determine the level of inability of the employee to perform his/her duties.
(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.
(d) In conjunction with the Watch Commander or employee's available Division Commander, a determination should be made whether or not the employee should be temporarily relieved from his/her duties.
(e) The Chief of Police shall be promptly notified in the event that any employee is relieved from duty.

1032.4 NON-WORK RELATED CONDITIONS
Any employee suffering from a non-work related condition which warrants a temporary relief from duty may be required to use sick leave or other paid time off (PTO) in order to obtain medical treatment or other reasonable rest period.

1032.5 WORK RELATED CONDITIONS
Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with Policy Manual § 1042, if applicable, and personnel rules and guidelines for processing such claims.
Fitness for Duty

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Division Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another shall be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1032.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police upon approval of the City Manager may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources to determine the level of the employee's fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties (Civil Code § 56.10 (c)(8)(A)). If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)(B)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee's confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the examining physician or therapist may be deemed insubordination and shall be subject to discipline up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

1032.7 APPEALS

An employee who is separated from paid employment or receives a reduction in salary resulting from a fitness for duty examination shall be entitled to an administrative appeal as outlined in the Conduct Policy.
Meal Periods and Breaks

1034.1 PURPOSE AND SCOPE
This policy regarding meals and breaks, insofar as possible shall conform to the policy governing all City employees that has been established by the City Manager.

1034.1.1 MEAL PERIODS
Sworn employees and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed officers shall request clearance from 911 Communications center prior to taking a meal period. Unless authorized by a supervisor, uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

The time spent for the meal period shall not exceed the authorized time allowed.

1034.1.2 15 MINUTE BREAKS
Each employee is entitled to a 15 minute break, near the midpoint, for each four-hour work period. Only one 15 minute break shall be taken during each four hours of duty. No breaks shall be taken during the first or last hour of an employee's shift unless approved by a supervisor.

Field Officers will be subject to call and shall monitor their radios during their breaks.
Lactation Break Policy

1035.1 PURPOSE AND SCOPE
The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (29 USC § 207 and Labor Code §§ 1030-1032).

1035.2 POLICY
It is the policy of this department to provide, in compliance with the Fair Labor Standards Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing infant child (29 USC § 207 and Labor Code § 1030).

1035.3 LACTATION BREAK TIME
A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding fifteen minutes will be considered unpaid (Labor Code § 1030).

Employees assigned to field duties desiring to take a lactation break shall notify the Communications Center or a supervisor prior to taking such a break and such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

1035.4 PRIVATE LOCATION
The Department will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207 and Labor Code § 1031).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.
Lactation Break Policy

1035.5 STORAGE OF EXPRESSED MILK
Any employee storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the employee ends her shift.
Time Accounting Procedures

1036.1 PURPOSE AND SCOPE
The purpose of this policy is to establish a uniform procedure for the accounting of each employee's time spent on the job for which he/she is paid by the City of Turlock.

This policy shall support the guidelines set forth in Policy Manual § 216 (Attendance & Staffing Levels), § 1014 (Sick Leave Reporting) and § 1038 (Overtime Payment Requests).

1036.2 TIME REQUIREMENTS
All employees are paid on a bi-monthly basis on the 5th and 20th of each month. Time slips and/or daily attendance reports shall be completed and submitted to the departmental payroll personnel on or before the specified time for the given pay period.

1036.3 RESPONSIBILITY FOR COMPLETION OF TIME SLIPS
Employees are responsible for the accurate and timely submission of time slips and/or daily attendance reports for the payment of wages. Time slips and/or daily attendance reports shall document all employee work and leave hours and shall be completed in a timely manner.

Supervisors and/or Division Commanders shall ensure the time slips and/or daily attendance reports are accurate and submitted to Support Operations on a weekly basis for the payment of wages.

1036.4 OVERTIME SLIPS
All overtime worked shall be documented on a Turlock Police Department Overtime Request form.

(a) The employee shall indicate the hours of overtime worked (beginning and end) and indicate the total hours.

(b) The employee shall designate if they are requesting the overtime be paid or accumulated.

(c) The purpose of the overtime shall be indicated by marking the appropriate code on the form.

The overtime request shall be forwarded to a supervisor for approval. After approval, the supervisor shall forward the request to departmental payroll personnel.

Employees requesting authorization of overtime shall follow the guidelines set forth in Policy Manual § 1038.

1036.5 LEAVE SLIPS
All requests for leave shall be documented on a City of Turlock Leave of Absence Claim Report form.

(a) The employee shall indicate the hours and date of leave requested (beginning and end) and indicate the total hours.
Time Accounting Procedures

(b) The purpose of the leave shall be indicated by marking the appropriate code on the form.

The leave request shall be forwarded to a supervisor for approval. After approval, the supervisor shall enter it into Speed Shift and forward the request to departmental payroll personnel.

Employees requesting leave as a result of illness or injury shall follow the guidelines set forth in Policy Manual § 1014.
Overtime Payment Requests

1038.1 PURPOSE AND SCOPE
It is the policy of the Department to compensate non-exempt salaried employees who work authorized overtime either by payment of wages as agreed and in effect through the Memorandum of Understanding (MOU), or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practical after overtime is worked.

1038.1.1 DEPARTMENT POLICY
Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the number of hours of compensatory time specified in the approved MOU.

1038.2 REQUEST FOR OVERTIME PAYMENT FORMS
Employees shall submit all overtime payment request forms for verification by their immediate supervisor as soon as practical. Failure to submit a request for overtime payment in a timely manner may result in a denial of compensation.

1038.2.1 EMPLOYEES RESPONSIBILITY
Employees shall complete the overtime request immediately after working the overtime and submit the request to the supervisor either assigned to that detail or the supervisor on-duty at the completion of the detail. Employees submitting overtime cards for on-call pay when off-duty shall submit cards to their immediate supervisor the first day after returning for work.

1038.2.2 SUPERVISORS RESPONSIBILITY
The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

The overtime payment request form is forwarded to the employee’s Division Commander or Lieutenant for final approval.

1038.2.3 DIVISION COMMANDERS RESPONSIBILITY
The Division Commander or his/her designee, after approving payment, will then forward the forms to the departmental payroll personnel for processing.

1038.3 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status. In some cases, the Memorandum of Understanding provides that a minimum number of hours will be paid, (e.g., two hours for Court, four hours for outside overtime). Supervisors will review
Overtime Payment Requests

Overtime requests for accuracy and will either approve the submitted form or ensure that the necessary corrections are made.

1038.3.1 ACCOUNTING FOR PORTIONS OF AN HOUR
When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

<table>
<thead>
<tr>
<th>TIME WORKED</th>
<th>INDICATE ON CARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 15 minutes</td>
<td>.25</td>
</tr>
<tr>
<td>16 to 30 minutes</td>
<td>.50</td>
</tr>
<tr>
<td>31 to 45 minutes</td>
<td>.75</td>
</tr>
<tr>
<td>46 to 60 minutes</td>
<td>1.0</td>
</tr>
</tbody>
</table>

1038.3.2 VARIATION IN TIME REPORTED
Where two or more employees are assigned to the same activity, case, or court trial and the amount of time for which payment is requested varies from that reported by the other officer, the Watch Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.
On Duty Injuries

1042.1 PURPOSE AND SCOPE
The purpose of this policy is to provide for the reporting of on-duty injuries, exposures, occupational illnesses, or deaths to Human Resources, to ensure proper medical attention is received, and document the circumstances of the incident.

1042.2 WORKER’S COMPENSATION FUND REPORTS

1042.2.1 INJURIES REQUIRING MEDICAL CARE
If the injury, exposure or work related illness occurs between the hours of 8 a.m. and 5 p.m. Monday through Friday the employee will be sent to Work Wellness, located at 1801 Colorado Ave., Ste 130, Turlock. If it occurs before 8 a.m. or after 5 p.m., on a holiday, weekend, or if it is serious or life threatening needing immediate treatment, the employee will to the Emergency Room at Emmanuel Medical Center, or other emergency room as required if out of the area. The employee is required to follow up with Work Wellness on the next available business day.

All work related injuries, exposures and work related illnesses requiring medical care must be reported to the Human Resource Office and a claim form shall be provided to the injured employee within 24 hours from the time the injury was discovered, excluding weekends and holidays.

1042.2.2 EMPLOYEE’S RESPONSIBILITY
Any employee sustaining any work-related injury or illness, as well as any employee who is involved in any accident while on duty shall report such injury, illness or accident as soon as practical to his/her supervisor.

Any employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

Any employee sustaining a work-related injury or illness that requires relief from duty is required to follow the guidelines of Policy Manual § 1042.2.1.

Any employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with departmental policies and directives relating to the duty to periodically call in during absences, as well as the duty to notify the Department of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified duty assignment may be available at the Department. Modified duty may be available for the employees whose injuries prevent resumption of regular duties.

An injured employee or employee who has suffered a work-related illness shall report as soon as practical to his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.
1042.2.3 SUPERVISOR’S RESPONSIBILITY
A supervisor learning of any work-related injury, illness or accident shall promptly prepare the appropriate forms as outlined within this policy. Updated copies of forms with instructions for completion provided by Human Resources are kept in the office of the Chief of Police and the Sergeant's office.

For work-related accidents, injuries or illness not requiring professional medical care, a Supervisor's Claim & Safety Report form shall be completed. All copies of the completed form shall immediately be forwarded to the office of the Chief of Police for processing. Supervisors shall also make a copy of the form and forward it to the supervisor's Division Commander, through the chain of command.

Every injured employee must be provided with an Employee’s Claim for Workers’ Compensation Benefits Form (DWC-1) within 24 hours of the time the supervisor was notified, regardless of the nature of illness or injury.

Copies of any reports documenting the accident or injury should be forwarded to the Division Commander as soon as they are completed.

1042.2.4 DIVISION COMMANDER RESPONSIBILITY
The Division Commander receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police.

1042.2.5 CHIEF OF POLICE RESPONSIBILITY
The Chief of Police shall review and forward copies of the report to the Human Resources Office. Any copies of the report and any related documents retained by the Department shall be filed in the employee's confidential medical file and not in the employee's personnel file (see Policy Manual § 1026).

1042.3 INJURY NOT REQUIRING MEDICAL ATTENTION
Those injuries and illnesses not requiring medical attention shall be recorded on a Supervisor's Claim & Safety Report form. This form shall be completed and signed by a supervisor.

1042.4 SETTLEMENT OF INJURY CLAIMS
Occasionally, an employee's work-related injury results from the negligent or wrongful acts of another, for which the employee, the City, and/or other insurers are entitled to recover civilly. To ensure that the City's interests are protected and that the employee has the benefit of the City's experience in these matters, the following procedure is to be followed:

1042.4.1 EMPLOYEE TO REPORT INITIAL CONTACTS
When an employee sustains work-related injuries caused by another person and is then approached by such person or an agent, insurance company, or attorney and offered a settlement of claims, that employee shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

1042.4.2 NO SETTLEMENT WITHOUT PRIOR APPROVAL
No less than ten (10) days prior to accepting and finalizing the settlement of any third party claim arising out of or related to an on duty injury, the employee shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall

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the employee accept a settlement without first providing such written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether or not the offered settlement will affect any claim the City may have regarding payment for damage(s) to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the City's right of subrogation, while ensuring that the employee's rights to receive compensation for injuries are not affected.
Personal Appearance Standards

1044.1 PURPOSE AND SCOPE
Employees of this department shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

Because it is impossible to provide examples of every appropriate or unacceptable style of "conservative" or "eccentric" grooming, the good judgment of employees at all levels is key to maintaining a professional image. If controversy exists, the Chief of Police or his/her designee will make the final determination.

For this policy, the term "uniformed" or "in uniform" refers to employees wearing one of the uniforms described in sections 1046 or 1047 of this Policy Manual; "non-uniformed" or "not in uniform" refers to employees wearing anything other than one of the uniforms described in those sections.

1044.2 GROOMING STANDARDS
Unless otherwise stated, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

1044.2.1 HAIR
Hairstyles of all members shall be neat in appearance and must not detract from the member's appearance as a professional. Hair should be cut close to the head so ponytails do not hang loose. Bangs shall be cut or secured so they do not fall or hang over the eyes.

- For male members, hair must not go below the top edge of the collar while assuming a normal stance.

- For female members, working in uniform, hair must be cut or pulled back so that it does not go below the top edge of the uniform collar while assuming a normal stance. For safety purposes, it shall be secured close to the head so ponytails do not hang loose. Bangs shall be cut or secured so they do not fall or hang over the eyes.

- For female members, not working in uniform, hair must be kept neat and well groomed and in a style that will not interfere with the ability to perform their duties.

- Barrettes, clips, pony tail holders, etc. shall be plain and simple in the following colors only: silver, gold/bronze, black, brown, or dark blue.

1044.2.2 MUSTACHES
A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1044.2.3 SIDEBURNS
Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.
Personal Appearance Standards

1044.2.4 FACIAL HAIR
Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Chief of Police or his/her designee.

1044.2.5 FINGERNAILS
For uniformed members, fingernails extending beyond the tip of the finger can pose a safety hazard to officers or others. For this reason, fingernails shall not extend beyond the tip of the finger and shall be well manicured.

For non-uniformed members, more latitude will be given. However, the nails shall be well manicured and shall not interfere with their required job duties.

1044.2.6 JEWELRY AND ACCESSORIES
No jewelry or personal ornaments shall be worn on any part of the uniform or equipment, except those authorized within this manual.

