## CHIEF'S MESSAGE

The success of the Department is predicated on our ability to serve the community to its fullest expectation. Effective service requires trust, faith and confidence of the community. Every member of the Department holds a special position of public trust and we must never violate the public confidence. At the core of every action we take must be the desire to do what is right.

You have been appointed to, and have assumed the responsibilities of an office, the duties of which are varied and arduous, and the trust imposed important, both to the public and yourself. Your actions will at all times be subject to the scrutiny of an observant public, and upon the course you pursue depends to a great extent the credit of the Department of which you are a member, and your success and standing as a valued member of the Department.

This statement has been at the heart of our profession since its inception. This Department Manual is a clear understandable resource for us to use in our service delivery. It provides guidelines to help in reaching decisions about what the right action is, often in difficult circumstances. It cannot possibly cover every situation we will face but forms a solid foundation from which we can draw.

This Department Manual is never complete; it is a living document. It is a reflection of the best current practices and case laws that shape our profession. Continual review, updating and redrafting will be necessary and will be an ongoing practice. Every member must actively participate in the process. It is the responsibility of every member of the Department to know and understand the contents of this manual including updates, corrections and revisions.

The manual is available electronically through the TPD Lexipol website or the City of Tracy Police Department webpage. The manual will continue to be regularly updated as required by the Professional Standards and Training Division. The TPD Lexipol Manual is now available for view to any member of the community through the City of Tracy website.

**Sekou Millington**

**Chief of Police**

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## CORE VALUES

### SERVICE

**Our organization is committed to meeting the law enforcement needs of the community in a way that maximizes customer satisfaction, demonstrates a commitment to a spirit of civility, and embraces the just and equitable treatment of all persons.**

In general terms, service includes:

- Treating all people fairly, courteously and respectfully.
- Practicing open and honest communication with the public and each other.
- Providing excellent customer service to the public, other City departments, and each other.
- Developing our employees to become innovative problem solvers and providing them with the training and support necessary to do so.

### INTEGRITY

**Our organization is committed to excellence of character and the highest moral and ethical principles. We believe that uncompromising integrity should be the foundation of all of our actions.**

In general terms, integrity includes:

- Relying on the constitutions of the United States of America and the State of California, and the Rule of Law as the basis of our dealings with people.
- Ensuring credibility and trust by embracing honesty and truth as the cornerstones of our organizational philosophy.
- Establishing clear standards, applying them equally and instilling an expectation of compliance.
- Acknowledging responsibility prior to acting and accountability afterward.
- Demanding the highest ethical conduct individually and collectively.

### EXCELLENCE

**Our organization is committed to achieving and maintaining the highest levels of professional knowledge, skills and abilities.**

In general terms, excellence includes:

- Providing the highest level of professional competency.
- Striving to meet or exceed organizational and community expectations.
- Monitoring and assessing the quality of our work products and service to ensure that standards are met and opportunities for improvement are identified.

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- Dedicating ourselves to our mission, coworkers, the organization and the community.
- Utilizing available resources efficiently and responsibly.
- Providing people with the training required to meet community and organizational needs.
- Having a vision for the future and planning strategically to realize that vision.
- Ensuring the workplace is physically and emotionally safe and secure to the greatest extent possible.

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# Chapter 1 - Law Enforcement Role and Authority

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# Law Enforcement Authority

## 100.1 PURPOSE AND SCOPE

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

## 100.2 PEACE OFFICER POWERS

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

### 100.2.1 ARREST AUTHORITY OUTSIDE THE JURISDICTION OF THE TRACY POLICE DEPARTMENT

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

(a) When the officer has probable cause to believe the person committed a felony.

(b) When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.

(c) When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.

(d) When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.

(e) In compliance with an arrest warrant.

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

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

### 100.2.2 ARREST AUTHORITY INSIDE THE JURISDICTION OF THE TRACY POLICE DEPARTMENT

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

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

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

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

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

(e) In compliance with an arrest warrant.

100.2.3 TIME OF MISDEMEANOR ARRESTS

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

(a) The arrest is made without a warrant pursuant to Penal Code § 836 which includes:

1. A misdemeanor committed in the presence of the officer.
2. Misdemeanor domestic violence offenses (See the Domestic Violence Policy).

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

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

(d) The arrest is made pursuant to a warrant which, for good cause shown, directs that it may be served at any time of the day or night.

## 100.3 POLICY

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

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

## 100.4 INTERSTATE PEACE OFFICER POWERS

Peace officer powers may be extended to other states:

(a) As applicable under interstate compacts, memorandums of understanding or mutual aid agreements in compliance with the laws of each state.

(b) When an officer enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

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

## 100.5 CONSTITUTIONAL REQUIREMENTS

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

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# Chief Executive Officer

## 101.1 PURPOSE AND SCOPE

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

### 101.1.1 CHIEF EXECUTIVE OFFICER REQUIREMENTS

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

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# Oath of Office

## 102.1 PURPOSE AND SCOPE

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

## 102.2 POLICY

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

## 102.3 OATH OF OFFICE

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

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

## 102.4 MAINTENANCE OF RECORDS

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

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# Law Enforcement Code of Ethics

## 103.1 PURPOSE AND SCOPE

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

## 103.2 POLICY

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

## 103.3 LAW ENFORCEMENT CODE OF ETHICS

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

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

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

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

### 103.3.1 OBJECTION TO RELIGIOUS AFFIRMATION

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

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# Policy Manual

### 104.1 PURPOSE AND SCOPE

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

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

### 104.2 POLICY

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

#### 104.2.1 DISCLAIMER

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

### 104.3 AUTHORITY

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

### 104.4 DEFINITIONS

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

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

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

**CHP**- The California Highway Patrol.

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**CFR** - Code of Federal Regulations.

**City** - The City of Tracy.

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

**Department/TPD** - The Tracy Police Department.

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

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

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

**Manual** - The Tracy Police Department Policy Manual.

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

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

- Full- and part-time employees
- Sworn peace officers
- Reserve, auxiliary officers
- Professional Staff employees
- Volunteers

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

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

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

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

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

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

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

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

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

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

**USC** - United States Code.

### 104.5 ISSUING THE POLICY MANUAL

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

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

### 104.6 PERIODIC REVIEW OF THE POLICY MANUAL

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

### 104.7 REVISIONS TO POLICIES

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

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

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

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

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# Chapter 2 - Organization and Administration

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# Organizational Structure and Responsibility

## 200.1 PURPOSE AND SCOPE

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

### 200.1.1 ORGANIZATIONAL CHART

The organizational chart of the Tracy Police Department is attached to this policy manual. The chart reflects the chain of command and lines of authority and communication within the Police Department. The Police Department is headed by the Chief of Police who reports directly to the City Manager.

The functional units within the Tracy Police Department are described as follows:

(a) Bureau - The largest organized component within the department and commanded by a Bureau Commander, which is a title, not a rank.

(b) Division - A group within the department responsible for a oversight of police operations, policy, or training as designated by the Chief of Police usually supervised by a lieutenant.

(c) Unit - A functional sub-set within the Bureau and usually supervised by a Lieutenant or professional staff supervisor, which is a rank, not a title.

## 200.2 BUREAUS

The Chief of Police is responsible for administering and managing the Tracy Police Department. There are four bureaus in the Police Department as follows:

- Bureau of Support Services Bureau
- Field Operations Bureau
- Investigation Bureau
- Bureau of Special Operations

The Professional Standards & Training Division reports directly to the Office of the Chief of Police

### 200.2.1 BUREAU OF SUPPORT SERVICES

The Support Operations Bureau commanded by a Police Support Operations Bureau Manager whose primary responsibility is to provide general management direction and control for the Support Operations Bureau. The Support Operations Manager also serves as the budget manager for the Department.

The Support Operations Bureau consists of:

(a) Records Unit

(b) 9-1-1 Dispatch Center

(c) Fiscal Management

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(d) Animal Services

### 200.2.2 BUREAU OF FIELD OPERATIONS

The Field Operations Bureau is commanded by a Captain whose primary responsibility is to provide general management direction and control for that Bureau.

The Field Operations Bureau consists of:

(a) Uniformed Patrol
    1. Patrol Teams A and B
    2. Special Enforcement Team
(b) Community Services Division
    1. Traffic Safety Unit
        (a) Safety Enforcement
    2. Community Preservation Unit
        (a) School Resource Officers
        (b) Neighborhood Resource Officers
        (c) Crime Prevention
        (d) Volunteers
        (e) Chaplains
    3. Code Enforcement
        (a) Parking Enforcement

### 200.2.3 BUREAU OF INVESTIGATIONS

The Special Operations Bureau is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Bureau.

The Investigations Bureau consists of:

(a) General Investigations Unit
(b) Special Investigations Unit
(c) Crime Scene Investigations / Evidence & Property
(d) Crime Analysis

### 200.2.4 BUREAU OF SPECIAL OPERATIONS

The Special Oprerations Bureau is commanded by a Captain whose primary responsibility is to provide general management direction and control for the Bureau.

The Special Operations Bureau consists of:

(a) Neighborhood Resource Unit
(b) Traffic Safety Unit

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(c) School Resource Officers

(d) Crime Prevention Specialist

(e) Code Enforcement

(f) Familiar Faces

### 200.3 COMMAND PROTOCOL

The Administration of the Tracy Police Department shall be established on the following principles:

- Delegation of Functions - Functions similar or related in purpose, process, method or clientele are grouped together in one or more units under the control of respective Bureau Commanders/Managers.
- Delineation of Functions - Lines of demarcation between the Bureaus are clearly drawn by a precise definition of duties which are made known to all members so that responsibility is placed exactly. The purpose of this assignment is to avoid duplication in execution of duties or neglect resulting from an unassigned duty.
- Organization for Command - Lines of control permitting the delegation of authority, the placing of responsibility, the supervision of operations and the coordination of effort are hereby established in conformity with the organization of the Department.
- Unity of Command - Means each individual, unit or situation is under the immediate control of one and only one person. The supervisor or person in control must accept personal accountability for the acts of each of their assigned personnel.
- Chain of Command - Means a series of administrative ranks or positions in which each has a direct authority over the one immediately below. All official communications of the Department, whether moving downward or upward shall be confined to official channels. Each link in the Chain of Command shall be respected in this regard. It shall be the responsibility of each echelon to forward communications to the next higher echelon with his or her approval, disapproval or recommendations. However, representatives of bargaining units shall have an "open door" policy with the Chief of Police and management of the Tracy Police Department. The following chain of command has been established:
    - Chief of Police (HIGHEST)
    - Captain or Manager
    - Lieutenant
    - Sergeant/Supervisor
    - Corporal
    - Detective/Officer/Professional Staff(LOWEST)
- Commensurate authority will accompany each level of responsibility. Commensurate authority is the authority given to an individual in a particular position or assignment enabling them to make decisions necessary for the execution of their responsibilities.