Jewelry worn around the neck:
- Uniformed Members - the jewelry shall not be visible above the shirt collar
- Non-Uniformed Members - the jewelry should be conservative and reflect a professional image

Earrings:
- Uniformed Female Members - are authorized to wear one small conservative spherical or similar pierced or clip-type earring. This shall be limited to one (1) per earlobe and must fit tightly to the ear not extending below the lobe
- Non-Uniformed Female Members - are permitted more latitude in wearing of earrings; however the number and types of earrings should reflect a professional image and not interfere with their required job duties
- Earrings shall not be worn by male employees without written permission of the Chief of Police or his/her designee
- Ear lobe "spacers" or "expanders" shall not be worn by department members without written permission of the Chief of Police or his/her designee

Rings:
- Uniformed Members - only one ring may be worn on each hand of the member while on duty
- Non-Uniformed Members - are permitted more latitude in wearing rings; however the number and types of rings should reflect a professional image and not interfere with their required job duties

1044.3 TATTOOS
While on duty or representing the Department in any official capacity, every effort shall be made to conceal tattoos or other body art. At no time while on duty or representing the Department in any official capacity, shall any tattoo or body art be visible without prior written authorization from the Chief of Police or his/her designee.

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Personal Appearance Standards

1044.4 BODY PIERCING OR ALTERATION
Except as previously outlined within this policy, body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.
(b) The complete or transdermal implantation of any material other than hair replacement.
(c) Abnormal shaping of the ears, eyes, nose or teeth
(d) Branding or scarification.
Uniform Regulations

1046.1 PURPOSE AND SCOPE
Officers shall wear such uniforms and equipment as the Chief of Police may prescribe. The following sections are applicable to all employees of this Department.

1046.2 WEARING OF UNIFORM
All on-duty officers shall be attired in regulation uniform, including insignia of rank and duty belt, except as otherwise provided by departmental order or orders from a supervisor. The wearing of a uniform jacket is optional, except when ordered by competent authority.

1046.2.1 MAINTENANCE OF UNIFORM
Officers shall maintain, in a clean and serviceable condition, such articles of uniform as are prescribed for their rank and for the duty to which they are assigned. All uniforms are to be kept clean and in good repair. Uniforms torn or damaged due to officer's carelessness or negligence will not be replaced or repaired at the City's expense. Members of the department assigned to investigation's assignments or who are on special assignment shall be required to maintain a uniform.

1046.2.2 UNIFORM AND CIVILIAN CLOTHING MIXTURE
Except as directed by proper authority or where their assignment otherwise permits, all officers shall be in complete uniform when on-duty and will not be in uniform when off-duty.

Officers going to or from the station when off-duty may wear a coat, jacket or sweater over their uniform shirt and with uniform trousers.

1046.2.3 ALTERING STYLE OF UNIFORM
Uniforms shall be made of the material and in the style prescribed, and such style shall not be altered or changed in any manner whatsoever unless authorized by the Chief of Police.

1046.2.4 CARRYING EQUIPMENT WHILE OFF DUTY
When off-duty, officers may carry or have in their immediate possession their authorized firearm, with the issued identification card and badge.

1046.2.5 MODIFIED DUTY/NON-UNIFORM STATUS
When working in a modified duty assignment and carrying a firearm, officers must have their issued identification card and badge in their possession.

1046.2.6 REQUIRED EQUIPMENT WHILE IN UNIFORM
While on active duty, with exception to those officers who are assigned to station duties, officers who are required to wear the specified uniform shall always carry as full equipment the following items:

(a) Badge.
(b) Timepiece.
(c) Notebook.
Uniform Regulations

(d) Blue or Black Ink Pen.
(e) Flashlight, as necessary.
(f) Identification Card issued.
(g) Baton - both expandable (ASP) and side-handle (Refer to Policy Section 308 for further details).
(h) Firearm.
(i) Two fully loaded magazines.
(j) Handcuffs and Handcuff Case.
(k) Portable Radio.

Officers assigned to plain-clothes duty will carry equipment as required by his/her Division Manager.

1046.2.7 OPTIONAL EQUIPMENT

(a) Knives - Each officer is authorized to possess and use a folding knife, both on and off-duty. Any folding knife being carried for on-duty purposes is subject to inspection by a supervisor at any time to determine if it is in compliance with the department's minimum criteria of:

1. There should be no wobble in the blade at the pivot point
2. The blade should open smoothly with no wobble or "ragged" feeling to the motion of the blade
3. The blade should stay closed when the knife is hung upside down
4. The blade will not unlock under pressure; have a positive lockup with correct tension on the lock, and a 90-degree angle on the lock face and proper angle on the blade
5. The knife should have a maximum length of no more than 5" when closed
6. The blade should have serrations on at least a portion of its length to aid in cutting tough materials (i.e. seatbelts)
7. The knife should have a proper blade point for the intended task - dagger/double edge or spear point type knives are not approved folding knives
8. The knife should be easily manipulated with one hand
9. Only folding knives are permitted. Officers are not exempt from the restrictions of 12020(a) PC and dirks/daggers are prohibited

(b) Double Handcuff Cases - Officers may elect to carry a handcuff case manufactured for the purpose of carrying two (2) sets of handcuffs. As this is an optional item, both the handcuff case and second set of handcuffs will be furnished by the officer.

(c) Expandable Batons - Only the batons made by Armament Systems and Procedure Inc. (ASP) are authorized for use. The baton and a holder will be furnished by the department. Officers shall have the option of utilizing their own ASP baton and holder, but must obtain the approval of a certified department impact weapon instructor prior to doing so.

(d) Ball Caps - A ball cap, which has received departmental approval, may be worn with Class B and Class C uniforms. Individual work units may submit requests to the Chief of Police, or his/her designee, for approval of cap designs unique to that work unit. Upon approval, purchase of such caps would be an individual responsibility and would not be paid for with department funding.
1046.3 **INSIGNIA OF RANK**
The departmental rank of officers shall be indicated by the following insignia when uniforms are worn, as shown below. Any other insignia, patches, medals or other accoutrements must meet with the approval of the Chief of Police before being worn.

1046.3.1 **CHIEF OF POLICE**
Chief's badge and cap shield with gold expansion band and gold cloth piping on cap, oak leaves on cap visor, four gold stars on shirt collar, four gold stars on shoulder strap of jacket.

1046.3.2 **CAPTAIN**
Captain's badge and cap shield with gold expansion band and gold cloth piping on cap, double gold bar on shirt collar, double gold bar on shoulder strap of jacket.

1046.3.3 **LIEUTENANT**
Lieutenant's badge and cap shield with gold expansion band and gold cloth piping on cap, single gold bar on shirt collar, single gold bar on jacket.

1046.3.4 **SERGEANT**
Sergeant's badge and cap shield with gold expansion band and blue cloth piping on cap, three blue chevron type stripes trimmed in gold on a black background (same as California Highway Patrol) mandatory on shirts and jacket.

1046.3.5 **CORPORAL**
Corporal's badge and cap shield with gold expansion band and blue cloth piping on cap, two blue chevron type stripes trimmed in gold on a black background (same as California Highway Patrol) mandatory on shirts and jacket.

1046.3.6 **PATROL OFFICER**
Patrol Officer's badge and cap shield with gold expansion band and blue cloth piping on cap

1046.3.7 **BADGES**
When in uniform, officers shall wear the regulation badge on the outside of the outermost garment over the left breast and always in sight.

The badge shall be an oval shield with colored State Seal. Other design specifications shall be determined by the Chief of Police. Embroidered badges are authorized for the Class C uniform and general duty jacket. Refer to those sections for the specific regulations. Embroidered badges shall be issued through the office of the Chief of Police.

1046.3.8 **BADGE PURCHASE**
The purchase of personal badges must have the written permission of the Chief of Police.

1046.3.9 **BADGE LETTERING**
Lettering on the badges shall be as follows:
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(a) **Police Officer** - "Police Officer" in blue block enamel in an arc at top, "Turlock Police" in an arc at the bottom and a star in center of the ribbon at bottom.

(b) **Detective** - "Detective" in blue block enamel in an arc at top, "Turlock Police" in an arc at the bottom and a star in center of the ribbon at bottom. In addition to the badge description stated above, Detectives will be issued a flat badge contained in a leather folder which shall have provisions for an identification card.

(c) **Corporal** - "Corporal" in blue block enamel in an arc at the top. "Turlock Police" in an arc at the bottom, with two stars in center of ribbon at bottom.

(d) **Sergeant** - "Sergeant" in blue block enamel in an arc at the top. "Turlock Police" in an arc at the bottom, with two stars in center of ribbon at bottom.

(e) **Lieutenant** - "Lieutenant" in blue block enamel in an arc at the top. "Turlock Police" in an arc at the bottom, with three stars in center of ribbon at bottom.

(f) **Captain** - "Captain" in blue block enamel in an arc at the top. "Turlock Police" in an arc at the bottom, with three stars in center of ribbon at bottom.

(g) **Chief** - "Chief" in blue block enamel in an arc at the top. "Turlock Police" in an arc at the bottom, with three stars in center of ribbon at bottom.

(h) All other positions shall be issued badges with the appropriate designation, as determined by the Chief of Police.

**1046.3.10 SPECIALTY DESIGNATION**
The following requirements apply to Class A & Class B uniform wear.

(a) **Name Plate** - A burnished gold with black lettering name plate shall be worn centered immediately above the right shirt and jacket pockets. Refer to the Class C and general duty jacket sections for regulations specific to their wear.

(b) **Field Training Officer Designation** - All Field Training Officers shall be designated by wearing the F.T.O. gold color shirt pin worn above the right shirt pocket. No other designation for Field Training Officer is authorized.

(c) **SWAT** - All Special Weapons and Tactics Team members shall be designated by wearing the SWAT gold color shirt pin, worn above the right shirt pocket. No other designation is authorized.

(d) **HNT** - All Negotiation Team members shall be designated by wearing the HNT gold color shirt pin, worn above the right shirt pocket. No other designation is authorized.

(e) **Motorcycle Officer Designation** - All Motorcycle Officers shall be designated by wearing the "wheel and wings" brass pin above the name tag over the right shirt pocket. No other designation is authorized.

(f) **Canine Officers** - All Canine Officers shall be designated by wearing the K9 gold color shirt pin, worn about the right shirt pocket. No other designation is authorized.

(g) **Hash Marks** - Hash marks are to be royal blue in color with rich gold edging and are to be machine stitched. The bottom of the hash mark shall be sewn one and one-half inches (1 1/2") above left cuff seams, with the rear of the hash marks being placed at the press of the sleeve. One hash mark may be worn for each three years of full-time paid sworn and non-sworn Police service. Hash marks are not allowed on Class C. Hash marks are mandatory on Class A shirts and jackets.
1046.4  CLASS A UNIFORM

In addition to those items worn for general duty (Class B), a Class A uniform will be maintained by all sworn personnel and will consist of a dress jacket, cap, necktie, long sleeved shirt and trousers as listed below:

1046.4.1 DRESS JACKET

(Eisenhower cut) Material, Rayford Mills, 2-ply, all wool, 19 1/2 to 20 ounce elastique #13507-96 or equivalent. Style to be a semi dress jacket made with coat sleeves, front to be fastened with a talon #5 zipper, brass finish from the bottom of the jacket vertically to the base of the lapels, to have a two-piece back with center seam extending from the bottom of the collar to the bottom of the jacket, with 1 1/2" outlets, to have pleats at the sides of the back extending from the jacket, the pleats to be stitched closed the first 3" below the shoulder seam, to have adjustment straps with one #24 LIGNE police button on each side seam and the adjustment straps to be sewn down, to have a half belt stitched down in back at the approximate waistline.

Jacket to be fitted so as to be worn loosely and straight down over the modified duty belt and accouterments. Length to vary in accordance with the individual, but in all cases not to fall below the tip of the hip pockets. Bottom to be made with 4" bottom turn-up with lining sewn to top of turn-up and not to include a separate waistband. Lapels shall be plain, peaked, with 15" opening and being 3 3/4" wide at the widest point.

Sleeves to be plain, with regular turn-up, without cuffs or buttons. To have departmental braid(s), as specified below, sewn to both sleeves 3" from the bottom of the sleeves, extending half way around the sleeves from seam to seam and set into the seams at both sides. Sleeves length to be one inch below the wrist bone (lower end of ulna). Regular officers and sergeants shall wear one departmental braid on each sleeve. Lieutenants shall wear one gold braid on each sleeve, same width as the departmental braid, captains shall wear two gold braids on each sleeve, and the Chief of Police shall wear three gold braids on each sleeve.

Facing to be of the same material as the jacket, cut in one piece, not less than 4" wide at the top and 3 1/2" wide at the bottom. To be fully lined, not quilted, and the body and sleeves with 120 count dark blue rayon.

Collar width to be 1 3/4" at the center and back, to be hand-felled.

To have two outside rust patch pockets properly stayed and with box pleats, 6 1/2" deep, bottoms to be slightly rounded. Each breast pocket to have a three pointed flap finished 6" wide, 2 1/2" deep on the sides and center, 2 1/8" deep in the hollows. Pockets to be stitched so that they may not be used by stitching the tops of the pockets underneath the flaps. Each flap to have a button hole and correspondingly placed #24 LIGNE police buttons. Both sides of pocket flaps to be stitched down, leaving bottom of flaps open, to have three inside pockets, one horizontal type in the right facing, one vertical in the left facing above the vertical pocket. Jacket to be furnished with pointed shoulder straps, 2 1/2" wide at the sleeve head and 1 1/2" wide at the collar and long enough to extend and be tacked down under the collar. To have a button hole running perpendicular to the collar, centered in the open end of the flap and correspondingly placed #24 LIGNE police button, placed so that the button comes flush up to the edge of the collar. Strap to be of two thicknesses of the same material as the jacket and to have two rows of stitching all around 1/4" part at the edges and to be stayed across 2" above the shoulder seam and cross stitched. The cross stitching not to attach strap to either jacket shoulder so as to allow attachment of rank insignia. Badge holder to be tunnel-type, finished 1" wide and 1 3/4" long, made of two thicknesses of the
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jacket material. Shoulder patches to be attached to both sleeves, with the top of the patch 1/2" below the sleeve head seam in such a manner that the line bisecting the center of the patch would be perpendicular to the ground when the garment is worn.

1046.4.2 CAP (AIR FORCE ROUND)
The wearing of the cap is optional, or as directed by the Chief of Police or his/her designee.

(a) **Material** - Rayford Mills, 2-ply, all wool elastique, 19 1/2 to 20 ounce #13509-96 or equivalent.

(b) **Cover** - To be made in a round style with removable cover, measuring 10 3/4" in diameter, with front measuring 4" to the piping. Sides to be 2 1/2" from the back, measuring 2". These dimensions are for size 7 1/8, circumference may vary 1/4" in proportion to head size.

(c) **Lining** - The lining to be rayon satin material, covered with plastic sweat protector.

(d) **Frame** - End band to be 2", 2-ply herringbone composition, covered with lining. Out-band to be of primary material, measuring 1 3/4" finished.

(e) **Piping** - To have piping of the same material as cover sewn in between crown and quarters, also to be piped at base of cap band and base of cover with gold soutache.

(f) **Sweat Band** - Sweat band to be all leather, 1 7/8" felled, with six stitches to an inch.

(g) **Eyelets** - To have two eyelets centered at the front of crown, properly spaced to accommodate departmental cap piece, eyelets to be provided on each side for ventilation.

(h) **Grommet** - Grommet to be foam rubber or 3/4" tubular nylon.

(i) **Visor** - Visor to be 45 angle with black patent leather top and dark colored hard leather bottom. Visor to be sewn into frame and extend 2" from the frame.

(j) **Chin Strap** - Chinstrap to be gold colored gilt material, style to be 1/2" wide and 11" long, expansion snake-type band with eyelets at each end to accept a 22 1/2" LIGNE gold police button.

1046.4.3 NECKTIE
The tie shall be LAPD blue, of plain cloth material and must be equipped with a clip-on or break-away type device. The tie's width shall not be less than 2" nor more than 4" in width and must be at least 11" long below the knot. A gold colored tie bar shall be used.

1046.4.4 LONG-SLEEVED SHIRT

(a) **Fabric** - Fabric in LAPD blue all wool 10 to 10 1/2 oz., 2-ply warp and filling content, permanent press to have solid release finish.

(b) **Creasing** - Pockets and flaps to be die creased. To have two pressed in creases in front and three in back. Front crease to extend through flaps and pockets.

(c) **Collar** - To be die cut. Both collar and yoke to be lined with tan Police poplin. Collar back is to measure 1 1/2". Collar points are to be 3 1/4" in length, with 1/4" top stitching on edge. Permanent stays of Stalar vinyl are to be inside the collar points. The band shall fasten with one button.

(d) **Sleeves** - Cuffs to close with two buttons, be 2 7/8" wide, and have top stitching around the edges of 1/4". Each sleeve shall have two plackets. The bottom placket shall be 1/2" wide and shall have a button 2" from the top of the cuff. The top placket extends into the half moon shaped banjo elbow, which measures approximately 5 1/2"
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at the side seam tapering down into the placket. The banjo elbow is top stitched onto the sleeve. Sleeve setting and closing shall be done with a safety stitch.

(e) Front - To have a self-fabric center facing 1 1/2" wide, extending from collar band to bottom of shirt. It shall have two rows of stitching 7/8" apart. A self-lined button stand 7/8" wide shall be placed on the right side and extend from collar band to bottom of shirt. There shall be six front buttons, and one collar button.

(f) Pockets - Two flat style breast pockets to have rounded corners 5 3/8" wide and 5 3/4" long. Both pockets to have a button closure. Left pocket to have a pencil opening 1 3/8" wide. Velcro 1/2" wide and 1" long to be placed on corners of each pocket to secure Velcro placed on each flap.

(g) Flaps - To be die cut and scalloped, finishing 5 1/2" in width, 2 3/4" in length at the center, and 2 1/2" at each side. Flaps to be placed 1/4" above the top of each pocket and contain one centered buttonhole corresponding to button on each pocket. The left flap to have a pencil opening 3/4" in width. Velcro 1" wide and 1" long to be placed on edges of each flap to secure Velcro placed on each pocket.

(h) Badge Tab - To be made of self-fabric 1" wide and 2" long. To be centered over left pocket flap.

(i) Shoulder Straps - To be sewn into the sleeve head seam and measure 2" tapering to 1 1/2", with end pointed. They shall be box stitched to shoulders with a row of cross stitching 2" from sleeve head and diagonally sewn from each end of seam to the sleeve.

(j) Interlining - Collar and center facing to be lined with a plain weave 100% polyester. Flaps, cuffs, shoulder straps, and collar band are to have a crease and tack interlining.

(k) Size Marking - Neck size and sleeve length to be marked with indelible ink on inside of collar band. A permanent size tab is to be sewn on the side of the label.

(l) Buttons - Thermosetting polyester material to match the fabric. #24 ligne solid color.

(m) Shoulder Patches - To be attached to both sleeves, with the top of the patch 1/2" below the sleeve head seam in such a manner that the line bisecting the center of the patch would be perpendicular to the ground when the garment is worn.

1046.4.5 TrouserS

LAPD blue, 100% wool, 2-ply, 19 1/2 to 20 ounce elastique. The trousers shall be made using a uniform pattern having a plain front with straight or quarter top front pockets, one watch pocket and two back pockets.

(a) Pockets - The pockets shall have a minimum opening of 6 1/2" and shall be 6" deep from the bottom of the opening. They shall be stitched, turned and restitched. The back pockets shall have a minimum opening of 5 1/2" and shall be 6" deep. They shall be made with a Reece PW automatic machine (or equivalent) and shall be finished on the outside with an exposed top and bottom cord. The left back pocket may have a tab to button. The watch pocket located approximately 3 1/2" to the front of the right side seam at the waistband shall have a minimum opening of 3" and shall be 3" deep. The front pockets and watch pocket shall each have a straight bar tack and each back pocket shall be bar-tacked with a triangular bar-tacking machine.

(b) Pocketing - All pocketing shall be 65% polyester, 35% cotton twill, with press-to-last finish. The front pocketing shall have a reinforced area starting at the bottom and extending up 3 1/2". Since this reinforced area assures double wear, no other type pocketing will be acceptable. All pocketing shall harmonize with the outer fabric.
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(c) **Waistband** - The waistband shall be 2" wide and shall be closed with a crush-proof hook and eye, the eye being bar-tacked for stability. The waistband curtain shall have snug-tacks and be 65% polyester, 35% cotton twill, with press-to-last finish, the color being compatible with the outer goods. It shall be attached with a rocap machine. Armoflex waistband stiffener, 3/4” in width, shall be sewn into the waistband on the front of the trouser from side seam to side seam, this to prevent waistband roll-over. The trousers shall have a continuous waistband.

(d) **Inside Trim** - The right fly lining and crotch lining shall be of the same fabric and color as the waistband curtain. The right fly lining shall be sewn into the left fly below the zipper. The inside left fly shall be reinforced with Pellon. The crotch lining shall be surged to each front. A separate French fly made of the outer fabric shall be sewn into the inside right fly.

(e) **Zipper** - The trousers shall be closed with a Talon #42 memory-lock zipper or equivalent. The zipper tape must have been treated for press-to-last finish. There shall be a brass bottom stop at the base of the zipper chain. A straight bar tack shall be sewn at the bottom of the fly. For extra stability, it shall be sewn through the zipper tape. The right and left fly shall be joined by another bar tack located below the bottom zipper stop. This bar tack will reduce stress on the left fly and zipper areas.

(f) **Braid (Piping)** - The departmental adopted braid shall extend the length of the outside seam. The braid is to be royal blue center, 1/4" side, with 1/8" gold borders on each side.

1046.4.6 **SHOES AND BOOTS**
Military oxfords, black with lacings, soles with smooth surface or either neolite, crepe leather or rubber; or black high-top chukka boots, plain toes, with lacings, same soles as oxfords.

1046.4.7 **DUTY BELT**
Leather duty belt with only weapon, holster, and magazine pouch shall be worn.

1046.5 **CLASS B UNIFORM: (GENERAL DUTY)**

1046.5.1 **LONG-SLEEVE SHIRTS**

(a) Fabric in LAPD blue all wool or poly/rayon blend, 10 to 10 1/2 oz., 2-ply warp and filling content, permanent press to have solid release finish.

(b) **Creasing** - Pockets and flaps to be die creased. To have two pressed in creases in front and three in back. Front crease to extend through flaps and pockets.

(c) **Collar** - To be die cut. Both collar and yoke to be lined with tan Police poplin. Collar back is to measure 1 1/2”. Collar points are to be 3 1/4” in length, with 1/4” top stitching on edge. Permanent stays of Stalar vinyl are to be inside the collar points. The band shall fasten with one button.

(d) **Sleeves** - Cuffs to close with two buttons, be 2 7/8" wide, and have top stitching around the edges of 1/4". Each sleeve shall have two plackets. The bottom placket shall be 1/2" wide and shall have a button 2” from the top of the cuff. The top placket extends into the half moon shaped banjo elbow, which measures approximately 5 1/2" at the side seam tapering down into the placket. The banjo elbow is top stitched onto the sleeve. Sleeve setting and closing shall be done with a safety stitch.

(e) **Front** - To have a self-fabric center facing 1 1/2" wide, extending from collar band to bottom of shirt. It shall have two rows of stitching 7/8” apart. A self-lined button stand
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7/8" wide shall be placed on the right side and extend from collar band to bottom of shirt. There shall be six front buttons, and one collar button.

(f) **Pockets** - Two flat style breast pockets to have rounded corners 5 3/8" wide and 5 3/4" long. Both pockets to have a button closure. Left pocket to have a pencil opening 1 3/8" wide. Velcro 1/2" wide and 1" long to be placed on corners of each pocket to secure Velcro placed on each flap.

(g) **Flaps** - To be die cut and scalloped, finishing 5 1/2" in width, 2 3/4" in length at the center, and 2 1/2" at each side. Flaps to be placed 1/4" above the top of each pocket and contain one centered buttonhole corresponding to button on each pocket. The left flap to have a pencil opening 3/4" in width. Velcro 1" wide and 1" long to be placed on edges of each flap to secure Velcro placed on each pocket.

(h) **Badge Tab** - To be made of self-fabric 1" wide and 2" long. To be centered over left pocket flap.

(i) **Shoulder Straps** - To be sewn into the sleeve head seam and measure 2" tapering to 1 1/2", with end pointed. They shall be box stitched to shoulders with a row of cross stitching 2" from sleeve head and diagonally sewn from each end of seam to the sleeve.

(j) **Interlining** - Collar and center facing to be lined with a plain weave 100% polyester. Flaps, cuffs, shoulder straps, and collar band are to have a crease and tack interlining.

(k) **Size Marking** - Neck size and sleeve length to be marked with indelible ink on inside of collar band. A permanent size tab is to be sewn on the side of the label.

(l) **Buttons** - Thermosetting polyester material to match the fabric. #24 ligne solid color.

(m) **Shoulder Patches** - To be attached to both sleeves, with the top of the patch 1/2" below the sleeve head seam in such a manner that the line bisecting the center of the patch would be perpendicular to the ground when the garment is worn.

1046.5.2 **SHORT-SLEEVE SHIRTS**

(a) Fabric in LAPD blue, all wool or poly/rayon blend 10 to10 oz., 2-ply warp and filling content, permanent press to have soil release finish.

(b) **Creasing** - Pockets and flaps to be die creased. To have two pressed in creases in front and three in back. Front crease to extend through flaps and pockets.

(c) **Convertible Collar** - To be die cut. Collar points to be 3 1/4" in length, with a 1/4" top stitching on edge. Permanent stays of Stalar vinyl are to be inside the collar points. To be lined with tan Police poplin.

(d) **Sleeves** - To have a 7/8" hem and finish approximately 9 1/2" long from the shoulder seam. Sleeve seam to be bar-tacked at bottom of hem. Sleeve setting and closing shall be done with a safety stitch.

(e) **Front** - To have a self-fabric center facing 1 1/2" wide, extending from collar band to bottom of shirt. It shall have two rows of stitching 7/8" apart. To have a button stand 3" wide provided by a turn-under of material, which extends from the neckline to the bottom of the shirt. There shall be six front buttons, and one collar button.

(f) **Pockets** - Two flat style breast pockets to have rounded corners 5 3/8" wide and 5 3/8" long. Both pockets to have a button closure. Left pocket to have a pencil opening 1 3/8" wide. Velcro " wide and 1" long to be placed on corners of each pocket to secure Velcro placed on each flap.

(g) **Flaps** - To be die cut and scalloped, finishing 5 1/2" in width, 2 3/4" in length at the center, and 2 1/2" at each side. Flaps to be placed " above the top of each pocket and to contain one centered buttonhole corresponding to button on each pocket. The left
flap to have a pencil opening 3/4" in width. Velcro 1" wide and 1" long to be placed on edges of each flap to secure Velcro placed on each pocket.