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- Authority may be delegated downward to lower ranks. However, delegating authority does not relieve the superior rank of their responsibility. Authority can be delegated, but responsibility cannot be delegated.
- All employees of the department will obey and carry out any lawful order from a superior officer, including any order from a superior that is relayed to them by an employee of the same or lesser rank.
- In the event an employee receives a conflicting order or directive from a superior officer, the employee will advise the superior of the conflict in orders. It is the responsibility of the superior officer to resolve the conflict. The employee is to follow the last order/directive received and will not be held responsible for disobedience where the superior officer did not resolve the conflicting orders.
- If an employee believes an order is unlawful as defined by Local, State or Federal law or violates Department policy or procedure, the employee shall notify the issuing superior of their belief. If the superior persists with the order and the employee still believes it to be unlawful, the employee shall notify the superior's supervisor immediately of the order. No adverse action shall be taken against any employee who abides by this rule. However, employees who do not object or willingly obey an order that they believe is unlawful may be subject to disciplinary action.
- Supervisors and ranking officers shall not assume command outside their own area of organizational structure except when failure to do so will seriously endanger the community or Department.

200.3.1 SUCCESSION OF COMMAND

When a question of seniority arises regarding who shall be in command, such seniority is determined:

(a) First by rank

(b) Second, if members are of equal rank, by one member being designated as in command.

(c) Third if members are supervisory officers of equal rank, by date of appointment to rank.

(d) Fourth, by continuous service in the Tracy Police Department.

## 200.4 ACTING CHIEF

Whenever the Chief of Police is absent or disabled from performing his or her duties, the Chief of Police or City Manager will designate a Police Captain to serve as the Acting Chief of Police. If no Police Captain is available, a Lieutenant will be designated the Acting Chief of Police.

## 200.5 COMMAND DUTY OFFICER

The Chief of Police will establish a process whereby a Command Duty Officer of the Rank of Lieutenant or Captain is available by telephone on weekends, holidays and during non-business hours. The Command Duty Officer will be available to respond to the Police Department within one hour.

## 200.6 SECTION TITLE

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# Standard Operating Procedures

### 201.1 PURPOSE AND SCOPE

To provide a set of guidelines which will compliment the Policy Manual and the Strategic Plan. The procedures will serve as an operational guide to accomplish many of the most common tasks an employee may encounter while serving within the Tracy Police Department and community.

### 201.2 INTENT

The nature of the police service is such that it is impossible to develop a procedure, plan, or other binding directive for every situation that might arise. The bureau operating procedures are designed and intended to provide Tracy Police Department employees with a set of standard guidelines for their daily activities, duties and responsibilities.

Except where otherwise expressly stated, the provisions of the procedures are to be considered bureau guidelines. The ultimate responsibility for the contents of each set of guidelines rests with the Bureau Commander. The guidelines shall be known as standard operating procedures maintained within a standard operating procedure (SOP) manual.

### 201.3 APPLICATION

Each Bureau Commander shall be responsible for developing and maintaining the SOP for their respective division (Field Operations, Investigations, Support Services). The original SOP manual for each Bureau shall be maintained by the Bureau Commander with a duplicate original maintained by the Office of the Chief of Police. Each SOP shall require the signature of the Chief of Police as well as the appropriate Bureau Commander.

The creation of an SOP manual within each division shall replace and nullify any preexisting procedure manual(s).

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# Special Order

## 202.1 PURPOSE AND SCOPE

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

### 202.1.1 SPECIAL ORDER PROTOCOL

Special Orders will be incorporated into the manual as required upon approval of Staff. Special Orders will modify existing policies or create a new policy as appropriate and will be rescinded upon incorporation into the manual.

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

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

## 202.2 RESPONSIBILITIES

### 202.2.1 STAFF

The staff shall review and approve revisions of the Policy Manual, which will incorporate changes originally made by a Special Order.

### 202.2.2 CHIEF OF POLICE

The Chief of Police shall issue all Special Orders.

## 202.3 ACCEPTANCE OF SPECIAL ORDERS

All employees are required to read and obtain any necessary clarification of all Special Orders. All employees will receive the Special Order via department email from the Office of the Chief of Police.

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# Emergency Management Plan

## 203.1 PURPOSE AND SCOPE

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

## 203.2 ACTIVATING THE EMERGENCY PLAN

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

### 203.2.1 RECALL OF PERSONNEL

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

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

## 203.3 UPDATING OF MANUALS

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

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# City Council and Executive Staff Confidential Safety Plan

## 204.1 CALIFORNIA PUBLIC RECORDS ACT PROVISIONS

The contents of this policy are deemed confidential as a “Record of Security Procedure” and not subject to disclosure under the provisions of the California Public Records Act (GC 6254 (f) and 6254 (aa)).

## 204.2 PURPOSE AND SCOPE

To provide a safety plan for the City Council and Executive Staff during official public meetings, set in the City Council Chambers, to respond to disruptive or threatening behavior. This plan incorporates simple yet effective measures for evacuation and enforcement issues should such a need arise.

This plan is designed to outline the roles and responsibilities, for members of the City Council and Executive Staff, during the most likely scenarios that could occur during official public meetings in the City Council Chambers.

- Disruptive / Acting out Citizen or group
- Disruptive / Acting out City Employee or group
- Threatening, disruptive behavior, or
- Terrorist Activity

Although this plan is designed for the most likely scenarios, should there be another type of event; a course of action will be determined by the Council Security Officer on scene.

Tracy Police Officers, who may be attending the meeting or providing security, shall take the lead and provide guidance for the safety of City Council and Executive Staff during such events.

## 204.3 COUNCIL SECURITY OFFICER

The Council Security Officer will be a sworn Tracy Police Officer in full uniform. The officer will be trained on applicable laws relative to this policy and enforcement during public meetings (see Authority below). The Council Security Officer will also be responsible for handling all criminal and information reports that are generated during Council meetings.

## 204.4 PLAN

If there is a disruptive individual who the Council Security Officer feels, by his/her actions, is engaging in conduct that will escalate and pose a threat to the City Council and/or Executive Staff members, the Officer will announce a “code word”, known only to those parties having specific involvement in this plan (the word will be identified at a later date in consultation with members of the Council and Law Enforcement staff).

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Once announced, the City Council and Executive Staff should immediately take one of the following actions:

1. Seek immediate shelter at their station by dropping to the floor and using the dais as a shield. The counter only provides minimal ballistic protection and should be employed only as an immediate short term response to an active threat that has compromised all escape routes

2. Immediately exit the Council Chambers via the Council Conference Room and, once there, close and lock all doors to Shelter in Place. The window shades should be drawn to avoid allowing outside threats to view the room's interior.

3. In the event the evacuation route through the Council Conference Room has been compromised, Council and Executive Staff, at the direction of the Council Security Officer, should exit through the East or South door which leads outside. Once there, Council and Executive staff will move directly across the street to the lobby of the Police Building. If the Lobby doors are locked, picking up the black handle telephone on the wall, inside the entrance, will give direct contact with the Police Department Communications Center, who in turn will unlock the doors allowing access to the downstairs Community Conference room. Once there, they will Shelter in Place.

The Council Security Officer will coordinate with dispatch for additional resources to assist with managing the event and verifying the safety and security of all members of the City Council and Executive Staff.

### 204.5 TRAINING

The City Council and Executive Staff will be trained on the details of this plan prior to implementation by members of the Police Department / City Council Security Team. An annual training will be scheduled to assess the security plan functionality and suggest improvement or modifications as necessary. This plan may be modified at any time should training or best practices indicate a need for such.

The security features of Council Chambers will be reviewed during the initial training and at the annual training.

### 204.6 AUTHORITY

The primary laws specific to disruptive or threatening behavior at public meetings are as follows:

Penal Code 403 - Every person who, without authority of law, willfully disturbs or breaks up any assembly or meeting that is not unlawful in its character, other than an assembly or meeting referred to in Section 302 of the Penal Code or Section 18340 of the Elections Code, is guilty of a misdemeanor.

PENAL CODE 422(a) - Any person who willfully threatens to commit a crime which will result in death or great bodily injury to another person, with the specific intent that the statement, made verbally, in writing, or by means of an electronic communication device, is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the

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person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety or for his or her immediate family's safety, shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison.

PENAL CODE 76(a)- Every person who knowingly and willingly threatens the life of, or threatens serious bodily harm to, any elected public official, county public defender, county clerk, exempt appointee of the Governor, judge, or Deputy Commissioner of the Board of Prison Terms, or the staff, immediate family, or immediate family of the staff of any elected public official, county public defender, county clerk, exempt appointee of the Governor, judge, or Deputy Commissioner of the Board of Prison Terms, with the specific intent that the statement is to be taken as a threat, and the apparent ability to carry out that threat by any means, is guilty of a public offense.

GOVERNMENT CODE 54957.9- In the event that any meeting is willfully interrupted by a group or groups of persons so as to render the orderly conduct of such meeting unfeasible and order cannot be restored by the removal of individuals who are willfully interrupting the meeting, the members of the legislative body conducting the meeting may order the meeting room cleared and continue in session. Only matters appearing on the agenda may be considered in such a session. Representatives of the press or other news media, except those participating in the disturbance, shall be allowed to attend any session held pursuant to this section. Nothing in this section shall prohibit the legislative body from establishing a procedure for readmitting an individual or individuals not responsible for willfully disturbing the orderly conduct of the meeting.

GOVERNMENT CODE 54957.95(a)(1) - In addition to the authority exercised pursuant to Sections 54954.3 and 54957.9, the presiding member of the legislate body conducting a meeting, or their designee may remove, or cause the removal of, an individual for disrupting the meeting.

(2) Prior to removing an individual, the presiding member or their designee shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding member or their designee may then remove the individual if they do not promptly cease their disruptive behavior. This paragraph does not apply to any behavior described in subparagraph (B) of paragraph (1) of subdivision (b).

(b)As used in this section:

(1) "Disrupting" means engaging in behavior during a meeting of a legislative body that disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, one of the following:

(A) A failure to comply with reasonable and lawful regulations adopted by a legislative body pursuant to Section 54954.3 or any other law.

(B) Engaging in behavior that constitutes use of force or a true threat of force.