(h) **Badge Tab** - To be made of self-fabric 1" wide and 2" long. To be centered over left pocket flap.

(i) **Shoulder Straps** - To be sewn into the sleeve head seam and measure 2" tapering to 1 1/2", with end pointed. They shall be box stitched to shoulders with a row of cross stitching 2" from sleeve head and diagonally sewn from each end of seam to the sleeve head seam.

(j) **Interlining** - Collar and center facing to be lined with a plain weave 100% polyester. Flaps and shoulder straps are to have a crease and tack interlining.

(k) **Size Marking** - Neck size to be marked with indelible ink on inside of collar band. A permanent size tab is to be sewn on the side of the label.

(l) **Buttons** - Thermosetting polyester material to match the fabric. #24 ligne solid color.

### 1046.5.3 UNIFORM SHIRTS

The choice of wearing a long sleeve or short sleeve shirt is left to the officer's preference, for Class B and Class C uniforms. The long or short sleeve shirt may be worn at any time of the year.

### 1046.5.4 T-SHIRTS

T-shirts will be worn with all open neck uniform shirts. They will be black in color, crew neck, and the sleeves will not extend below the uniform shirt sleeve. "V" neck T-shirts and the thermal-type underwear shirts will not be worn when any portion is exposed at the uniform shirt neck opening.

### 1046.5.5 TIE

The tie is optional (officer's choice) with the Class B uniform. Ties shall be worn with long sleeved shirts only.

No ties are to be worn with the Class C uniform.

### 1046.5.6 LONG SLEEVE TURTLENECK SHIRT

(a) A turtleneck shirt may be worn only with the long sleeve shirt and during the winter months.

(b) Long sleeve turtleneck shirt will be black in color, with one fold on the neck.

(c) Mock turtlenecks are also authorized.

(d) "TPD" may be embroidered in gold thread, 1/2" block letters on the left side of the neck.

### 1046.5.7 DICKIE

A dickie may be worn with long-sleeved shirts in place of a tie. The dickie shall be LAPD blue in color.

### 1046.5.8 TROUSERS

Fabric in LAPD blue, 100% wool or poly/rayon blend, 2-ply, 19 to 20 ounce elastique.

(a) **Pockets** - The pockets shall have a minimum opening of 6 1/2" and shall be 6" deep from the bottom of the opening. They shall be stitched, turned and restitched. The
back pockets shall have a minimum opening of 5 1/2” and shall be 6” deep. They shall be made with a Reece PW automatic machine (or equivalent) and shall be finished on the outside with an exposed top and bottom cord. The left back pocket may have a tab to button. The watch pocket located approximately 3 1/2” to the front of the right side seam at the waistband shall have a minimum opening of 3” and shall be 3” deep. The front pockets and watch pocket shall each have a straight bar tack and each back pocket shall be bar-tacked with a triangular bar-tacking machine.

(b) Pocketing - All pocketing shall be 65% polyester, 35% cotton twill, with press-to-last finish. The front pocketing shall have a reinforced area starting at the bottom and extending up 3 1/2”. Since this reinforced area assures double wear, no other type pocketing will be acceptable. All pocketing shall harmonize with the outer fabric.

(c) Waistband - The waistband shall be two inches wide and shall be closed with a crush-proof hook and eye, the eye being bar-tacked for stability. The waistband curtain shall have snug-tacks and be 65% polyester, 35% cotton twill, with press-to-last finish, the color being compatible with the outer goods. It shall be attached with a rocap machine. Armoflex waistband stiffener, 3/4” in width, shall be sewn into the waistband on the front of the trouser from side seam to side seam, this to prevent waistband roll-over. The trousers shall have a continuous waistband.

(d) Inside Trim - The right fly lining and crotch lining shall be of the same fabric and color as the waistband curtain. The right fly lining shall be sewn into the left fly below the zipper. The inside left fly shall be reinforced with Pellon. The crotch lining shall be surged to each front. A separate french fly made of the outer fabric shall be sewn into the inside right fly.

(e) Zipper - The trousers shall be closed with a Talon #42 memory-lock zipper. The zipper tape must have been treated for press-to-last finish. There shall be a brass bottom stop at the base of the zipper chain. A straight bar tack shall be sewn at the bottom of the fly. For extra stability, it shall be sewn through the zipper tape. The right and left fly shall be joined by another bar tack located below the bottom zipper stop. This bar tack will reduce stress on the left fly and zipper areas.

(f) Stripe - The Departmental adopted stripe shall extend the length of the outside seam. The stripe is to be royal blue center, 1/4” side, with 1/8” gold borders on each side.

(g) Sap Pockets - Optional and may be either rear or side seam, as desired by the Officer.

**1046.6 ADDITIONAL UNIFORM EQUIPMENT**

**1046.6.1 BELT**
The trouser belt shall be black leather basket weave Velcro, between 1 1/2" and 2" in width, as issued by the Department

**1046.6.2 SHOES AND BOOTS**

(a) Military oxfords - Black with lacing, soles with smooth surface of neolite, crepe leather or rubber.

(b) Boots - Shall be black in color, may be Ranch, Wellington, or high-top chukka-type, with the ability to hold a shine. They shall be a laced boot with black laces. The out sole and heel shall be of black composition.

(c) Athletic Shoes - Athletic shoes with black leather toe and black leather walking shoes are authorized for duty. No other shoe will be authorized without prior approval by the Chief of Police.

(d) Metallic taps or plates of any design are not to be worn.
1046.6.3  SOCKS
Black or navy blue, plain, are to be worn with military-type oxfords or other footwear where the socks are visible.

1046.6.4  LEATHER DUTY GEAR
Shall be issued by the department. Any non-departmentally issued accessories shall be the general style and pattern of issued gear and must have approval of the Chief of Police or his/her designee prior to use.

1046.6.5  OPTIONAL NYLON DUTY GEAR
For the purposes of this policy, the wearing of a nylon duty belt and duty gear is optional. Purchase and upkeep of the gear is the responsibility of the individual officer. The gear shall be approved as follows for uniformed bicycle patrol, canine, Class B and Class C uniforms only. Nylon gear will not be worn with the Class A uniform. With the exception of the black leather holster, a mixture of leather and nylon gear will not be permitted. This is to maintain a uniform and professional look. It also offers the officer an alternative to basket weave leather gear for daily wear.

(a) **Duty Belt** - Design - The duty belt shall be made of a black cordura nylon material not less than 2" in width or more than 2 1/4". The belt shall have a double stitched black hem with black thread. The belt should have a heavy-duty black plastic buckle with a quick release snap. There should be no external tags on the exterior of the belt.
   1. The inner belt shall be not less than 1 1/2" in width nor more than 2". Belt is to be constructed of a black cordura nylon material with a Velcro closure.
   2. Belt keepers should be made of a black cordura style nylon material with a Velcro or snap closure. The snaps shall be black in color.

(b) **Accessories** - All cases worn on the duty belt shall be made of a black cordura nylon. The nylon gear shall have a hem that is double stitched with black thread. All closures should be made of Velcro or black snaps.

(c) **Holsters** - Holsters should be of good quality black cordura nylon. Due to different handguns and officer preference, a plain black leather holster without a basket weave finish may also be used.

1046.6.6  HELMET
In addition to the general duty uniform which consists of the above mentioned items, one department regulation helmet will be issued to all officers. It is mandatory that officers carry the helmet; however, it is discretionary as to when it is to be worn.

1046.7  SPECIALTY UNIFORMS

1046.7.1  BICYCLE PATROL OFFICERS
In order to have a practical, identifiable, comfortable, and safe bicycle patrol uniform for Bicycle Patrol Officers, the following uniform is authorized for bicycle patrol functions and bicycle safety demonstrations.

(a) **Shirt** - Design - Metro color, block blue over black. There will be reflective striping to increase visibility from any angle. The authorized Turlock Police Department embroidered badge will be sewn on the left chest, officer name embroidered on the right chest, and "POLICE" in 2" block letters across the back will be printed in
reflective material. The authorized Turlock Police Department shoulder patches will be sewn on each shoulder.

(b) **Jacket** - Design - Metro color, block blue over black. There will be reflective striping to increase visibility from any angle. The authorized Turlock Police Department embroidered badge will be sewn on the left chest, officer name embroidered on the right chest, and "POLICE" in 2" block letters across the back will be printed in reflective material. The authorized Turlock Police Department shoulder patches will be sewn on each shoulder.

(c) **Shorts** - Design - Black, nylon with two bellows cargo pockets. Shorts will have at least four (4) belt loops.

(d) **Pants** - Design - Black, nylon with two bellows cargo pockets. Pants will have at least four (4) belt loops. Pants that have zip-off lowers meet the requirements for shorts and pants.

(e) **Footwear** - Shoes should be an athletic or mountain bike shoe (no clips) that are black in color. Socks should be a black ankle length athletic sock.

(f) **Duty Belt** - Duty belt should be an approved nylon or leather gear.

### 1046.7.2 MOTORCYCLE OFFICER UNIFORMS

Due to the dangers involved with conducting law enforcement operations on a motorcycle, it is recognized that motorcycle officers require special equipment to protect them. The Class 'B' uniform will remain an option, although only required, for parades, VIP escorts, funerals, superior or federal court, and other designated special events as deemed necessary by the traffic supervisor. Motorcycle officers shall have the option of wearing the following uniform for standard duty, traffic court, and other normally assigned duties:

(a) **Shirt** - The shirt will be of the same type as the sworn Class 'B' uniform, both long and short sleeve.

   1. **(Optional Shirt)**

      (a) The shirt will be 5.11 brand, performance polo, navy blue in color, either long or short sleeve. The shirt will have a sewn-on badge and direct embroidery name tag. The badge will be affixed to the left side of the chest and the name embroidery will be on the right.

(b) **Breaches (pants)** - Designed as motorcycle officer pants. LAPD blue in color, all wool with the TPD departmental braid along each seam. There shall be two front pockets, two back pockets with button down flaps, and two optional sap pockets on the back of the thighs. There will be double fabric on the knees and seat for added protection. Breaches are designed to be worn inside the knee high boot.

   1. **(Optional Pants)**

      (a) The pants will be the Tour Master brand, flex, black in color. The pants consist of an inner liner, pant and removable outer venting panels. The pants have protective padding, are vented and have reflective piping. The pants can be worn in any configuration.

(c) **Boots** - Black, all leather, round or semi-round motorcycle boots. The top of the boot should be just below the knee in the front. There shall be a strap and buckle style expander on the outside of the boot. Due to the unique seating on a motorcycle, motorcycle officers may carry a folding knife clipped to the inside of the boot.

   1. **(Optional Boots)**
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(a) The standard boot will be the Fly brand, Milepost, black in color. The boot consists of protective capabilities, which includes reinforced toes, ankles, and shins. The boot is waterproof and has reflective piping.

(b) *A specific motor boot meeting the majority of these standards and with the approval of the traffic supervisor may also be utilized.

(d) Gloves - Motorcycle officers may choose their own gloves, however the majority color should be black. Material may be whatever the officer chooses for safety and comfort. Gloves may be short, wrist length, or gauntlets. There shall be no fringe, excessive decoration or offensive logos/symbols. Gloves shall be approved for wear by the unit supervisor.

(e) Whistle - Motorcycle officers have the option to wear a whistle while in Class B uniform. The whistle shall be gold tone metal classic style. The whistle shall be secured with a gold tone chain to the right epaulet. When not in use, the whistle will be kept in the right chest pocket leaving the chain exposed. The whistle and chain are mandatory when in Class A motorcycle officer uniform.

(f) Cap - The unit specific cap for motorcycle officers and traffic officers is: navy blue baseball style cap. The front will be embroidered with the "wheel and wings" logo centered. In a curve above the logo the words "TURLOCK POLICE" in gold Athletic Font will be embroidered. Underneath the logo, the words "TRAFFIC UNIT" in gold Athletic Font will be centered. On the back of the cap, the officer's name may be embroidered in gold thread.

1. Motor officers may wear this cap in Class B or Class C uniform regardless of weather, due to the fact they are wearing helmets the majority of the time. Non-motor officers assigned to the Traffic Unit and the Traffic CSO may wear the unit specific cap during inclement weather only or at the direction of the unit supervisor.

(g) Class "A" - Motor officers will wear the following uniform when performing duties at a formal event where a Class A uniform is required: Long sleeved, LAPD blue shirt. Gold (yellow) ascot, cotton or cotton blend. Gloves worn for formal events must be entirely black in color. Motor officers will generally wear their helmets when in a formation, however should they be standing in ranks with other officers, the hat shall be the Class A cap, as authorized by this policy.

(h) Leather Jacket - Motor officers may wear an all black leather "motor officer" jacket. The badge shall be affixed to the left chest of the jacket. No patches, pins or other insignia may be attached or affixed to the jacket. The leather jacket will replace the "Ike" jacket worn in standard Class A uniform as well.

1. (Optional Jacket)

(a) The jacket will be the Tour Master brand, Flex LE, black in color. The jacket consists of a liner, jacket and outer waterproof shell. The jacket comes standard with a badge holder over the left chest area on both the jacket and outer shell. Depending on weather, the officer will either use the standard jacket or include the outer shell. A department issued badge shall be worn at all times with either jacket option. In either situation, a name plate shall be attached to the right side of the jacket or shell, on or just above the pocket flap.

(b) The inner jacket shall have patches sewn to the sleeves approximately one inch below the shoulder line. The outer waterproof shell will not receive patches as the stitching will compromise the weather proofing capabilities.