(2) "True threat of force" means a threat that has sufficient indicia of intent and seriousness, that a reasonable observer would perceive it to be an actual threat to use force by the person making the threat.

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204.6.1 TRACY CITY COUNCIL RESOLUTIONS 2019-240, 2020-112 & 2021-019

**Mayor** - The Mayor is the Presiding Officer of all meetings of the Council. The Presiding Officer is the primary, but not the only, person responsible for ensuring that the Council, staff, and members of the public adhere to these Protocols during Council meetings. The Chair of a City board or commission shall act as the Presiding Officer.

**Mayor Pro Tem** - The Mayor Pro Tem shall serve as the Presiding Officer in the absence of the Mayor. Upon arrival of the Mayor, the Mayor Pro Tem shall immediately relinquish the role of Presiding Officer at the conclusion of the business then before Council. The Vice Chair of a City board or commission shall act as the Presiding Officer in the absence of the Chair.

**Sergeant-at-Arms** - The Sergeant-at-Arms is the law enforcement official charged with maintaining security during meetings of the Council. The Sergeant-at-Arms of the Council shall be a police officer assigned by the Police Chief. There shall be at least one member so assigned and present at each meeting of the Council. The officer shall maintain order and enforce the (lawful) orders of the Council and Presiding Officer.

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# Training

## 205.1 PURPOSE AND SCOPE

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

## 205.2 POLICY

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

## 205.3 PHILOSOPHY

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

## 205.4 OBJECTIVES

The objectives of the Training Program are to:

(a) Enhance the level of law enforcement service to the public.

(b) Increase the technical expertise and overall effectiveness of our personnel.

(c) Provide for continued professional development of department personnel.

(d) Ensure compliance with POST rules and regulations concerning law enforcement training.

## 205.5 TRAINING MANAGER

The Chief of Police shall designate a Training Manager who is responsible for developing, reviewing, updating, and maintaining the department training plan so that required training is completed. The Training Manager should review the training plan annually. The Training Manager is designated at the Professional Standards and Training Division Lieutenant.

### 205.5.1 TRAINING RESTRICTION

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

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## 205.6 TRAINING PLAN

A training plan will be developed and maintained by the Professional Standards and Training Division. It is the responsibility of the Professional Standards and Training Divisionto maintain, review, and update the training plan on an annual basis. The plan will address the following areas:

- Legislative Changes
- State Mandated Training
- Critical Issues Training
- City specified training
- Department Training

### 205.6.1 TYPES OF TRAINING

(a) Mandatory:

1. Required training by statute or Department policy
2. Training required by P.O.S.T.
3. Specialized training for specialized tasks or positions

(b) Essential - Training that will improve the employee's effectiveness and efficiency in carrying out duty assignments

(c) Departmental Continuous Training

1. 1. P.O.S.T. mandated training presented by the Department shall be provided in accordance with the annual training plan. Continuous Professional Training covers a minimum of 24 hours of instruction every two (2) years, is certified by P.O.S.T. and is designed to provide updated training below the mid-management level. 18 of the 24 hours must meet P.O.S.T. perishable skills requirements:
   (a) Tactical Firearms 4 hours
   (b) Driver Training/Awareness 4 hours
   (c) Arrest & Control 4 hours
   (d) Use of Force 4 hours
   (e) Tactical/Interpersonal Communications 2 hours.

(d) Command officers are required to receive 24 hours of instruction every two years In P.O.S.T. approved courses but are not required to complete the 18 hours of mandatory perishable skills training.

(e) All full-time and per diem Communication Operators are required to receive 24 hours of P.O.S.T certified training every two years.

(f) The Professional Standards and Training Division shall ensure that training meets P.O.S.T. standards.

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### 205.6.2 POST-MANDATED TRAINING

Members of the Department shall complete all POST-mandated training, including (Penal Code § 13510; 11 CCR § 1005):

(a) Entry-level training standards, prior to being assigned duties that include the exercise of peace officer power.

(b) At least 24 hours of POST-certified and/or POST-approved training every two years.

## 205.7 TRAINING NEEDS ASSESSMENT

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

### 205.7.1 EXTERNAL TRAINING

The Command Staff and Supervisors will be required to review their units/divisions training needs for the upcoming fiscal year and submit their recommendations to their Bureau Commander who will prioritize and submit the request to the Training Manager by May 1st of each year. Priority will be given to new assignments that require mandatory training. The training manager will create a spreadsheet to track all the approved training for the upcoming fiscal year ensuring that training does not exceed the departments training budget.

### 205.7.2 INTERNAL TRAINING

The Professional Standards and Training Divisionwill establish a Training Committee (as referenced in 208.6 of this policy), which will serve to assist with identifying training needs for the Department. Internal training will comprise of department proficiency shoots, defensive tactics and perishable skills as required by POST standards along with other identified training needs. The Internal training calendar will be completed at the time of annual patrol shift bid..

## 205.8 TRAINING COMMITTEE

The Training Manager shall establish a Training Committee, which will serve to assist with identifying training needs for the Department.

The Training Committee shall be comprised of at least three members, with the senior ranking member of the committee acting as the chairperson. Members should be selected based on their abilities at post-incident evaluation and at assessing related training needs. The Training Manager may remove or replace members of the committee at his/her discretion.

The Training Committee should review certain incidents to determine whether training would likely improve future outcomes or reduce or prevent the recurrence of the undesirable issues related to the incident. Specific incidents the Training Committee should review include, but are not limited to:

(a) Any incident involving the death or serious injury of an employee.

(b) Incidents involving a high risk of death, serious injury or civil liability.

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(c) Incidents identified by a supervisor as appropriate to review to identify possible training needs.

The Training Committee should convene on a regular basis as determined by the Training Manager to review the identified incidents. The committee shall determine by consensus whether a training need exists and then submit written recommendations of its findings to the Training Manager. The recommendation should not identify specific facts of any incidents, such as identities of employees involved or the date, time and location of the incident, but should focus on the type of training being recommended.

The Training Manager will consider the recommendations of the committee and determine what training should be addressed, taking into consideration the mission of the Department and available resources.

## 205.9 TRAINING PROCEDURES

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

1. Court appearances
2. Annual pre-approved vacation
3. Sick leave
4. Physical limitations preventing the employee’s participation.
5. Emergency situations

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

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

### 205.9.1 DEPARTMENT TRAINING INSTRUCTORS

(a) The Training Advisory Committee, command staff and supervisors may recommend candidates for Department instructors.

(b) Personnel interested in becoming an instructor shall submit a special assignment request through their Chain of Commandcontaining, but not limited to, the following:

1. Length of service with Tracy Police Department
2. Assignments worked at the Tracy Police Department.
3. Teaching experience in the subject matter including any credentials.

(c) The following criteria shall be used to evaluate instructor candidates:

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1. Professional demeanor and appearance.
2. Subject preparation.
3. Oral presentation skills.
4. Knowledge, experience and expertise.

(d) Changes in job assignment may be reviewed by the Professional Standards and Training Division to determine whether the instructor shall be retained in the teaching assignment. The Chief of Police shall approve removal of an instructor as a result of a transfer.

(e) All Department instructors shall maintain required qualifications in their field of expertise through continual updated training.

(f) Division commanders shall notify the Training Officer whenever instructor release time is adversely affecting the instructor's ability to perform their normal duties.

## 205.10 DAILY TRAINING BULLETINS

DTB's are not currently utilized by the Tracy Police Department.

## 205.11 PROCEDURE FOR PROCESSING TRAINING REQUESTS

(a) Mandatory and essential training that is supported by the Department's annual training plan shall be scheduled and processed through the Training Manager.

(b) All other training requests shall be processed in the following manner:

1. Employees requesting training, who have not been pre-approved during the annual training plan, shall complete the Training Request Form including the justification for the requested training. Requests should be forwarded to the Training Manager via chain of command at least eight (8) weeks prior to the requested class to allow sufficient time for processing by the Finance Department.
2. The Training Manager shall review approved requests to determine if training funds are available and whether the training conforms to the Department's training plan and forwarded to the Chief of Police for final review and approval.

### 205.11.1 VOLUNTARY TRAINING REQUEST

(a) Voluntary training is defined as non-essential or mandatory training specific to the employee's current assignment.

(b) Requests by employees for release time to attend voluntary training will be considered on a case by case basis.

(c) All employees requesting voluntary training must complete a Voluntary Training Agreement form (Available on the W drive under PD Forms) and submit it to their Bureau Commander through the chain of command. Final approval is at the sole discretion of the Chief of Police.

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(d) Request by the employee for financial accommodations will be considered during the approval process of the Voluntary Training Agreement.

205.11.2 TRAVEL POLICY

(a) Travel shall be by the most economical means. The method of travel shall be based on the total travel cost, travel time, distance and rental car expenses.

(b) Employees attending external training shall consider it their duty station for the duration of the training course.

(c) Off duty attendance shall be compensated by adjusting work hours within a two-week pay period following the training. Employees shall not receive compensation for travel time.

(d) If travel by air was approved and the employee then decides to travel by car for personal reasons, travel time by car will not be compensated.

(e) A city vehicle will be available when attending training. Authorization may be given by the Training Manager to use their personal vehicle. If the employee chooses to take his/her personal vehicle rather than a City vehicle, the employee will not receive mileage reimbursement.

(f) Mileage Allowance:

1. If the Department cannot provide a vehicle mileage reimbursement for use of a personally owned vehicle will be calculated from the Police Department to the training location.
2. If the training location is closer to your home than the Police Department, there will be no reimbursement; the location will be your duty station for the day.
3. Private vehicle usage will be reimbursed at the current rate set by the City of Tracy.
4. If air travel is more economical, but approval is given for the employee to take his/her own vehicle, the coach rate commercial airfare will be paid in lieu of mileage.

205.11.3 LODGING POLICY

(a) Employees will be eligible for overnight lodging if:

1. The one-way distance is in excess of 60 miles from the Police Department.
2. The employee's home location will be taken into consideration when evaluating the need for lodging. If the home location is closer to the training location than the Police Department, the employee may not qualify for the distance requirement.
3. Any exceptions to the Lodging Policy will require approval from the Chief of Police.

205.11.4 CONDUCT

Employees shall conduct themselves in a professional manner while attending all Department sponsored training. Employees shall attend all scheduled course instruction and report for training

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on time. If the training does not require a training uniform, appropriate and professional business attire must be worn to all training.

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# Electronic Mail

## 206.1 PURPOSE AND SCOPE

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

## 206.2 EMAIL RIGHT OF PRIVACY

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

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

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

## 206.3 PROHIBITED USE OF EMAIL

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

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

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

## 206.4 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record under the California Public Records Act and must be managed in accordance with the established records retention schedule and in compliance with state law.