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(c) * In extremely warm weather and with the approval of the traffic supervisor, the jacket can be removed completely while on-duty and enforcing traffic laws.

1046.7.3 HONOR GUARD UNIFORM

In order to have a unique and identifiable honor guard uniform that represents the Turlock Police Department, the following uniform is authorized for honor guard functions and demonstrations.

(a) **Shirt** - Fabric in LAPD blue, all wool 10 to 10 1/2 oz., 2-ply warp and filling content, permanent press to have soil release finish. It shall be a six button front with a pleated front seam, a plain negligee turn-down collar, two front pockets with scalloped button-down flaps secured at the corners by hoop-and-loop fasteners, pockets to be made without pleats, black buttons, two button cuffs and one button on each sleeve placket. The military style epaulets and badge holder shall be of the same fabric. Turlock Police Department shoulder patches will be sewn on each shoulder. Above the patch, a rocker patch with "Honor Guard" in gold letters will be sewn. The badge will be worn in the traditional location, however no other pins will be allowed, to include the name tag.

(b) **Pants** - Fabric in LAPD blue, all wool with a 1/2" standard braid along the seam of each leg. There shall be two front hand pockets, two back pockets with buttons and buttonholes, and two optional sap pockets on the back of the thigh.

(c) **Ascot** - The ascot shall be worn at all times in place of a necktie. The ascot is gold (yellow) and cotton or cotton blend. There shall be metal snaps to secure the ascot in the back of the neck.

(d) **Shoulder Rope** - Honor Guard members will wear gold (yellow) braided shoulder rope on the left shoulder. The rope will be secured to the button on the left epaulet. Detail leaders have the option of wearing a gold braided rope with an additional strand having a brass metal tip.

(e) **Gloves** - Gloves are white cotton or cotton blend. The palms may have rubberized coating if desired to enhance grip when holding smooth items such as flagpoles and rifles.

(f) **Hat** - LAPD blue in color, campaign style at least 5X "Beaver Felt" with gold tone braiding. The braid will encircle the hat. Both ends will have "acorns" that will rest at the edge of the brim. The leather chin strap will be worn to the back of the head. The established Turlock Police Department Honor Guard gold tone brass hat piece will be worn on the hat.

(g) **Duty Gear** - The duty gear for sworn members will be patent leather or Clorafram and consist of a belt with brass buckle, holster, duty firearm, double magazine pouch, two magazines, single hand cuff case, and handcuffs. Additionally, four "keepers" will be worn. All snaps will be polished brass. Non-sworn members will only wear the belt with a hand cuff case and keepers.

(h) **Footwear** - Footwear will be patent leather or Clorafram shoes not boots. Metal "taps" will be secured to the heel of both shoes.

(i) **Non-sworn Badge** - To ensure the entire Honor Guard can maintain a uniform appearance, non-sworn members will be issued a full sized Turlock Police Department badge. The words "HONOR GUARD" will be printed on the top banner in place of "POLICE OFFICER." Non-sworn members are only allowed to display this badge when performing approved Honor Guard details.
1046.8  JACKETS

1046.8.1  GENERAL DUTY JACKET
The general duty jacket will be black Eisenhower field duty style, zipper close with five button front; two breast pockets, two slash side pockets, borg pile collar and a nylon elastic waist band. Exposed buttons will be gold. (Equivalent coat, as adopted by the Police Department, may be substituted).

Either the standard metal badge or approved embroidered badge shall be affixed over the left pocket area. If the embroidered badge is used, the name must be embroidered.

Nametags shall be worn above the right pocket, either the approved metal nametag or the name embroidered directly to the jacket. If the embroidered name option is chosen, it shall be the officer's first initial and the last name. The lettering shall be 1/2" in height, #4 lettering, and in the color thread #128 (gold). The officer shall have the embroidery done by the authorized vendor as approved by the Chief of Police.

Supervisors will wear insignia of their rank on this jacket in the same manner as on the dress jacket.

1046.8.2  OPTIONAL LEATHER DUTY JACKET
If an officer desires, the following optional duty jacket is approved, at the officer's own cost:

(a) The optional duty jacket for officers is the "Taylors Leatherwear" 25" waist coat, black in color, in Style 4461 only. The jacket is constructed of a top grain leather shell in color black, and has a permanent nylon quilted lining. Single heavy duty jacket has an affixed badge holder over the left breast pocket, and a standard leather collar. No fur collars are authorized in this jacket style.

1. Double front pockets with side opening, "handwarming" pockets and no exposed buttons on either pockets or epaulettes.

(b) Shoulder Patches for Leather Jackets. Shoulder patches will be placed 1" down from the shoulder seam, on both shoulders. Due to the grade and thickness of leather used in this jacket, patches should be sent at time of order, to be affixed by the manufacturer.

1. Supervisors will wear their rank on this jacket in the same manner as on the dress jacket.

2. Hash marks will not be worn on this jacket, to prevent breakdown of the leather from constant stitching.

1046.8.3  OPTIONAL RAIN GEAR
If an officer desires, optional rain gear is approved, at the officer's own cost:

The optional rain gear must be of nylon construction, black in color. Shoulder patches will be placed 1" down from the shoulder seam, on both shoulders. Supervisors will wear their rank on rain gear in the same manner as on other jackets.

Officers wearing optional rain gear, or any other dark uniform, should be conscious of their safety during circumstances where visibility may be a factor, such as directing traffic.


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1046.9  CLASS C UNIFORMS

The Class C utility uniform is authorized as an optional everyday uniform for general patrol or specialized assignments. However, at no time can the Class C uniform be worn to any type of court appearance (to include civil dispositions, administrative hearings, etc.) or public speaking engagement. A Class B uniform must be maintained at the Department at all times.

Since the Class C uniform is quicker to fade, special attention needs to be given to its condition, replacing as needed.

Class C uniforms shall be the following:

1046.9.1  BDU STYLE

(a)  Pants - Either Brigade Quartermaster "Combat Cloth" BDU Pants, navy blue in color; 5.11 TDU Pants, ripstop, dark navy in color; or 5.11 Taclite TDU Pants, dark navy in color. Pants shall not be boused.

(b)  Shirts - Either Brigade Quartermaster "Combat Cloth" Law Field & Duty Shirt, Navy blue in color; or 5.11 TDU Shirt, ripstop, dark navy in color. The shirt must have epaulettes.

1. The shirt will have the City of Turlock Police patch on both shoulders. No pins, awards, commendations, insignias, hash marks or other visible good luck pins can be worn on the uniform. Rank insignia may be either the metal collar insignia or standard sleeve chevron as appropriate to the position.

2. Crew neck style T-shirts, black in color, shall be worn.

Either the standard metal badge or approved embroidered badge will be worn over the left pocket. The embroidered badge is issued out of the Chief's office.

Metal name tags are not allowed. The officer's first initial and last name shall be embroidered directly to the shirt, above the right pocket, gold thread, 1/2" block letters.

1046.10  POLO SHIRTS

Unless otherwise specified within this policy, polo shirts shall conform to the following standards: Short or long sleeve, navy blue or black in color, have a minimum of two buttons, cotton or cotton blend fabric available through 5.11 Tactical, Double SS Promotions or the Port Authority uniform catalog. Personnel with enforcement duties shall have the department badge embroidered on the left chest and gold embroidered name identification on the right chest. Personnel without enforcement duties shall have the Turlock Police Department logo embroidered on the left chest area. Shirts must be worn tucked in. The Chief of Police shall authorize colors other than navy blue or black and gold embroidered name. Red, with black embroidered name, is authorized for training staff, but restricted to training events.

1046.11  INVESTIGATIONS

Except as otherwise specified within this policy, personnel assigned to Investigations will follow those guidelines laid out for Paraprofessional Dress (1047.75).

Personnel appearing in court shall be dressed in jacket and tie.

Sworn personnel shall be armed while on-duty. The officer's badge shall be visible to the public if the officer's firearm is visible.
Personnel shall have the option to waive the dress code for particular duties or assignments, at the unit supervisor’s discretion, on a case by case basis.

**1046.12 TRAINING OR DEPARTMENT MEETINGS**

Uniformed personnel will have the option to wear casual clothing at Department meetings and Department sponsored training (schools). Department members shall be clean, professional in appearance and conservative in nature. Professional/business appropriate capri pants are allowed, however no bright, flowered/animal type print, form fitting or spandex capris. Shorts, including Bermuda style shorts are not allowed. Jeans are allowed, but no holes/ripped or extremely faded jeans, pants or sweatshirt-type outfits will be allowed. Skirts and dresses worn shall be no more than 4” above the knee. Shoes may be a casual style shoe in good condition (tennis shoes, oxfords, boots, etc.). No flip flops or thong style shoes will be allowed.

It will be the responsibility of each Supervisor to see that Turlock Police Department employees adhere to the dress policy and maintain a professional image.
Non Sworn Uniform Policy

1047.1 PURPOSE AND SCOPE
The following specifications apply to all non-sworn personnel, unless specified elsewhere within this policy.

Any deviations from the approved uniform standards shall be cleared by the Chief of Police, and may be incorporated into this Policy.

Events or activities may be designated by the Chief of Police or his or her designee as Class A or Class B dress.

1047.2 POLO SHIRTS
Unless otherwise specified within this policy, polo shirts shall conform to the following standards: Short or long sleeve, navy blue or black in color, have a minimum of two buttons, cotton or cotton blend fabric available through 5.11 Tactical, Double SS Promotions or the Port Authority uniform catalog. Personnel with enforcement duties shall have the department badge embroidered on the left chest and gold embroidered name identification on the right chest. Personnel without enforcement duties shall have the Turlock Police Department logo embroidered on the left chest area. Shirts must be worn tucked in. The Chief of Police may authorize colors other than navy blue or black and gold embroidered name. Red, with black embroidered name, is authorized for training staff, but restricted to training events.

1047.3 COMMUNITY SERVICE OFFICER UNIFORMS
Community Service Officers shall wear such uniforms and equipment as the Chief of Police may prescribe, as listed below:

1047.3.1 SHIRTS
To meet the same standards as sworn officers, as detailed in section 1046.5, French blue in color, military creases.

(a) Hash Marks - Hash marks are to be royal blue in color with rich gold edging and are to be machine stitched. The bottom of the hash mark shall be sewn 1 1/2” above left cuff seams with the rear of the hash marks being placed at the press of the sleeve. One hash mark may be worn for each three years of full-time paid sworn and non-sworn Police service.

(b) Shoulder Patches - Shoulder patches will be furnished by the Department and placed 1/2” down from the shoulder seam on both sides.

1047.3.2 LONG-SLEEVE TURTLENECK SHIRT
(a) A turtleneck shirt may be worn only with the long sleeve shirt and during the winter months.

(b) Long sleeve turtleneck shirt will be black in color, with one fold on the neck.

(c) Mock turtlenecks are also authorized.

(d) "TPD" may be embroidered in gold thread, 1/2” block letters on left side of the neck.
1047.3.3 TROUSERS
To meet the standards as sworn officers, as detailed in section 1046.5, navy blue in color, no departmental braid shall be worn on CSO trousers.

1047.3.4 GENERAL DUTY JACKET
Horace Small Mfg. Chill Chaser, black in color, nylon, two pleated patch pockets with flaps and two front panel inset pockets. Brass/Gold colored buttons, pull style. May be worn with or without liner.

1047.3.5 ACCESSORIES
(a) Tie LAPD Blue clip-on style as regulation Turlock Police tie - Women have option to wear crisscross style Samuel Broome Brand #455TV or equivalent. A tie is optional on Class B uniforms and mandatory on Class A uniforms. A tie shall be worn with long sleeved shirts only. Tie bar shall be brass/gold colored.
(b) Belt - Black basket weave style 1 1/2” or 1 3/4” wide, as provided by the department.
(c) Shoes and Boots
1. Military Oxfords. Black with lacings, soles with smooth surface of either neolite crepe leather or rubber; or black high-top chukka boots, plain toes, with lacings, same soles as oxfords.
2. Boots with the regular duty uniform or utility uniform. These boots shall be black in color, with the ability to hold a shine. They shall be a laced boot with black laces. The out sole and heel shall be of black composition.
3. Optional: Class B and Class C may wear Black Ranch or Wellington-type boot, athletic shoes with black leather toe, or black leather walking shoes. No other shoe will be authorized without prior approval by the Chief of Police.
4. Metallic taps or plates of any design are not to be worn.
(d) Socks - Black or navy blue, plain, are to be worn with military-type oxfords or other footwear where the socks are visible.
(e) Name Tag - A burnish gold color with black letters shall be worn centered immediately above the right shirt and jacket pockets.
(f) Dickie - A dickie may be worn with Class B long-sleeved shirts in place of a tie. The dickie shall be LAPD blue in color.

1047.3.6 CLASS C UNIFORMS (ROUGH DUTY/FOUL WEATHER GEAR)
(a) Pants - Either Brigade Quartermaster "Combat Cloth" BDU Pants, navy blue in color; 5.11 TDU Pants, ripstop, dark navy in color; or 5.11 Taclite TDU Pants, dark navy in color. Pants shall not be bloused.
(b) Shirts - Same as Class B uniform.

Class C uniforms are optional and are authorized for everyday duty wear.

1047.3.7 CLASS A UNIFORMS
The Class A uniform shall consist of the Class B uniform with the following additions/restrictions:
(a) Long sleeved shirt is mandatory.
(b) Tie mandatory.
(c) Inner duty belt only, worn to show basket weave side.

1047.4 ANIMAL CONTROL OFFICERS

1047.4.1 CLASS A AND CLASS B UNIFORMS
The Class A and Class B uniforms shall match that worn by Community Service Officers, with the exception the shirts shall be LAPD blue and nametags shall be gold with black lettering.

1047.4.2 CLASS C UNIFORMS
(a) Shirt - Department approved polo shirt, gray in color with black embroidery, as specified in 1047.2.
(b) Pants - 5.11 brand, nylon or cotton tactical pants, navy blue in color.
(c) Shoes - Black military oxfords or black boots. Plain black or navy blue socks shall be worn if socks are visible.
(d) Duty Belt - Shall be black, leather basket weave or cordura nylon. All accessory cases worn on the duty belt shall be of the same materials as the duty belt to maintain uniformity and professional appearance.
(e) Jacket - Black "Tuffy" style with TPD patches sewn on each shoulder 1/2" down from the shoulder seam.
(f) Cap - The department approved baseball style cap is permitted to wear as part of the class C uniform.

1047.4.3 PARAPROFESSIONAL OR OTHER WEAR
Paraprofessional attire, meeting standards under 1047.7, is permitted for speaking engagements and Council presentations, as approved by the unit supervisor.

Jeans and department approved polo shirts are permitted for kennel duties or tactical assignments.

1047.4.4 PART TIME EMPLOYEE UNIFORM
The department will provide three polo shirts, as specified under 1047.2, to be worn when assisting customers or during license enforcement.

Jeans may be worn that fit appropriately and are not torn. Closed toe shoes or work boots are required.

1047.5 NEIGHBORHOOD PRESERVATION OFFICERS

1047.5.1 NEIGHBORHOOD SERVICES SUPERVISOR AND OFFICER
(a) Shirt
   1. Option 1 - Polo Shirt Department approved polo shirt. The Turlock Police Department logo must be embroidered on the left front chest area.
   2. Option 2 - Dress Shirt/Blouse Paraprofessional in nature, short or long sleeve, button up the front, cotton or cotton blend fabric available through the Port Authority uniform catalog. The Turlock Police Department logo must be embroidered in black or tan on the left front chest area. The shirt must be worn tucked in.
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(b) **Pant** - "Docker" type slacks. At the unit supervisor's direction, jeans or BDU type pants are permissible during clean-ups, field work, or on Fridays.

c) **Jacket** - Windbreaker type, with department logo embroidered on left chest.

d) **Shoes** - Close toe shoes or boots.

e) **Cap** - The department approved baseball style cap is permitted.

(f) **Badges** - Must be carried at all times and be presented when requested.

(g) **Class A** - Shall meet the same uniform specifications as non-sworn employees, under 1047.7.

1047.5.2 **NEIGHBORHOOD SERVICES OFFICE ASSISTANT**

Shall meet the same uniform specifications as non-sworn employees, under 1047.7.

1047.5.3 **ABANDONED VEHICLE ABATEMENT CADET**

Shall wear the uniform as specified for Cadets.

1047.5.4 **GRAFFITI ABATEMENT MAINTENANCE WORKER**

Shall wear the standard Municipal Services Worker uniform as specified by that department.

1047.6 **PROPERTY/EVIDENCE TECHNICIANS**

1047.6.1 **CLASS A UNIFORM**

The Class A uniform shall match that specified for the Community Service Officer Class A uniform, with the following exceptions:

(a) **Pant** - An optional skirt may be worn. Skirt will be 100% wool, LAPD blue in color.

(b) **Name tag** - Shall be brass/gold in color, with black lettering. Tie clip shall be brass/gold in color.

(c) **Shoe** - Closed toe pump, with 2" heel, dark blue in color, to be worn with optional skirt.

1047.6.2 **CLASS C UNIFORM**

The Class C uniform shall match that specified for the Animal Control Officer Class C Uniform.

1047.7 **OTHER NON-SWORN EMPLOYEES**

1047.7.1 **NON-SWORN PERSONNEL CLASS A UNIFORM**

A Class A uniform will be maintained by all full time non-sworn office personnel and will consist of a white long sleeve shirt, navy pants and matching navy blazer. Female non-sworn personnel have the option of wearing a navy double breasted coat dress or a navy skirt and navy blazer. Turlock Police patches will be worn on both upper arms of the blazer and coat dress. A Turlock Police badge will be worn over the left upper pocket of the blazer and coat dress.

Current Class A uniform suppliers are:

Blazer, Pants, Skirt, Dress - Cintas Corporation @ 1-800-UNIFORM or www.cintas.com

Long Sleeve Button Down Shirt Port Authority uniform catalog
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(a) **Pants (Women)**
   1. Style 112605-20 (navy) Single pleat slacks, 55/45 Polyester/Wool
   2. Style 112608-20 (navy) Plain front slacks, 55/45 Polyester/Wool

(b) **Pants (Men)**
   1. Style 100176 (navy-20) Pleated pants, 55/45 Polyester/Wool
   2. Style 111359 (navy-20) Plain front pants, short, 55/45 Polyester/Wool
   3. Style 111160 (navy-20) Plain front pants, regular, 55/45 Polyester/Wool
   4. Style 111360 (navy-20) - Plain front pants, tall, 55/45 Polyester/Wool

(c) **Skirt**
   1. Style 111144 (navy-20) Classic 26" skirt, 55/45 Polyester/Wool
   2. Style 111097 (navy-20) Classic 23" skirt, 55/45 Polyester/Wool

(d) **Dress**
   1. Style 102089 (navy-20) Double breasted coat dress, 55/45 Polyester/Wool

(e) **Blazer (Female)**
   1. Style 111105-20 (navy) Arlington II blazer, 55/45 Polyester/Wool

(f) **Blazer (Men)**
   1. Style 111156-20 (navy) Arlington II blazer, regular, 55/45 Polyester/Wool
   2. Style 111547-20 (navy) Arlington II blazer, long, 55/45 Polyester/Wool

(g) **Belt**
   1. A black or navy belt must be worn if there are belt loops on the pants or skirt.

(h) **Nylons or Socks**
   1. Nylons or socks will be worn with the uniform. Nylons must be neutral in color and socks must be black or navy in color.

(i) **Shoes**
   1. Shoes must be navy or black in color professional and conservative in style. No open toe, open back, flip-flops, thongs, tennis shoes or Birkenstock type shoes will be allowed.

(j) **Tie (Male)**
   1. A navy tie will be worn with the uniform.

Any deviations from the suggested manufacturer shall be cleared by the Chief of Police, or his/her designee, and may be incorporated in this Policy.

**1047.7.2 NON-SWORN PERSONNEL CLASS B UNIFORM**
A Class B uniform will be maintained by all (including part-time) non-sworn office personnel.

(a) **Pants (Women)**
   1. Women’s pants shall be similar to the following fabric and style:
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(a) Black cotton or cotton/poly blend, pleated or flat front, fine line twill pant design.

(b) Pants (Men)
   1. Men's pants shall be similar to the following fabric and style:
      (a) Black cotton or cotton/poly blend, pleated or flat front, fine line twill pant design.

(c) Skirt
   1. Black cotton or cotton/poly blend, pleated or flat front, fine line twill. Skirts may be no shorter than four inches above the knee.

(d) Shirts
   1. Polo Shirt Department authorized shirt, as specified in 1047.2. Must be white in color with black embroidered name or
   2. Long Sleeve Shirt/Blouse Must be white in color, paraprofessional in nature, button up the front, cotton or cotton blend fabric available through the Port Authority uniform catalog. The Turlock Police Department logo must be embroidered in black or tan on the left front chest area. The shirt must be worn tucked in.
      (a) Current shirt suppliers are:
         1. Polo Shirts - 5.11 Tactical or Port Authority uniform catalogs.
         2. Long Sleeve Button Down Shirt Port Authority uniform catalog.

(e) Belt
   1. A black belt must be worn if there are belt loops on the pants or skirt.

(f) Nylons or Socks
   1. Nylons or socks will be worn with the uniform. Nylons must be neutral in color and socks must be black in color.

(g) Shoes
   1. Shoes will be black in color and conservative in style. Open toe, open back, sling back dress sandals, oxfords, dress boots, pumps or loafers are acceptable. No flip-flops, thongs, tennis shoes or Birkenstock type shoes will be allowed.

Any deviations from the approved uniform standards shall be cleared by the Chief of Police, and may be incorporated into this Policy. Any deviations from the suggested manufacturer shall be cleared by the Chief of Police, or his/her designee, and may be incorporated in this Policy.

1047.7.3 NON-SWORN PERSONNEL OPTIONAL FRIDAY DRESS
Non-sworn police personnel working on Friday, with the exception of uniformed Operations personnel, will have the option to wear casual clothing on Friday only. Friday wear shall be clean, professional in appearance and conservative in nature. Professional/business appropriate capri pants are allowed, however no bright, flowered/animal type print, form fitting or spandex capris. Shorts, including Bermuda style shorts are not allowed. Jeans are allowed, but no holes/ripped or extremely faded jeans, pants or sweatshirt-type outfits will be allowed. Skirts and dresses worn shall be no more than 4” above the knee. Shoes

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may be a casual style shoe in good condition (tennis shoes, oxfords, boots, etc.). No flip flops or thong style shoes will be allowed.

It will be the responsibility of each Supervisor to see that Turlock Police Department employees adhere to the dress policy and maintain a professional image.

1047.7.4 **NON-SWORN PERSONNEL - DEPARTMENT MEETINGS AND HOLIDAY DRESS**

Non-sworn personnel, with the exception of uniformed Operations personnel, are allowed to wear casual dress, similar to Friday wear, during Department meetings and on the following holidays:

(a) Valentine's Day
(b) St. Patrick's Day
(c) Easter
(d) Fourth of July
(e) Halloween
(f) Thanksgiving
(g) Christmas

Non-sworn personnel may wear holiday dress for the seven days preceding Christmas.

1047.7.5 **NON-SWORN PERSONNEL PARAPROFESSIONAL DRESS**

Non-sworn paraprofessional dress shall meet the following standards:

(a) **Pants** - Professional and conservative slack/trouser-type pants or leggings (not skin tight) will be allowed. No denim or jean material or spandex type. No faded or ripped jeans or pants will be allowed.

(b) **Skirts/Skorts** - Professional and conservative skirt or skorts (defined as a divided skirt). Skirt/skorts shall be no more than 4" above the knee. No denim or jean material.

(c) **Dress/Jumper** - Professional and conservative dress or jumper. Dress/jumper shall be no more than 4" above the knee. No tank tops, camisoles or spaghetti straps or similar, unless covered by a jacket or sweater. No denim or jean material.

(d) **Blouse/Shirt/Sweater** - Professional and conservative blouse/shirt/sweater. No T-shirts or athletic type shirts will be worn. Only City of Turlock or job related logo shirts will be allowed.

1. Sleeveless shirts are permissible. They must be professional and conservative. No tank tops, camisoles or spaghetti straps or similar unless covered by a jacket or sweater.

2. Polo shirts must meet 1047.2 of this policy.

(e) **Jackets** - Jackets shall be professional and conservative in nature.

(f) **Shoes** - Shoes shall be professional and conservative in nature and in good condition. Open toe and/or open back, sling back dress sandals, oxfords, dress boots, pumps, or loafers are acceptable. No slippers, flip-flops, thongs or Birkenstock type shoes will be allowed.

(g) **Nylons/Socks** - Nylons /socks are not required.

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1047.8  CADETS
Cadets will be provided uniforms by the department.

1047.8.1  CADET UNIFORMS
The uniform for Cadets shall match that as specified for Community Service Officer Class B uniform, under 1047.3, with the following exceptions:

(a) No hash marks shall be worn on the shirt.
(b) The trousers shall have the departmental braid.
(c) Buttons on the jacket shall be brass/gold colored.
(d) The name tag shall be gold colored, with black letters.

1047.9  CHAPLAINS
Chaplains Class A uniform shall match that of sworn officers, with the following exceptions:

(a) A rocker with "Chaplain" shall be worn above each shoulder patch.
(b) No duty belt shall be worn.
(c) Other badges and pins, as appropriate to their position and approved by the Chief of Police, or his/her designee, shall be worn.

1047.10  VOLUNTEERS IN POLICE SERVICE
Volunteers in Police Service shall wear such uniforms and equipment as the Chief of Police may prescribe.

1047.10.1  CLASS "A" AND "B" UNIFORMS
The following items are authorized:

(a) Long Sleeve Shirts - Will meet the same standards as sworn officers, as detailed in Policy Section 1046.5.1, white in color, military creases. Shoulder patches will be furnished by the department and placed 1/2" down from the shoulder seam on both sides.
(b) Short Sleeve Shirts - May be worn as a class "B" uniform. Will meet the same standards as sworn officers, as detailed in Policy Section 1046.5.2, white in color, military creases. Shoulder patches will be furnished by the department and placed 1/2" down from the shoulder seam.
(c) T-Shirts - T-shirts will be worn with all open-neck uniform shirts. They will be white in color, crew neck. The sleeves of the T-shirts will not extend below the uniform shirt sleeve. Thermal underwear will be authorized to wear as long as no portion is exposed at the uniform neck opening and the sleeves will not extend below the uniform shirt sleeve. "V-neck" T-shirts will not be worn when any portion is exposed at the uniform neck opening.
(d) Trousers - Will meet the same standards as sworn officers, as detailed in Policy Section 1046.5, navy blue in color, no department braid shall be worn on VIPS trousers. Navy blue "Flying Cross" BDU-style pants may be worn with Class "B" uniforms.
(e) Belt - Black basket weave style inner belt.
(f) Boots and Shoes - Black in color with the ability to hold a shine.
(g) **Socks** - Black with the fabric substantially extending beyond the top of the boots/shoes.