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## *Electronic Mail*

The Custodian of Records shall ensure that email messages are retained and recoverable as outlined in the Records Maintenance and Release Policy.

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# Administrative Communications

### 207.1 PURPOSE AND SCOPE

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

### 207.2 DEPARTMENT E-MAIL

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

### 207.3 CORRESPONDENCE

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

### 207.4 SURVEYS

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

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# Staffing Levels

## 208.1 PURPOSE AND SCOPE

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

## 208.2 MINIMUM STAFFING LEVELS

### 208.2.1 SUPERVISION DEPLOYMENTS

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

With prior authorization from the Patrol Division Commander, an officer may act as the Patrol Sergeantfor a limited period of time.

### 208.2.2 BUREAU OF FIELD OPERATIONS - PATROL

Minimum staffing level for patrol is the scheduling of at least (5) five Officer's and one (1) Patrol Supervisor for day shift and (6) Officer's and (1) Patrol Supervisor for Swing Shift and Graveyard Shift. The Bureau of Field Operations Commander is responsible to assure that there is at least one (1) Field Supervisor is deployed during each patrol shift/watch.

When day shift staffing is at (5) officers, the standard practice will be to fill beats 2 through 6.

### 208.2.3 DISPATCH

A minimum of three (3) Public Safety Dispatchers shall be on-duty at all times.

### 208.2.4 SPECIAL ASSIGNMENTS AND OTHER DETAILS

Unless extraordinary reasons dictate or by authorization of the Chief of Police, the following guidelines shall be followed for specialized assignments, units, and other details within the Police Department:

The general rule for staffing levels is as follows: approximately fifty percent (50%) of the regular staffing in each unit during regular operational days will be maintained. For example, if a unit normally has 10 members working on a day, the unit shall not fall below a staffing level of five (5 ) members. This is an estimate of the number of members needed in a unit in order to not be unduly disruptive to the agency's ability to provide services of acceptable quality and quantity for the public.

If a team/unit has an odd number of members, subtract one (1) from the total number of members and divide by two (1). For example, if a team unit has five (5) members, their minimum staffing for a work day shall be two (2); (5-1) divided by 2 = 2.

Below are the current guidelines for unit staffing:

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GIU: Monday and Friday, Supervisor +3 Detectives;
Tuesday-Thursday, Supervisor +4 Detectives
On-call shall be maintained

SIU: Supervisor +1 Detective during the regular workweek, Tuesday - Friday

Traffic: Two (2) Motor Officers (this can be a combination of a Supervisor and one (1) Officer, or two (2) Officers)

SRO: One (1) Officer, however, this unit may go down to zero if the day off requested falls on a school holiday, as SRO's are encouraged to take time off during times when students are not in session.

NRO: One (1) Officer

CODE ENFORCEMENT: Supervisor/Manager + two members (2)

CSI: One (1) Member, however, on-call shall be maintained

SET: Supervisor + two (2) Officers

RECORDS: Three (3) members Monday - Friday with staffing needs on weekends and holidays assessed by Supervisor.

ANIMAL SERVICES: Two (2) members

*As it refers to sworn staff; Supervisor refers to Sergeant or Corporal.

### 208.3 TIME OFF REQUEST

All time off requests for all Bureau's (vacation, sick, CTO, bereavement, etc.) shall be submitted using PowerTime scheduling software. Employees shall not approve their own time off requests. All time off requests shall be approved by the employee's direct supervisor. In the event the employee's direct supervisor is not available, the time off request may be approved by another supervisor at least one rank above the rank of the requesting employee.

The MOU with the Tracy Police Officers' Association (TPOA) dictates that officers submit their comp time off requests no later than five (5) days before they wish to take a day(s) off. Supervisors shall assess whether or not minimum staffing levels exist for those days off requested, and grant the day(s) off if there are enough officers working without the requesting employee present.If staffing falls below minimum levels, the supervisor will offer different day(s) available to take off.This general guideline is in accordance with Mortensen V. County of Sacramento, with the understanding that the MOU with the city and the TPOA mandates any unused comp time be cashed out by the second pay period in December every year.Thus, offering comp time after the second pay period in December will not allow an employee to use their time, prior to full cash out.

Unless specifically noted in a bargaining group's MOU, the above procedures shall be followed for other units in the department in the Field Operations, Investigations, and Support Services Bureaus.

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With the exception of the 4th of July, which is typically a maximum deployment day, staffing may go below minimums on the day of an actual holiday in special assignments, with permission of the Bureau Commander.

### 208.3.1 SHIFT TRADES

Members may request shift trades when they are unable to use vacation / CTO, or or the employee is unable to use their vacation / CTO accounts. This policy affirms the practice of the organization to allow shift trades when vacation or CTO time would not be approved be due to minium staffing requirements or other operational needs.

SHIFT TRADE PROCEDURE:

When an member desires to seek a shift trade, they shall complete the following:

- Fill out a shift trade request using PowerTime scheduling software.
- The replacement employee will identify the payback date within the same pay period. In extraordinary circumstances and with Watch Commander approval, the payback day may be outside the original pay period however, in no event should they be more than 30 calendar days apart.
- The requesting member shall obtain approval from the respective supervisors of both the requesting and replacing member.
- If, due to illness or injury, one of the member is unable to fulfill their responsibility for either the initial trade or payback day, the member originally assigned to the shift shall still appear and work seeking to find another day to payback. If the member originally assigned to work is unable to do so (i.e. out of town, etc.) their leave accounts will be deducted in compliance with City rules and the members Memorandum of Understanding (vacation, sick, CTO, vacation, or leave without pay).

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# License to Carry a Firearm

## 209.1 PURPOSE AND SCOPE

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

### 209.1.1 APPLICATION OF POLICY

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

## 209.2 POLICY

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

## 209.3 QUALIFIED APPLICANTS

In order to qualify for a license to carry a firearm, the applicant must:

(a) Be deemed not to be a disqualified person as provided in Penal Code § 26202.

(b) Be deemed not to be prohibited by state or federal law from possessing, receiving, owning, or purchasing a firearm (Penal Code § 26185; Penal Code § 26195).

(c) Be a resident of the City of Tracy or meet the non-residential jurisdictional requirements (Penal Code § 26150; Penal Code § 26155).

(d) Be at least 21 years of age, and present clear evidence of identity and age as defined in Penal Code § 16400 (Penal Code § 26150; Penal Code § 26155).

(e) Fully complete the California Department of Justice (DOJ) application (Penal Code § 26175).

(f) Submit fingerprints and a complete criminal background check (Penal Code § 26185).

(g) Pay all associated application fees (Penal Code § 26190).

(h) Be the recorded owner of the firearm, with the California DOJ, for which the license will be issued, as determined by the Tracy Police Department (Penal Code § 26162).

(i) Be free from any psychological conditions that might make the applicant unsuitable for carrying a firearm (Penal Code § 26190).

(j) Complete required training described in Penal Code § 26165.

### 209.3.1 NON-RESIDENT APPLICANTS

Non-resident applicants are required to meet the resident criteria described in the Qualified Applicants section of this policy, where applicable, as well as the requirements in Penal Code § 26150(b) and Penal Code §26155(b).

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209.3.2 APPLICANT DISQUALIFICATION

The Department shall not issue a license when (Penal Code § 26195):

(a) The applicant fails to comply with all reporting requirements concerning any restraining orders, arrests, convictions, or charges as specified in Penal Code § 26202.

(b) The applicant knowingly provided false, inaccurate, or incomplete information in connection with any application for a license, license renewal, or license amendment pursuant to Penal Code § 26175(e).

## 209.4 APPLICATION PROCESS

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

209.4.1 PHASE ONE (TO BE COMPLETED BY ALL APPLICANTS)

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

1. If an incomplete application package is received, the Chief of Police or the authorized designee may do any of the following:

   (a) Require the applicant to complete the package before any further processing.

   (b) Advance the incomplete package to phase two for conditional processing pending completion of all mandatory conditions.

   (c) Issue a denial if the materials submitted at the time demonstrate that the applicant would not qualify for a license to carry a firearm even if the package was completed (e.g., disqualifying criminal conviction).

(b) Applicant fees shall be submitted and processed according to department-established procedures and Penal Code § 26190.

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

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

3. Payment of related fees may be waived if the applicant is a duly appointed reserve peace officer as defined in Penal Code § 830.6 (a) or (b) (Penal Code § 26170).

(c) Additional documents may be requested of the applicant as required to complete the application process (e.g., photograph).

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

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Within 90 days of receiving the completed application for a new license, the Department shall give written notice to the applicant of the Department's initial determination, based on its preliminary investigation, whether or not the applicant is a disqualified person. This shall include a final determination on whether the applicant is an unlawful user of or addicted to any controlled substance described in 18 USC 922 (g)(3) (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165.

209.4.2 PHASE TWO

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

(a) Fingerprints and related information required by the California DOJ shall be submitted to the California DOJ as provided in Penal Code § 26185.

(b) The Chief of Police may, based upon criteria established by the Chief of Police, require that the applicant be referred to an authorized psychologist used by the Department for psychological testing. The cost of such psychological testing shall be paid by the applicant but shall not exceed the reasonable costs to the Department. The Chief of Police may allow non-resident applicants to complete the psychological assessment virtually or at an approved location in the applicant's state of residence (Penal Code § 26190).

(c) The applicant shall complete a course of training approved by the Department, which complies with Penal Code § 26165.

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

(e) The applicant shall successfully complete a firearms safety and proficiency examination with the firearm to be licensed, to be administered by the department Range Cadre, or provide proof of successful completion of another department-approved firearms safety and proficiency examination, including completion of all releases and other forms. The cost of any outside inspection/examination shall be the responsibility of the applicant.

Once the Chief of Police or authorized designee has verified the successful completion of phase two, the license to carry a firearm will either be granted or denied (Penal Code § 26170).

## 209.5 LIMITED BUSINESS LICENSE TO CARRY A CONCEALED FIREARM

The authority to issue a limited business license to carry a concealed firearm to a non-resident applicant is granted only to the Sheriff of the county in which the applicant works. A chief of a municipal police department may not issue limited licenses and these applicants should be referred to the Sheriff's Office (Penal Code § 26150).

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

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

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

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

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

### 209.6 ISSUED FIREARMS PERMITS

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

(a) The license will be subject to any and all reasonable restrictions or conditions the Chief of Police has deemed warranted, including restrictions as to the time, place, manner, and circumstances under which a person may carry the firearm (Penal Code § 26200(b)).

1. All such restrictions or conditions shall be conspicuously noted on any license issued (Penal Code § 26200(c)).
2. The licensee will be required to sign a Restrictions and Conditions Agreement. Any violation of any of the restrictions and conditions may result in the immediate revocation of the license.

(b) The license shall clearly identify the licensee, bear a photograph and fingerprints of the licensee with the expiration date, type of firearm, restrictions, and other pertinent information as described by Penal Code § 26175. The license may be laminated (Penal Code § 26175).

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

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

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

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(e) The licensee shall notify this department in writing within 10 days of any change of place of residency. Within 10 days of receiving such notice, the Department shall notify the California DOJ (Penal Code § 26210).

### 209.6.1 AMENDMENTS TO LICENSES

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

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

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

(c) Change the address or other personal information of the licensee (Penal Code § 26210).

In the event that any amendment to a valid license is approved by the Chief of Police, a new license will be issued reflecting the amendment. An amendment to any license will not serve to extend the original expiration date and an application for an amendment will not constitute an application for renewal of the license.

### 209.6.2 REVOCATION OF LICENSES

Any license issued pursuant to this policy shall be revoked by the Chief of Police for any of the following reasons (Penal Code § 26195):

(a) The licensee is prohibited by state or federal law from owning or purchasing a firearm.

(b) The licensee has become a disqualified person and cannot receive such a license in accordance with the standards set forth in Penal Code § 26202.

(c) The licensee has breached any of the conditions or restrictions described in Penal Code § 26200.

(d) Any information provided by a licensee in connection with an application for a new license or an application to amend a license was knowingly inaccurate or incomplete.

(e) If the license is one to carry "loaded and exposed," the license shall be revoked immediately upon a change of the licensee's place of residence to another county (Penal Code § 26210).

(f) The licensee fails to notify the issuing department of a restraining order, arrest, charge, or conviction of a crime in Penal Code § 26202.

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

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

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### 209.6.3 LICENSE RENEWAL

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

(a) Verifying all information submitted in the original application under penalty of perjury.

(b) Providing fingerprints as required by California DOJ (Penal Code 26185).

(c) Completing a training course pursuant to Penal Code § 26165.

(d) Submitting any firearm to be considered for a license renewal to the Range Cadre for a full safety inspection. The Chief of Police reserves the right to deny a license for any firearm that has been altered from the manufacturer's specifications or that is unsafe (Penal Code § 31910).

(e) Paying the applicable renewal application fee.

Within 90 days of receiving the completed application for a renewal license, the Department shall give written notice to the applicant of the department's initial determination whether or not the applicant is a disqualified person (Penal Code § 26202).

If the determination is that the applicant is not a disqualified person, the notice shall inform the applicant to proceed with the training requirements as specified in Penal Code § 26165. The Department shall then submit the renewal notification and fingerprints to the California DOJ as provided in Penal Code § 26185.

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

The Department shall not issue a renewal license unless confirmation has been received from the California DOJ that the applicant is eligible to possess, receive, own, or purchase a firearm (Penal Code § 26185).

## 209.7 DEPARTMENT REPORTING AND RECORDS

The Department shall maintain a record of the following and immediately provide copies of each to the California DOJ (Penal Code § 26225):

(a) The denial of a license

(b) The denial of an amendment to a license

(c) The issuance of a license

(d) The amendment of a license

(e) The revocation of a license

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

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## 209.8 CONFIDENTIAL RECORDS

The home address and telephone numbers of any peace officer, public defender, prosecutor, magistrate, court commissioner, or judge contained in an application shall not be considered a public record (Government Code § 7923.805).

## 209.9 WRITTEN NOTICE FOR DENIAL OF LICENSE

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

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

### 209.9.1 ADDITIONAL REQUIREMENTS

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

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

### 209.9.2 ADDITIONAL REPORTING REQUIREMENTS

The Department shall submit the required prescribed information in Penal Code § 26202(f) to the National Instant Criminal Background Check System Index within 5 days upon determination that an applicant is a disqualified person due to being an unlawful user of, or addicted to, any controlled substance (Penal Code § 26202(f)).

## 209.10 POLICY AVAILABILITY

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

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# Retiree Concealed Firearms

## 210.1 PURPOSE AND SCOPE

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

## 210.2 QUALIFIED RETIREES

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

(a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement, however, shall not include any officer who retires in lieu of termination.

(b) No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code § 26305).

## 210.3 LEOSA

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

(a) Separated from service in good standing from this department as an officer.

(b) Before such separation, had regular employment as a law enforcement officer for an aggregate of 10 years or more or, if employed as a law enforcement officer for less than 10 years, separated from service after completing any applicable probationary period due to a service-connected disability as determined by this department.

(c) Has not been disqualified for reasons related to mental health.

(d) Has not entered into an agreement with this department where the officer acknowledges that he/she is not qualified to receive a firearm qualification certificate for reasons related to mental health.

(e) Is not prohibited by federal law from receiving or possessing a firearm.

### 210.3.1 LEOSA IDENTIFICATION CARD FORMAT

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

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

### 210.3.2 AUTHORIZATION

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

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

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

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

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

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

## 210.4 CARRYING FIREARMS OUT OF STATE

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

(a) For the purpose of this policy, honorably retired includes all peace officers who have qualified for, and accepted, a service or disability retirement. It shall not include any officer who retires in lieu of termination.

(b) No CCW Approved endorsement shall be issued to any officer retiring because of a psychological disability (Penal Code § 26305).

(c) Subject to 18 USC § 926C and the Firearms and Qualification Policy, qualified retired [officers_deputies] of this department may be authorized to carry a concealed weapon in other states.

### 210.4.1 QUALIFIED RETIREES FROM INCORPORATED JURISDICTION

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

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

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

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

210.4.2 QUALIFIED RETIRED RESERVES

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

## 210.5 IDENTIFICATION CARD FORMAT

The identification card issued to any qualified and honorably retired officer shall be two inches by three inches and minimally contain the following (Penal Code § 25460):

(a) Photograph of the retiree.

(b) Retiree's name and date of birth.

(c) Date of retirement.

(d) Name and address of this department.

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

(f) If applicable, a notation that "This person is in compliance with 18 USC § 926C(d)(1)."

210.5.1 RESPONSIBILITIES UNDER LEOSA

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

(a) Sign a waiver of liability of the Department for all acts taken related to carrying a concealed firearm, acknowledging both his/her personal responsibility as a private person for all acts taken when carrying a concealed firearm as permitted by LEOSA and also that these acts were not taken as an employee or former employee of the Department.

(b) Remain subject to all applicable department policies and federal, state and local laws.

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

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

210.5.2 MAINTAINING A CALIFORNIA IDENTIFICATION CARD CCW ENDORSEMENT

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

(a) Qualify annually with the authorized firearm at a course approved by this department at the retired officer's expense.

(b) Remain subject to all applicable department policies and federal, state, and local laws.

(c) Not engage in conduct that compromises public safety.

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(d) Only be authorized to carry a concealed firearm inspected and approved by the Department.

(e) Undergo a fingerprint-based state and national criminal history background check when required by the Department (Penal Code § 26330).

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

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

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

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

1. The retiree shall have 15 days from the date of service to file a written request for a hearing.
2. The hearing, absent written agreement between the parties, shall be held no later than 120 days after the request is received (Penal Code § 26315).
3. The failure to submit a timely written request for a hearing shall be deemed a waiver of such right.

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

1. The decision of such hearing board shall be binding on the Department and the retiree.
2. Any retiree who waives the right to a hearing or whose CCW endorsement has been revoked at a hearing shall immediately surrender his/her identification card. The Department will then reissue a new identification card which shall be stamped "No CCW Privilege."

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

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1. Notification of the temporary suspension should also be promptly mailed to the retiree via first class mail, postage prepaid, return receipt requested (Penal Code § 26312).
2. The Watch Commander should document the investigation, the actions taken and, if applicable, any notification made to the retiree. The memo should be forwarded to the Chief of Police.
3. The personal and written notification should be as follows:
   (a) The retiree's CCW endorsement is immediately and temporarily suspended.
   (b) The retiree has 15 days to request a hearing to determine whether the temporary suspension should become permanent revocation.
   (c) The retiree will forfeit his/her right to a hearing and the CCW endorsement will be permanently revoked if the retiree fails to respond to the notice of hearing within the 15-day period.
4. In the event that personal contact with the retiree cannot be reasonably achieved in a timely manner, the Watch Commander should attempt to make the above notice of temporary suspension through another law enforcement officer. For example, if a retiree was arrested or detained by a distant agency, the Watch Commander may request that a law enforcement officer from that agency act as the agent of the Department to deliver the written notification.

## 210.7 FIREARM QUALIFICATIONS

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

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# Police Community Advisory Board (CAB)

### 211.1 PURPOSE AND SCOPE

This order explains the organization, duties, vision and function of the Police Community Advisory Board.

The residents of the City of Tracy and the Tracy Police Department are committed to creating a collaborative partnership based on mutual trust, respect, accountability, and transparency. The Mission of CAB will be to enhance relationships, have courageous conversations when needed, erase misconceptions, focus on youth, conduct outreach, have a better understanding of each other, and work together toward common goals.

### 211.2 POLICY

The Police Community Advisory Board is designed to be a link between the community and its police department. It is a simple mechanism to facilitate and enhance communication between the police department and the community. The Police Community Advisory Board allows, on a consistent basis, for a non-law enforcement or broader community view to influence local law enforcement services.

The Tracy Police Department will utilize the Police Community Advisory Board for the purpose of reviewing and making recommendations to the Chief of Police on matters pertinent to the Police Department. Areas such as significant community issues, budget and program review, and community outreach assistance are all within the board's realm of responsibility.

### 211.3 APPOINTMENT OF BOARD MEMBERS

The Police Community Advisory Board may be comprised of community members who are representative of the following:

1. Business Leaders
2. Community Leaders and Organizers
3. Religious Leaders
4. Non-Profit Leaders
5. At-large Community Members: To be selected by the Chief of Police following an open application process.

(a) Selected representatives should be either residents within or employed at a location within the Tracy area "sphere of influence."

(b) The intent of this composition is to form a diverse group of people of a manageable size who represent stakeholders in the community to evaluate and make recommendations to the Police Department through the Chief of Police.

(c) Ad Hoc committee members may be appointed by the Advisory Board as specific needs arise.

(d) Selected members will be subject to a background check by Police Department staff.

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(e) Selected members serve at the pleasure of the Chief of Police and may be replaced by the Chief of Police.