One (1) long-sleeve shirt, one (1) short-sleeve shirt, one (1) pair of trousers and one (1) belt will be provided to each VIPS member by the department.

**1047.10.2 CLASS ”C” UNIFORM**

The following items are authorized:

(a) **Polo Shirt** - Short sleeve, white or dark blue, cotton or cotton-blend, with a minimum of two (2) buttons as provided by the department. The designated VIPS badge patch shall be sewn on the left chest. Polo shirts shall be worn tucked in.

(b) **T-shirt** - T-shirts will be worn with all open-neck uniform shirts. They will be white in color, crew neck. The sleeves of the T-shirts will not extend below the uniform shirt sleeve. Thermal underwear will be authorized to wear as long as no portion is exposed at the uniform neck opening and the sleeves will not extend below the uniform shirt sleeve. "V-neck" T-shirts will not be worn when any portion is exposed at the uniform neck opening.

(c) **Trousers** - Will meet the same standards as sworn officers, as detailed in Policy Section 1046.5, navy blue in color, no department braid shall be worn on VIPS trousers. Navy blue "Flying Cross" BDU-style pants may be worn with Class "C" uniforms.

(d) **Belt** - Black basket weave style inner belt.

(e) **Boots and Shoes** - Black in color with the ability to hold a shine.

(f) **Socks** - Black with the fabric substantially extending beyond the top of the boots/shoes.

One (1) polo shirt will be provided to each VIPS member by the department.

**1047.10.3 UNIFORM ACCESSORIES**

The following items are authorized:

(a) **Name Tag** - Gold in color with black letter, clutch back. Golden State Uniforms #2 or equivalent. Shall be worn on the right chest of the shirt immediately above the uniform pocket. Shall be worn with Class "A" and Class "B" uniforms.

(b) **Pins** - Only department related pins shall be worn. No more than three (3) pins shall be worn on the right pocket-flap of the shirt. Additionally, one (1) United States flag pin may be worn above the name tag.

(c) **Portable Radio** - Portable radios may be carried on the belt.

(d) **Flashlight** - A flashlight may be carried on the belt.

(e) No other items may be carried on the belt without the express permission of the Chief of Police or his/her designee.

One (1) nametag will be provided to each VIPS member by the department.

Portable radios and flashlights may be checked out at the beginning of an activity. Portable radios and flashlights must be checked back in at the end of the activity.
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1047.10.4 UNIFORM OF THE DAY
The type of uniform to be worn will be determined by the activity in which the VIPS is engaged. Generally, VIPS personnel will wear the following type of uniform as prescribed below:

(a) **Class "A"** - Funerals, City Council appearances, Badge-pinning ceremonies, and other occasions as determined by Command Staff or the VIPS Coordinator.

(b) **Class "B"** - Any scheduled patrol activity outside of the police facility.

(c) **Class "C"** - Any activity in the police facility, emergency call outs, courier service, or any other activity authorized by the VIPS Coordinator.
Police Cadets

1048.1 PURPOSE AND SCOPE
The purpose of the Police Cadet Program is to prepare young adults for careers in law enforcement by serving in a law enforcement apprenticeship program. Police Cadets are required to complete college level coursework frequently a prerequisite to obtaining a law enforcement position.

1048.2 EDUCATION REQUIREMENTS
Cadets are required to maintain a minimum grade point average (GPA) of 2.0 for all courses taken. Cadets shall complete six (6) units per semester. Failure to maintain a 2.0 GPA or complete six (6) units per semester shall be cause for removal from the Police Cadet Program.

1048.2.1 CAREER ATTAINMENT
It is the purpose of this program is to prepare young adults for careers in law enforcement.

Incumbents are expected to make continuous progress towards obtaining full-time permanent employment with the City of Turlock Police Department within 48 calendar months of their appointment. Failure to make continuous progress and/or failure to obtain full-time permanent employment with the City of Turlock Police Department within the 48 calendar month timeframe will result in termination. The Chief of Police or his/her designee may, in extraordinary circumstances, extend the timeframe for up to an additional twelve (12) months.

1048.3 PROGRAM COORDINATOR
A supervisor will serve as the Program Coordinator (PC). The PC will be responsible for tracking the educational performance of cadets and coordinating the apprenticeship program in general including orientation, position assignments, status for compensation and performance evaluations. Day-to-day supervision of cadets will be the responsibility of the Division Manager, or his/her designee, of the division the cadet is assigned.

1048.4 ORIENTATION AND TRAINING
Newly hired cadets will receive an orientation of the organization and facilities before reporting to their first assignment. On-the-job training will be conducted in compliance with the Cadet Training Manual. Training sessions will be scheduled as needed to train cadets for as many assignments as possible. All training will focus on improving job performance, as well as preparation for careers in law enforcement.

1048.5 CADET UNIFORMS
Each cadet will be provided two uniforms meeting the specifications described in the Uniform Manual for non-sworn employees.

1048.6 ROTATION OF ASSIGNMENTS
Rotating job assignments should occur on a regular basis to enhance the career development for each cadet. Rotations should occur at least once annually at a minimum. Department needs and concerns will take precedence over individual considerations.
Police Cadets

with the final decision resting with the Chief of Police or his/her designee. In general, experienced Cadets will be assigned to positions requiring more technical skill or responsibility, as well as serving to train cadets for new assignments or those newly hired.

1048.7 RIDE-ALONG PROCEDURES

All cadets are authorized to participate in the Ride-Along Program as approved by their immediate supervisor and the appropriate Watch Commander. Cadets shall neither wear their uniform nor act as a Department employee while participating on a ride-along.

The cadet's role on the Ride-Along is subject to the guidelines specified in Policy Manual § 410.

1048.8 PERFORMANCE EVALUATIONS

Performance evaluations for all Cadets shall be completed on an annual basis.
Police Explorers

1049.1 PURPOSE AND SCOPE
This policy provides an explanation of the duties and responsibilities associated with the Police Explorer program.

1049.2 POLICE EXPLORER OPERATIONAL MANUAL
The Turlock Police Department's Police Explorer Operational Manual has been developed to outline the complete description of the duties and responsibilities of the Police Explorer program. Employees of this department shall refer to and comply with that manual for matters related to Police Explorer procedures.

1049.2.1 REVIEW AND UPDATE OF POLICE EXPLORER OPERATIONAL MANUAL
The Division Commander having management oversight of the Police Explorer program shall direct an annual review and update of the manual. Changes and updates shall be authorized through approval of the Chief of Police or his/her designee.

1049.2.2 POLICE EXPLORER OPERATIONAL MANUAL LOCATIONS
A paper copy of the Police Explorer Operational Manual will be maintained in the Field Operations Division in a location readily accessible by employees. Additionally, each employee will have access to an electronic version of the manual that will be located on department computers.
Nepotism and Conflicting Relationships

1050.1 PURPOSE AND SCOPE
The purpose of this policy is to ensure equal opportunity and effective employment practices by avoiding actual or perceived favoritism, discrimination or actual or potential conflicts of interest by or between members of this department. These employment practices include: recruiting, testing, hiring, compensation, assignment, use of facilities, access to training opportunities, supervision, performance appraisal, discipline and workplace safety and security.

1050.1.1 DEFINITIONS
Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling, grandparent, or "In-laws" (parent, brother, sister).

Personal Relationship - Includes marriage, cohabitation, dating, or any other intimate relationship beyond mere friendship.

Business Relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the Department employee's annual interest, compensation, investment, or obligation is greater than $250.

Public official - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

Conflict of Interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction, or decisions are or may be influenced by the employee's personal or business relationship.

Nepotism - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

Supervisor - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation, and/or performance of a subordinate employee.

Subordinate - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

1050.2 RESTRICTED DUTIES AND ASSIGNMENTS
While the Department will not prohibit personal or business relationships between employees, all employees shall adhere to the guidelines set forth in the City of Turlock Personnel System Rules and Regulations § 14.05.

1050.2.1 EMPLOYEES RESPONSIBILITY
Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, employees shall promptly notify his/her uninvolved, next highest level of supervisor.
Nepotism and Conflicting Relationships

Whenever any employee is placed in circumstances which would require the employee to take enforcement action or provide other official information or services to any relative or other individual(s) with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

1050.2.2 SUPERVISORS RESPONSIBILITY

Upon being notified of or becoming aware of any circumstance(s) which could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps to mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.
Department Badges

1052.1 PURPOSE AND SCOPE
The Turlock Police Department badge and uniform patch as well as the likeness of these items and the name of the Turlock Police Department are property of the Department and their use shall be restricted as set forth in this policy.

1052.2 POLICY
The uniform badge shall be issued to department members as a symbol of authority and the use and display of departmental badges shall be in strict compliance with this policy. Only authorized badges issued by this department shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

1052.2.1 FLAT BADGE
Sworn officers shall be authorized to carry a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Policy Manual § 700.

(b) An honorably retired officer may keep his/her flat badge upon retirement.

(c) The carrying or display of a flat badge is not authorized for non-sworn personnel.

1052.2.2 NON-SWORN PERSONNEL
Badges and departmental identification cards issued to non-sworn personnel shall be clearly marked to reflect the position of the assigned employee (e.g. Animal Control Officer, Cadet, Dispatcher).

(a) Non-sworn personnel shall not display any department badge except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Non-sworn personnel shall not display any department badge or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

1052.2.3 RETIREE UNIFORM BADGE
The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Turlock Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 12027 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge issued to an honorably retired peace officer that is not affixed to a plaque or other memento will have the words "Honorably Retired" clearly visible on its face. A retiree shall be instructed that any such badge will remain the property of the Turlock Police Department and will be revoked in the event of misuse or abuse (Penal Code § 538d).
Department Badges

1052.3 UNAUTHORIZED USE
Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Department badges are issued to all sworn employees and non-sworn uniformed employees for official use only. The department badge, shoulder patch or the likeness thereof, or the department name shall not be used for personal or private reasons including, but not limited to, letters, memoranda, and electronic communications such as electronic mail or web sites and web pages.

The use of the badge, uniform patch and department name for all material (printed matter, products or other items) developed for department use shall be subject to approval by the Chief of Police.

Employees shall not loan his/her department badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1052.4 PERMITTED USE BY EMPLOYEE GROUPS
The likeness of the department badge shall not be used without the expressed authorization of the Chief of Police and shall be subject to the following:

(a) The employee associations may use the likeness of the department badge for merchandise and official association business provided they are used in a clear representation of the association and not the Turlock Police Department. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.
2. The badge number portion displays the acronym of the employee association.

(b) The likeness of the department badge for endorsement of political candidates shall not be used.
Modified Duty Assignments

1054.1 PURPOSE AND SCOPE
In recognizing that the most valuable asset of any organization is their employees, the purpose of this policy is to establish procedures for assigning employees to modified duty and continue to benefit from their valuable knowledge, skills and abilities. Modified-duty assignments are intended to provide an employee with the ability to continue working within the limits of his/her restrictions and limitations on a temporary basis while providing the Department with a productive employee during the interim period.

Temporary modified-duty assignments may be available to employees who have incurred a duty-related illness or injury or a non-duty related illness or injury and, due to restrictions or limitations, are unable to perform their regular assigned duties.

The Turlock Police Department does not have any permanent or long-term modified duty positions. The Department will engage in a good faith interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability, as specified by the Americans with Disabilities Act (ADA).

Eligibility for modified-duty assignment is subject to the approval of the Chief of Police or his/her designee.

1054.2 DEFINITION
Modified Duty - Means a temporary, limited-term assignment not requiring performance of the full range of duties associated with the regular job classification.

1054.3 LIMITATIONS
Modified duty assignments are a privilege offered to employees that provide benefits to both employer and employee. Nothing in this policy should be construed to require the Department to reassign an employee to another position or create a position to provide the employee with a job. Modified duty assignments shall be subject to continuous reassessment, dependent upon Department need and the employee's ability to perform in a modified duty capacity.

An injured employee may be assigned to a modified-duty position outside of his/her normal assignment or duties if such a position becomes available. If the injury or illness is non-duty related the employee shall be given the option to either accept the position or continue to draw on applicable sick leave or other leave accounts.

If an employee cannot adequately perform in a modified duty assignment, such assignment may be modified or discontinued. Additionally, the lack of Department need or a change in priorities may result in the discontinuation or modification of a modified duty assignment.

The Department may place conditions as deemed appropriate upon any modified-duty assignment. Generally, employees provided a modified duty assignment are permitted all privileges provided by applicable MOU of their regular full-time position.

If an employee has an agreement for outside employment, the agreement must be reviewed to determine if it may be permitted under any restrictions and limitations specified by the appropriate health care providers.

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Modified Duty Assignments

1054.3.1 MEDICATIONS
The Department recognizes that as a result of the injury or illness sustained by the employee, medications may be prescribed by their attending physician. It shall be the responsibility of the injured employee to ensure they are following the City's Drug Free Workplace Policy.

1054.4 PROCEDURE
Employees may request assignment to modified duty by submitting a written request and a signed statement from their health care provider describing their restrictions, limitations and expected duration to the Chief of Police or his/her designee through their chain of command.

For an on-duty injury or illness, this request must be accompanied by a signed statement from the designated City health care provider describing any restrictions, limitations, required workplace accommodations, required mobility aides, required medical devices, and expected duration.

For an off-duty injury or illness, employees may be required to be examined by the designated City health care provider to determine appropriate restrictions, limitations, required workplace accommodations, required mobility aides, required medical devices, and expected duration. Such examinations shall be at the expense of the City.