(f) The numbers of members of the Advisory Board is at the discretion of the Chief of Police.

## 211.4 APPLICATION PROCESS

(a) When a vacancy exists on the Board, such vacancy will be announced by the Police Department and a replacement in the "sphere of influence" will be sought.

(b) Individuals interested in being selected to the Board shall complete and submit an application to the Police Department.

(c) Applications will be reviewed by the Chief of Police, interviews may be conducted, and appointments will be made as appropriate.

## 211.5 TERM OF BOARD MEMBERS

(a) The term for each board member shall be at the pleasure of the Chief of Police.

(b) Should a member discontinue their affiliation with the organization they represent, their membership on the Police Community Advisory Board will automatically expire.

## 211.6 DUTIES OF BOARD MEMBERS

(a) The Police Community Advisory Board will review significant community issues and make recommendations regarding potential resolutions to the Chief of Police.

(b) The Police Community Advisory Board may assist with the budget process through review, program evaluation and priority recommendation.

(c) Members of the Police Community Advisory Board may assist in community outreach efforts.

(d) The Police Community Advisory Board relies upon the authority of the Chief of Police and performs an advisory role only. Recommendations made by the Board are not binding on the Chief of Police. The Chief of Police answers to the City Manager. In addition to the City Manager, the Chief of Police is held accountable by the City Council and the community in general for the operation of the Police Department.

## 211.7 ORGANIZATION

(a) The Police Community Advisory Board is a branch of the Office of the Chief of Police.

(b) Staffing and clerical support for the Police Community Advisory Board will be assigned by the Chief of Police.

## 211.8 MEETINGS

(a) The Police Community Advisory Board will meet quarterly at a time and place as directed by the Chief of Police. This is to allow flexibility and ease when meeting in the community as well as organizational needs.

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(b) Two (2) unexcused absences by a member of the Police Community Advisory Board during anyone (1) calendar year will result in the removal of that member from the Board.

## 211.9 OFFICERS OF THE BOARD

(a) The Police Community Advisory Board shall elect a chairperson. This position will serve at the pleasure of the Chief of Police.

(b) In case of a vacancy, the Chief of Police will select a successor.

## 211.10 COMPENSATION OF BOARD MEMBERS

(a) Public members selected to the Police Community Advisory Board will serve without compensation from the City of Tracy.

## 211.11 CONDUCT OF BOARD MEMBERS

(a) Members of the Police Community Advisory Board shall adhere to the highest standards of integrity, professionalism, and ethical behavior at all times. As representatives of the Tracy Police Department, members are expected to conduct themselves in a manner that fosters public trust and confidence in both the Department and the Board.

(b) The following standards of conduct shall apply to all Board members:

1. Board members shall comply with all local, state, and federal laws.
2. Board members shall conduct themselves, both in public and private life, in a manner that does not bring discredit to the Tracy Police Department, the City of Tracy, or the Police Community Advisory Board.
3. Board members shall not use their position, title, or influence as a member of the Police Community Advisory Board to avoid or attempt to influence any law enforcement action in which they are involved or to secure preferential treatment for themselves or others.
4. Board members shall refrain from making statements or engaging in conduct that could reasonably be perceived as representing official Department positions unless specifically authorized by the Chief of Police.
5. Board members shall not wear or display any Police Community Advisory Board identification, apparel, or insignia except when attending Police Department-sponsored or organized events, or with the express approval of the Chief of Police.
6. Violations of these standards of conduct may result in removal from the Police Community Advisory Board at the discretion of the Chief of Police.

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# Chapter 3 - General Operations

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# Use of Force

## 300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner (Government Code § 7286).

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

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

### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

**Force** - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

**Serious bodily injury** - A serious impairment of physical condition, including but not limited to the following: loss of consciousness; concussion; bone fracture; protracted loss or impairment of function of any bodily member or organ; a wound requiring extensive suturing; and serious disfigurement (Penal Code § 243(f)(4)).

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

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

- IMOA - Intent, Means, Opportunity, and Ability

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## 300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

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

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

### 300.2.1 DUTY TO INTERCEDE

Any officer present and observing another law enforcement officer or an employee using force that is clearly beyond that which is necessary, as determined by an objectively reasonable officer under the circumstances, shall, when in a position to do so, intercede (as defined by Government Code § 7286) to prevent the use of unreasonable force.

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

### 300.2.2 FAILURE TO INTERCEDE

An officer who has received the required training on the duty to intercede and then fails to act to intercede when required by law, may be disciplined in the same manner as the officer who used force beyond that which is necessary (Government Code § 7286(b)).

### 300.2.3 FAIR AND UNBIASED USE OF FORCE

Officers are expected to carry out their duties, including the use of force, in a manner that is fair and unbiased (Government Code § 7286(b)). See the Bias-Based Policing Policy for additional guidance.

### 300.2.4 DUTY TO REPORT EXCESSIVE FORCE

Any officer who observes a law enforcement officer or an employee use force that potentially exceeds what the officer reasonably believes to be necessary shall immediately report these observations to a supervisor (Government Code § 7286(b)).

As used in this subsection, "immediately" means as soon as it is safe and feasible to do so.

## 300.3 USE OF FORCE

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

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The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

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

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

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

### 300.3.1 USE OF FORCE TO EFFECT AN ARREST

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

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

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

(a) The apparent immediacy and severity of the threat to officers or others (Penal Code § 835a).

(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time (Penal Code § 835a).

(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

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(d) The conduct of the involved officer leading up to the use of force (Penal Code § 835a).

(e) The effects of suspected drugs or alcohol.

(f) The individual's apparent mental state or capacity (Penal Code § 835a).

(g) The individual's apparent ability to understand and comply with officer commands (Penal Code § 835a).

(h) Proximity of weapons or dangerous improvised devices.

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

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

(k) Seriousness of the suspected offense or reason for contact with the individual prior to and at the time force is used.

(l) Training and experience of the officer.

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

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

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

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

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

1. Force shall be de-escalated once compliance or control is achieved (see the **ALTERNATIVE TACTICS - DE-ESCALATION** section above).

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

(s) Any other exigent circumstances.

### 300.3.3 PAIN COMPLIANCE TECHNIQUES

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

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

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

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

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

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### 300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Tracy Police Department for this specific purpose.

### 300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

As time and circumstances reasonably permit, and when community and officer safety would not be compromised, officers should consider actions that may increase officer safety and may decrease the need for using force:

(a) Summoning additional resources that are able to respond in a reasonably timely manner

(b) Formulating a plan with responding officers before entering an unstable situation that does not reasonably appear to require immediate intervention

(c) Employing other tactics that do not unreasonably increase officer jeopardy

In addition, when reasonable and feasible, officers shall evaluate the totality of circumstances presented at the time in each situation and, when reasonable and feasible, shall determine and utilize reasonably available de-escalation techniques, crisis intervention tactics, and other alternatives, if any, that may persuade an individual to voluntarily comply or may mitigate the need to use a higher level of force to resolve the situation before applying force (Government Code § 7286(b)).

### 300.3.6 RESTRICTIONS ON THE USE OF A CHOKE HOLD

Officers of this department are not authorized to use a choke hold. A choke hold means any defensive tactic or force option in which direct pressure is applied to a person’s trachea or windpipe (Government Code § 7286.5).

### 300.3.7 ADDITIONAL RESTRICTIONS

Terms such as "positional asphyxia," "restraint asphyxia," and "excited delirium" continue to remain the subject of debate among experts and medical professionals, are not universally recognized medical conditions, and frequently involve other collateral or controlling factors such as narcotics or alcohol influence or pre-existing medical conditions. While it is impractical to restrict an officer's use of reasonable control methods when attempting to restrain a combative individual, officers are not authorized to use any restraint or transportation method which might unreasonably impair an individual's breathing or respiratory capacity for a period beyond the point when the individual has been adequately and safely controlled. Once the individual is safely secured, officers should promptly check and continuously monitor the individual's condition for signs of medical distress (Government Code § 7286.5).

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## 300.4 DEADLY FORCE APPLICATIONS

Where feasible, the officer shall, prior to the use of deadly force, make reasonable efforts to identify themself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts (Penal Code § 835a).

If an objectively reasonable officer would consider it safe and feasible to do so under the totality of the circumstances, officers shall evaluate and use other reasonably available resources and techniques when determining whether to use deadly force. To the extent that it is reasonably practical, officers should consider their surroundings and any potential risks to bystanders prior to discharging a firearm (Government Code § 7286(b)).

The use of deadly force is only justified when the officer reasonably believes it is necessary in the following circumstances (Penal Code § 835a):

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

(b) An officer may use deadly force to apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended.

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

Additionally, an officer shall not use deadly force against a person whose actions are a threat solely to property unless the person poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

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

### 300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force. When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others (Government Code § 7286(b)).

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

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### 300.4.2 DISPLAYING OF FIREARMS

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

(a) If the officer does not initially perceive a threat but reasonably believes that the potential for such threat exists, firearms should generally be kept in the low-ready or other position not directed toward an individual.

(b) If the officer reasonably believes that a threat exists based on the totality of circumstances presented at the time (e.g., high-risk stop, tactical entry, armed encounter), firearms may be directed toward such threat until the officer no longer perceives such threat.

Once it is reasonably safe to do so, officers should carefully secure all firearms.

## 300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

### 300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

(a) Any use of physical force by a member of this department resulting in an injury which requires emergency medical treatment beyond basic first aid. (First aid includes, but is not limited to, the mere cleaning of a scrape, cut, applying a bandage, or providing an ice pack.)

(b) The individual subjected to the force complained of injury or continuing pain.

(c) The individual indicates intent to pursue litigation.

(d) Any application of an EMDT, Baton, OC, pepper projectile or kinetic Energy Projectile.

(e) Any application of a restraint device other than provided within Policy 302.

(f) The individual subjected to the force was rendered unconscious.

(g) An individual was struck or kicked.

(h) An individual alleges any of the above has occurred.

### 300.5.2 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

Statistical data regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is to be reported to the California Department of Justice as required by Government Code § 12525.2. See the Records Unit Policy.

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300.5.3 REPORT RESTRICTIONS
Officers shall not use the term "excited delirium" to describe an individual in an incident report. Officers may describe the characteristics of an individual's conduct, but shall not generally describe the individual's demeanor, conduct, or physical and mental condition at issue as "excited delirium" (Health and Safety Code § 24402).

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

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

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

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

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

See the Medical Aid and Response Policy for additional guidelines.

## 300.7 SUPERVISOR RESPONSIBILITY
A supervisor should respond to any reported use of force, if reasonably available. The responding supervisor is expected to (Government Code § 7286(b)):

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

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

(c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:

1. The content of the interview should not be summarized or included in any related criminal charges.
2. The fact that a recorded interview was conducted should be documented in a property or other report.
3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.

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

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

(f) Review and approve all related reports.

(g) Determine if there is any indication that the subject may pursue civil litigation.

1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

(h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

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

## 300.8 TRAINING

Officers, investigators, and supervisors will receive annual training on this policy and demonstrate their knowledge and understanding (Government Code § 7286(b)).

### 300.8.1 STATE-SPECIFIC TRAINING REQUIREMENTS

Required state-specific training shall include guidelines regarding vulnerable populations, including but not limited to children, elderly persons, pregnant individuals, and individuals with physical, mental, and developmental disabilities (Government Code § 7286(b)).

Additionally, training should include training courses required by and consistent with POST guidelines set forth in Penal Code § 13519.10.

### 300.8.2 TRAINING REQUIREMENTS

Required annual training shall include:

(a) Legal updates.

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(b) De-escalation tactics, including alternatives to force.

(c) The duty to intercede.

(d) The duty to request and/or render medical aid.

(e) Warning shots (see the Firearms Policy).

(f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

See the Training Policy for restrictions relating to officers who are the subject of a sustained use of force complaint.

### 300.9 LIEUTENANT RESPONSIBILITY

A Lieutenant shall review each use of force by personnel within his/her command to ensure compliance with this policy and to address any training issues.

In those situations where the supervisor is involved directly in the application of force, the supervisor's responsibilities will be transferred to a higher ranking employee, if available, in order to ensure appropriate review. In the extraordinary circumstances when a Lieutenant or another member of the Command Staff is not available, their responsibilities can be fulfilled by another Sergeant, or, as a last resort, a Corporal.

### 300.10 BUREAU COMMANDER RESPONSIBILITY

The Bureau Commander of the primary unit involved shall forward the report, the reporting form and, if applicable, comments to the Chief of Police after completing their review.

### 300.11 USE OF FORCE ANALYSIS

At least annually, the Field Operations Bureau Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

(a) The identification of any trends in the use of force by members.

(b) Training needs recommendations.

(c) Equipment needs recommendations.

(d) Policy revision recommendations.

### 300.12 USE OF FORCE COMPLAINTS

The receipt, processing, and investigation of civilian complaints involving use of force incidents should be handled in accordance with the Personnel Complaints Policy (Government Code § 7286(b)).

### 300.13 POLICY REVIEW

The Chief of Police or the authorized designee should regularly review and update this policy to reflect developing practices and procedures (Government Code § 7286(b)).

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### 300.14 POLICY AVAILABILITY

The Chief of Police or the authorized designee should ensure this policy is accessible to the public (Government Code § 7286(c)).

### 300.15 PUBLIC RECORDS REQUESTS

Requests for public records involving an officer's personnel records shall be processed in accordance with Penal Code § 832.7 and the Personnel Records and Records Maintenance and Release policies (Government Code § 7286(b)).

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# Use of Force Review Board

## 301.1 PURPOSE AND SCOPE

This policy establishes a process for the Tracy Police Department to review the use of force by its employees.

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

## 301.2 POLICY

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

## 301.3 REMOVAL FROM LINE DUTY ASSIGNMENT

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

## 301.4 REVIEW BOARD

The Use of Force Review Board will be convened when the use of force by a member results in very serious injury or death to another.

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

The Chief of Police may direct the Use of Force Review Board as necessary. It will be the responsibility of the Bureau Commander or supervisor of the involved employee to notify the Chief of Police of any incidents requiring board review. The involved employee's Bureau Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and review by the board.

### 301.4.1 COMPOSITION OF THE BOARD

The Use of Force Review Board shall be comprised of the following persons:

- Commanding representative of each bureau
- Patrol Supervisor
- Appropriate subject matter expert(s)

The Use of Force Review Board should have an odd number of personnel assigned. If this is not possible, the chairperson will serve as a non-voting member.

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

The chairperson will convene the Use of Force Review Board as necessary. It will be the responsibilty of the bureau or unit commander of the employee(s) to notify the appropriate bureau commanders of any incident requiring board review. The bureau commander will also ensure that all relevant reports, documents, and materials are available for consideration and review by the board.

### 301.4.2 RESPONSIBILITIES OF THE BOARD

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

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

The board does not have the authority to recommend discipline.

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

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

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

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

The board shall make one of the following recommended findings:

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

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

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police.

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The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Bureau Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

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# Handcuffing and Restraints

## 302.1 PURPOSE AND SCOPE

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

## 302.2 POLICY

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

### 302.2.1 AUTHORIZED RESTRAINT

The WRAP Restraint manufactured by Safe Restraints, Inc., Park City, Utah and Department issued leg shackles, handcuffs or plastic cuffs, waist/belly chains, Department issued leg irons, transportation chains are the only restraints authorized by this department. Officers shall only use the above restraint devices supplied by the Department. These devises will also be known or referred to as Auxiliary Restraints, which may be used during long term restraint transportation. They provide additional security and safety without impeding breathing, while permitting adequate movement, comfort and mobility.

Any person in auxilary restraints should be monitored as reasonably necessary.

## 302.3 USE OF RESTRAINTS

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

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

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

### 302.3.1 RESTRAINT OF DETAINEES

Situations may arise where it may be reasonable to restrain a person who may, after brief investigation, be released without arrest. Unless arrested, the use of restraints on detainees should continue only for as long as is reasonably necessary to ensure the safety of officers and others.

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When deciding whether to remove restraints from a detainee, officers should continuously weigh the safety interests at hand against the continuing intrusion upon the detainee.

### 302.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety. Leg restraints, waist chains, or handcuffs behind the body should not be used unless the officer has a reasonable suspicion that the person may resist, attempt escape, injure themself or others, or damage property.

No person who is in labor, delivery, or recovery after delivery shall be handcuffed or restrained except in extraordinary circumstances, and only when a supervisor makes an individualized determination that such restraints are necessary for the safety of the detainee, officers, or others (Penal Code § 3407; Penal Code § 6030). See the Transporting Persons in Custody Policy for guidelines relating to transporting pregnant persons.

### 302.3.3 RESTRAINT OF JUVENILES

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

### 302.3.4 NOTIFICATIONS

Whenever an officer transports a person with the use of restraints other than handcuffs, the officer shall inform the jail staff upon arrival at the jail that restraints were used. This notification should include information regarding any other circumstances the officer reasonably believes would be potential safety concerns or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration) that may have occurred prior to, or during, transportation to the jail.

## 302.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

Handcuffs, including temporary nylon or plastic cuffs, may be used only to restrain a person’s hands to ensure officer safety.

Although recommended for most arrest situations, handcuffing is discretionary and not an absolute requirement of the Department. Officers should consider handcuffing any person they reasonably believe warrants that degree of restraint. However, officers should not conclude that in order to avoid risk every person should be handcuffed, regardless of the circumstances.

In most situations, handcuffs should be applied with the hands behind the person’s back. When feasible, handcuffs should be double-locked to prevent tightening, which may cause undue discomfort or injury to the hands or wrists.

In situations where one pair of handcuffs does not appear sufficient to restrain the person or may cause unreasonable discomfort due to the person’s size, officers should consider alternatives, such as using an additional set of handcuffs or multiple plastic cuffs.

Handcuffs should be removed as soon as it is reasonable or after the person has been searched and is safely confined within a detention facility.

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## 302.5 APPLICATION OF SPIT HOODS

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

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

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

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

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

## 302.6 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

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

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

### 302.6.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints, the following guidelines should be followed:

(a) If practicable, officers should notify a supervisor of the intent to apply the leg restraint device. In all cases, a supervisor shall be notified as soon as practicable after the application of the leg restraint device.

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(b) Once applied, absent a medical or other emergency, restraints should remain in place until the officer arrives at the jail or other facility or the person no longer reasonably appears to pose a threat.

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on his/her stomach for an extended period, as this could reduce the person's ability to breathe.

(d) The restrained person should be continually monitored by an officer while in the leg restraint. The officer should ensure that the person does not roll onto and remain on his/her stomach.

(e) The officer should look for signs of labored breathing and take appropriate steps to relieve and minimize any obvious factors contributing to this condition.

(f) When transported by emergency medical services, the restrained person should be accompanied by an officer when requested by medical personnel. The transporting officer should describe to medical personnel any unusual behaviors or other circumstances the officer reasonably believes would be potential safety or medical risks to the person (e.g., prolonged struggle, extreme agitation, impaired respiration).

## 302.7 REQUIRED DOCUMENTATION

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

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

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

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

(b) Supervisor notification and approval of restraint use.

(c) The types of restraint used.

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

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

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

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

## 302.8 TRAINING

The Training Manager should ensure that officers receive periodic training on the proper use of handcuffs and other restraints, including:

(a) Proper placement and fit of handcuffs and other restraint devices approved for use by the Department.

(b) Response to complaints of pain by restrained persons.

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(c) Options for restraining those who may be pregnant without the use of leg restraints, waist chains, or handcuffs behind the body.

(d) Options for restraining amputees or those with medical conditions or other physical conditions that may be aggravated by being restrained.

(e) Proper placement of safely secured persons into an upright or seated position to avoid placement on the stomach for an extended period, as this could reduce the person's ability to breathe.

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# Control Devices and Techniques

## 303.1 PURPOSE AND SCOPE

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

## 303.2 POLICY

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

## 303.3 ISSUING, CARRYING AND USING CONTROL DEVICES

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

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

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

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

### 303.3.1 ISSUING CONTROL DEVICES

The the Professional Standards and Training Division shall control the inventory and issuance of the OC and Baton control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

The Professional Standards and Training Divisionshall be in charge of the 40 mm launchers, munitions,shotguns, and Conducted Energy Devices which are covered in Policy 309.

## 303.4 RESPONSIBILITIES

### 303.4.1 WATCH COMMANDER RESPONSIBILITIES

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

### 303.4.2 PROFESSIONAL STANDARDS AND TRAINING DIVISION RESPONSIBILITIES

The Professional Standards and Training Division shall control the inventory and issuance of all control devices and shall ensure that all damaged, inoperative, outdated or expended control devices or munitions are properly disposed of, repaired or replaced.

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Every control device will be periodically inspected by the Range Cadre or the Defensive Tactics Cadre for a particular control device. The inspection shall be documented.

### 303.4.3 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices, along with documentation explaining the cause of the damage, shall be returned to the Professional Standards and Training Division for disposition. Damage to City property forms shall also be prepared and forwarded through the chain of command, when appropriate, explaining the cause of damage.