The Chief of Police or his/her designee will determine what modified-duty assignments may be available based on the needs of the Department, limitations of the employee and suitability of the employee to work a particular assignment.

1054.4.1 MODIFIED-DUTY SCHEDULES
Employees may be required to gain approval of their collective bargaining unit to waive required notices of schedule change (e.g. 15 day notice) which may be addressed within their respective MOU, to be placed into a modified duty assignment in a timely manner. If a waiver is not gained, employees may be required to use applicable leave until the time required for a notice of schedule change has elapsed.

The employee and his/her supervisors should be informed in writing of the assignment, schedule and limitations/restrictions as determined by the health care provider and City. The schedules of employees assigned to modified duty may be adjusted to suit medical appointments or Department needs at the discretion of the Chief of Police or his/her designee.

Employees on a modified duty assignment are permitted to work overtime, provided it does not conflict with any limitations or restrictions of their modified duty. This is not intended to supersede any overtime procedures as outlined in Policy Manual § 1038.

1054.4.2 ACCOUNTABILITY
The Chief of Police or his/her designee shall be responsible for monitoring and coordinating the modified duty assignment. It will be the responsibility of the supervisor overseeing the assignment an employee is placed in to provide day-to-day supervision.

Employees on modified duty are responsible for coordinating required doctor visits and physical therapy appointments in advance with their supervisor to appropriately account for any duty time taken. Doctor visits and appointments for treatment of injuries or illnesses that are not work related shall be arranged during off-duty time or otherwise charged to the employee's sick leave. Employees shall promptly submit a status report for each visit to their
Modified Duty Assignments

treating health care provider and shall immediately notify their supervisor of any change in restrictions or limitations. For injuries or illnesses that occurred off-duty, employees may be required to be examined by the designated City health care provider to verify any change in limitations or restrictions.

Supervisors shall keep the Chief of Police or his/her designee apprised of the employee’s status and ability to perform the modified duty assignment. The Chief of Police or his/her designee shall conduct a review of all modified duty assignments every thirty (30) days, or earlier depending on the nature of the modified duty assignment, to determine whether limitations, restrictions, or continuance is appropriate.

When it is determined that an employee on modified duty will return to regular duty, the supervisor shall notify the Chief of Police or his/her designee who will complete the process of changing of shift/assignment form. All training and certification necessary for return to duty shall be reviewed and updated as needed.

1054.4.3 PHYSICAL CAPACITY EXAMINATIONS
Prior to returning to full-duty status, employees shall be required to provide a statement signed by the health care provider overseeing treatment indicating the employee is cleared to perform the basic and essential job functions of their assignment without restrictions or limitations.

The Department reserves the right to require, prior to returning to full-duty status, a physical capacity examination, conducted by the designated City health care provider, of any employee assigned to a modified duty assignment or of any employee having been on such assignment. Such examinations shall be at the expense of the City. Such examinations shall be job-related, consistent with business necessity, and limited to inquiring into the ability of an employee to perform job-related functions.

1054.5 PREGNANCY
It is the policy of the Department to reassign employees who are pregnant upon request by the employee, accompanied by a list of restrictions (as outlined in Policy Manual § 1054.4), or when deemed necessary by the Department, to modified duty assignments that will not routinely expose the employee to potentially hazardous environments or activities, when such assignments are available. If at any point during pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted consistent with the City’s Personnel Rules and Regulations and applicable sections of policy and procedure regarding Pregnancy and Parental leave.

1054.5.1 EMPLOYEE NOTIFICATION
An employee who learns of her pregnancy must notify her immediate supervisor or a designated acting supervisor of the pregnancy as soon as practicable. The employee must inform the supervisor of her intent regarding requesting reassignment, job accommodations and anticipated leave for the pregnancy or prenatal care, as soon as possible.

1054.5.2 SUPERVISOR RESPONSIBILITY
Upon receiving the notification of pregnancy, the supervisor shall notify the Chief of Police or his/her designee, through the chain of command. Requests for job accommodation, reassignment, or leave, will be routed to the Chief of Police or his/her designee.
Modified Duty Assignments

1054.6 PROBATIONARY EMPLOYEES
Employees still on probation at the time they are assigned to temporary modified duty may have the probationary period extended at the discretion of the Chief of Police or his/her designee. The Chief of Police or his/her designee shall consider factors such as the amount of probationary time remaining and performance of the employee prior to temporary modified duty in making the decision.

1054.7 MAINTENANCE OF CERTIFICATION AND TRAINING
Employees assigned to modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided the certification, training or qualifications are not in conflict with any limitations or restrictions. Employees assigned to modified duty assignments shall inform their supervisor of any inability to maintain any certification, training or qualification.
Performance Improvement Plans

1057.1 PURPOSE AND SCOPE
The expectations of the Turlock Police Department are that all employees are expected to perform in a competent manner in furtherance of the mission and objectives of the Department and in accordance with the law and the policies and procedures of the City of Turlock and the Police Department.

The objective of this policy is to correct substandard/unacceptable performance, thereby restoring the employee to a level of acceptable and competent productivity. In order to accomplish this objective, this policy is developed upon the following key criteria:

(a) Communication of the deficiencies to the employee,
(b) Formal documentation of the deficiency and the expected change(s), and
(c) Development of documentation and action plan

Performance Improvement Plans are not intended to be disciplinary in nature and therefore will not be made a part of an employee's personnel file if the employee successfully completes the program.

• Failure to successfully complete the program may result in the implementation of other formal action including discipline.
• Program documentation for cases involving successful completion of the program will be retained in the employee's evaluation file up to the date of the employee's next evaluation.

1057.2 INITIAL SUPERVISORY CORRECTIONS
When minor policy infractions and/or performance deficiencies are noted for the first time, verbal counseling is the preferred method for corrective action.

When repeated policy infractions and/or performance deficiencies are noted, formal counseling sessions should be initiated. Such counseling sessions should be documented in a Supervisor's Notes and Observations (SNO) Form.

(a) The counseling session should address each policy infraction and/or performance deficiency which has been identified and the expected corrective action by the employee for each one.

(b) The documentation of the counseling session should list each policy infraction and/or performance deficiency along with the expected corrective action.

Should formal counseling fail to correct the performance deficiency and/or ensure compliance with policy, a Performance Improvement Plan (PIP) may be implemented.

1057.3 PERFORMANCE IMPROVEMENT PLAN PROCESS
(a) The supervisor prepares a draft Performance Improvement Plan (PIP).

(b) The supervisor forwards the draft PIP to his/her Division Commander for approval.
Performance Improvement Plans

(c) The supervisor discusses the draft PIP with the employee seeking the employee's input on deficiencies and assistance needed. The supervisor then prepares the final version of the PIP.
(d) The final version of the PIP will be forwarded through the Chain of Command to the Chief of Police as an informal document.
(e) The supervisor conducts follow-up counseling with the employee.
(f) The supervisor completes the final progress report and forwards the completed file to the Division Commander for review and approval.
(g) Should disciplinary action be necessary, such action will be implemented in accordance with Policy Manual § 340.

1057.3.1 PERFORMANCE IMPROVEMENT PLAN PROCEDURE
(a) The Initial Interview
1. The supervisor will address each performance deficiency identified in the Performance Improvement Plan along with the expected corrective behavior.
   (a) The supervisor should emphasize the objectives of the Performance Improvement Plan as outlined in the document.
   1. The supervisor should advise the employee of the intent of the supervisor to assist the employee in his/her improvement.
   2. The supervisor should encourage employee input and take appropriate notes concerning the employee's viewpoints. This information may be incorporated into the Performance Improvement Plan.

2. The supervisor will advise the employee of the review process and the schedule for the review sessions.
3. The supervisor will inform the employee of any outside training and/or counseling that is required as part of the Performance Improvement Plan.
4. The supervisor will inform the employee of the consequences that may result in the event the employee fails to satisfactorily complete the Performance Improvement Plan.

(b) Follow-up Counseling
1. During the duration of the Performance Improvement Plan, the supervisor will meet in formal counseling sessions with the employee as specified in the document.
2. The supervisor will review the employee's progress as it relates to each identified performance deficiency.
   (a) Appropriate reinforcement should be given to the employee depending on whether the employee is improving or not.
3. The counseling session will be documented in a Progress Report using the standard memorandum format.

(c) Final Report
1. At the end of the Performance Improvement Plan, the supervisor shall prepare a Final Report using the standard memorandum format regarding the employee's progress in the Performance Improvement Plan.
Performance Improvement Plans

(a) When the employee successfully completes the program, the Final Report should reinforce the employee's improved performance and encourage continued acceptable performance.

(b) In the event the employee does not successfully complete the program, the report should:
   1. Specify those standards the employee failed to achieve and how he/she failed to do so,
   2. State that the supervisor is recommending that the penalty contained in the Performance Improvement Plan as a consequence for non-improvement be implemented, and
   3. Contain a detailed account of the employee's comments regarding the Final Report.

(c) The Final Report, along with all follow-up reports and other appropriate documentation, will be forwarded through the Chain of Command to the Chief of Police for review and appropriate action.

1057.3.2 PERFORMANCE IMPROVEMENT PLAN DOCUMENTATION FORMAT
The Performance Improvement Plan shall be documented using the standard Turlock Police Department Memorandum format (Appendix 'B') and shall contain the following information:

(a) Heading
   1. TO: (Name of affected employee)
   2. FROM: (Name of employee's supervisor)
   3. SUBJECT: FAILURE TO MEET PERFORMANCE STANDARDS

(b) Performance Standards and How You Failed to Meet Them
   1. List each performance standard in which the employee is deficient
      (a) Example: "Turlock Police Department Policy Manual - Policy 216 Attendance & Staffing Levels - All employees of the Turlock Police Department are expected to report on time for their assigned duties. If they are unable to report for work due to illness or personal emergencies, employees shall follow the guidelines in Policy Manual § 1014."

      2. List specifically and with detail each occasion where the employee failed to meet the listed standard.
      3. Repeat this process for each standard.

(c) How to Improve Your Performance
   1. This section is a summary of the positive behavior the supervisor expects the employee to exhibit in order to be regarded as an acceptable employee.

(d) Supervisory Assistance and Guidance
   1. The supervisor sets a review schedule where the supervisor will review the progress of the employee with him/her. Such review will be done either weekly or bi-weekly.
      2. The supervisor may direct the employee to obtain training and/or counseling when appropriate.
Performance Improvement Plans

(e) Time Frame and Consequences

1. The supervisor will set the duration of the Performance Improvement Plan.
   (a) Normally, a Performance Improvement Plan will be 90 days in length. The minimum specified time for such a program is 60 days and the maximum is 120 days.
   (b) Should the employee progress at an accelerated rate, the Performance Improvement Plan may be shortened from the specified time.

2. The consequences of failing to satisfactorily complete the Performance Improvement Plan must be clearly stated. In most situations, the consequences will be the transition into the Department's disciplinary process as outlined in Policy Manual § 340.
Employee Speech, Expression and Social Networking

1058.1 PURPOSE AND SCOPE
This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1058.1.1 APPLICABILITY
This policy applies to all forms of communication including, but not limited to, film, video, print media, public or private speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video and other file-sharing sites.

1058.2 POLICY
Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Turlock Police Department will carefully balance the individual employee’s rights against the Department's needs and interests when exercising a reasonable degree of control over its employees' speech and expression.

1058.3 SAFETY
Employees should consider carefully the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of the Turlock Police Department employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be anticipated to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of an member who is working undercover.
- Disclosing the address of a fellow member.
• Otherwise disclosing where another member can be located off-duty.

1058.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT
To meet the department’s safety, performance and public-trust needs, the following is prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Turlock Police Department or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the Turlock Police Department and tends to compromise or damage the mission, function, reputation or professionalism of the Turlock Police Department or its employees.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Turlock Police Department.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Department for financial or personal gain, or any disclosure of such materials without the express authorization of the Chief of Police or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of department logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Turlock Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

(h) Accessing websites for non-authorized purposes, or use of any personal communication device, game device or media device, whether personally or department-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communication may be warranted by the circumstances (e.g., inform family of extended hours).

2. During authorized breaks such usage should be limited as much as practicable to areas out of sight and sound of the public and shall not be disruptive to the work environment.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).
1058.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Turlock Police Department or identify themselves in any way that could be reasonably perceived as representing the Turlock Police Department in order to do any of the following, unless specifically authorized by the Chief of Police (Government Code § 3206; Government Code § 3302):

(a) Endorse, support, oppose or contradict any political campaign or initiative.
(b) Endorse, support, oppose or contradict any social issue, cause or religion.
(c) Endorse, support or oppose any product, service, company or other commercial entity.
(d) Appear in any commercial, social or nonprofit publication or any motion picture, film, video, public broadcast or on any website.

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization (e.g., bargaining group or officer associations), is affiliated with this department, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Turlock Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1058.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts or anything published or maintained through file-sharing software or any Internet site (e.g., Facebook, MySpace) that is accessed, transmitted, received or reviewed on any department technology system.

The Department reserves the right to access, audit and disclose for whatever reason any message, including attachments, and any information accessed, transmitted, received or reviewed over any technology that is issued or maintained by the Department. This includes the department e-mail system, computer network or any information placed into storage on any department system or device.

It also includes records of all key strokes or web-browsing history made at any department computer or over any department network.

The fact that access to a database, service or website requires a user name or password will not create an expectation of privacy if it is accessed through a department computer or network. However, the Department may not require an employee to disclose a personal user name or password or open a personal social website, except when access is reasonably believed to be relevant to the investigation of allegations of work related misconduct (Labor Code § 980).