## 303.5 BATON GUIDELINES

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

When carrying a baton, uniformed personnel shall carry the baton in its authorized holder on the equipment belt. Plainclothes and non-field personnel may carry the baton as authorized and in accordance with the needs of their assignment or at the direction of their supervisor.

## 303.6 TEAR GAS GUIDELINES

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

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

## 303.7 OLEORESIN CAPSICUM (OC) GUIDELINES

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

### 303.7.1 OC SPRAY

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

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### 303.7.2 TREATMENT FOR OC SPRAY EXPOSURE

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

## 303.8 POST-APPLICATION NOTICE

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

## 303.9 KINETIC ENERGY PROJECTILE GUIDELINES

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

### 303.9.1 DEPLOYMENT AND USE

Each marked patrol vehicle in service shall be equipped with a 12 gauge less lethal shotgun or 40 MM launcher capable of deploying an impact projectile. Only department-approved kinetic energy munitions shall be carried and deployed Less lethal shotguns will be stored in the cruiser ready configuration while in service.

Investigative assignments (GIU/SIU) are not required to deploy less lethal shotguns while in service.

Motor units while riding a motorcycle, are not required to carry kinetic energy weapons.

Approved munitions may be used to compel an individual to cease his/her actions when such munitions present a reasonable option.

If an officer has not received department approved training, they are exempted from deploying a less lethal shotgun or 40MM launcher until the proper training has been received.

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

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

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

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

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

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

### 303.9.2 DEPLOYMENT CONSIDERATIONS

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

(a) Distance and angle to target.

(b) Type of munitions employed.

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

(d) The subject's proximity to others.

(e) The location of the subject.

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

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

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

Barring exigent circumstances, when two or more officers are on scene, one officer shall be responsible for providing a lethal force option to the other officer(s).

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

### 303.9.3 SAFETY PROCEDURES

Launchers or shotguns specifically designated for use with kinetic energy projectiles will be specially marked in a manner that makes them readily identifiable as such.

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

When it is not deployed, the Launchers or shotguns will be unloaded and properly and securely stored in the equipment room for patrol personnel or SWAT Locker for equipment assigned to SWAT. When deploying the kinetic energy projectile launchers or shotguns, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition or gas rounds are not being loaded into the launcher or the shotgun.

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

### 303.10 TRAINING FOR CONTROL DEVICES

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

(a) Proficiency training shall be monitored and documented by a certified, control-device weapons or tactics instructor.

(b) All training and proficiency for control devices will be documented in the officer's training file.

(c) Officers who fail to demonstrate proficiency with the control device or knowledge of this agency's Use of Force Policy will be provided remedial training. If an officer cannot demonstrate proficiency with a control device or knowledge of this agency's Use of Force Policy after remedial training, the officer will be restricted from carrying the control device and may be subject to discipline.

### 303.11 REPORTING USE OF CONTROL DEVICES AND TECHNIQUES

Any application of a control device or technique listed in this policy shall be documented in the related incident report and reported pursuant to the Use of Force Policy. Whenever an officer discharges a firearm using less lethal munitions, except when firing on an authorized range, the officer shall, as soon as practical, notify the on-duty supervisor stating the circumstances surrounding the incident and shall document that use of less lethal munitions. Additionally, the projectile and any debris shall be collected and submitted as evidence. Photographs of the subject and any wounds shall be taken and included with the case report, as outlined in the Use of Force Policy 300.

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# Conducted Energy Device

### 304.1 PURPOSE AND SCOPE

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

### 304.2 POLICY

The CED is used in an attempt to control a violent or potentially violent individual. The appropriate use of such a device may result in fewer serious injuries to officers and suspects.

### 304.3 ISSUANCE AND CARRYING EMDTS

Sworn members assigned to uniformed and/or field duties shall carry their assigned EMDT device and complete the Department mandated training.

EMDTs are issued individually to all officers, corporals and sergeants. Each employee who has been issued and EMDT device is responsible for its maintenance.

Officers shall only use the EMDT and cartridges that have been issued by the Department. Uniformed officers who have been issued the EMDT shall wear the device in an approved holster on their person. Non-uniformed officers may secure the EMDT in the driver's compartment of their vehicle. Non-uniformed personnel who have been issued an EMDT device shall wear it in all situations where suspect contact is anticipated or probable.

Unless otherwise approved, all personnel shall carry the EMDT device in the Department-issued holster. When an officer requests to carry their device on their exterior vest or thigh, a waiver (documented in memorandum by the Defensive Tactics lieutenant) will be approved for the officer to wear an alternative holster on their support side. The alternative holster shall be specifically approved by the Departments EMDT instructors. and the officers' proficiency with it shall be documented in the waiver which, will be kept in the officers' training file.

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

When carried while in uniform officers shall carry the EMDT in a weak-side holster on the side opposite the duty weapon (Penal Code 13660)

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

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

(c) Officers shall be responsible for ensuring that their issued EMDT is properly maintained and in good working order. Should any problems appear with the device, a Defensive Tactics cadre member shall be notified immediately and a replacement will be provided.

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

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### 304.4 VERBAL AND VISUAL WARNINGS

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

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

(b) Provide other officers and individuals with a warning that the EMDT may be deployed.

If, after a verbal warning, an individual is unwilling to voluntarily comply with an officer's lawful orders and it appears both reasonable and feasible under the circumstances, the officer may, but is not required to, display the electrical arc, or the laser in a further attempt to gain compliance prior to the application of the EMDT. The aiming laser shall never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

The fact that a verbal or other warning was given or the reasons it was not given shall be documented by the officer deploying the EMDT in the related report.

### 304.5 USE OF THE EMDT

The EMDT has limitations and restrictions requiring consideration before its use. The EMDT should only be used when its operator can safely approach the subject within the operational range of the device. Barring exigent circumstances, when two or more officers are on scene, one officer shall be responsible for providing a lethal force option to the other officer(s). Although the EMDT is generally effective in controlling most individuals, officers should be aware that the device may not achieve the intended results and be prepared with other options.

#### 304.5.1 APPLICATION OF THE EMDT

The EMDT may be used in any of the following circumstances, when the circumstances perceived by the officer at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.

(b) The subject has demonstrated, by words or action, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm officers, him/herself or others

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

When the EMDT has already been deployed on a subject and is still connected and has the ability to be activated against that subject, the EMDT shall not be used against the second subject.

#### 304.5.2 SPECIAL DEPLOYMENT CONSIDERATIONS

The use of the EMDT on certain individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of using the device. This includes:

(a) Individuals who are known to be pregnant.

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(b) Elderly individuals or obvious juveniles.

(c) Individuals with obviously low body mass.

(d) Individuals who are handcuffed or otherwise restrained.

(e) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray.

(f) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles, and subjects in a body of water, etc.).

Because the application of the EMDT in the drive-stun mode (i.e., direct contact without probes) relies primarily on pain compliance, the use of the drive-stun mode generally should be limited to supplementing the probe-mode to complete the circuit, or as a distraction technique to gain separation between officers and the subject, thereby giving officers time and distance to consider other force options or actions.

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

### 304.5.3 TARGETING CONSIDERATIONS

Recognizing that the dynamics of a situation and movement of the subject may affect target placement of probes, when practicable, officers should attempt to target the back, lower center mass, and upper legs of the subject, and avoid intentionally targeting the head, neck, area of the heart, or genitals. If circumstances result in one or more probes inadvertently striking an area outside of the preferred target zones, the individual should be closely monitored until examined by paramedics or other medical personnel.

### 304.5.4 MULTIPLE APPLICATIONS OF THE EMDT

Officers should apply the EMDT for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the EMDT against a single individual are generally not recommended and should be avoided unless the officer reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

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

(a) Whether the probes are making proper contact.

(b) Whether the individual has the ability and has been given a reasonable opportunity to comply.

(c) Whether verbal commands, other options or tactics may be more effective.

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

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### 304.5.5 ACTIONS FOLLOWING DEPLOYMENTS

Officers shall notify a supervisor of all EMDT discharges. The expended cartridge, along with both probes and wire shall be submitted into evidence. The cartridge serial number shall be noted and documented on the evidence paperwork. The evidence packaging shall be marked "Biohazard" if the probes penetrated the subject's skin. Full body photographs of the subject shall be taken prior to transport and following removal of the probes.

### 304.5.6 DANGEROUS ANIMALS

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

### 304.5.7 OFF-DUTY CONSIDERATIONS

Officers are not authorized to carry department EMDTs while off-duty.

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

## 304.6 DOCUMENTATION

Officers shall document all EMDT discharges in the related arrest/crime report. Notification shall also be made to a supervisor in compliance with the Use of Force Policy. The supervisor shall document all EMDT discharges on the use of force investigation form. Unintentional discharges, will be documented on a memorandum.

### 304.6.1 EMDT REPORTING

The EMDT deployment shall be entered into BlueTeam Use for Force system as required by the Use of Force policy.

The Professional Standards and Training Division should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Professional Standards and Training Division should also conduct audits of data downloads and reconcile USE OF FORCE REPORT forms with recorded activations. EMDT information and statistics, with identifying information removed, should periodically be made available to the public.

### 304.6.2 REPORTS

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

(a) Identification of all personnel firing EMDTs

(b) Identification of all witnesses

(c) Medical care provided to the subject

(d) Observations of the subject’s physical and physiological actions

(e) Any known or suspected drug use, intoxication or other medical problems

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### 304.7 MEDICAL TREATMENT

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

All persons who have been struck by EMDT probes or who have been subjected to the electric discharge of the device shall be transported to a medical facility by ambulance for removal of the probes by qualified medical staff. Additionally, the subject shall be medically assessed and cleared for booking prior to transport by officers.

The transporting officer shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the EMDT.

Used EMDT probes that have penetrated the subject's skin should be treat as a sharps biohazard after removal and handled appropriately. Universal precautions should be taken.

If the individual is placed in the WRAP after being taken into custody, the subject will be transported by ambulance for examination and treatment as outlined above.

### 304.8 SUPERVISOR RESPONSIBILITIES

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

A supervisor shall review each incident where a person has been exposed to an activation of the EMDT. The device's onboard memory shall be downloaded from the rechargeable battery pack via the AXON docking station and attached to the case within AXON.

Supervisors shall ensure photographs of probe sites be taken and adhere to the supervisor's responsibilities outlined in policy 300.7 Use of Force, Supervisor responsibilities.

### 304.9 TRAINING

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

Proficiency training for personnel who have been issued EMDTs shall occur once a year. A reassessment of an officer's knowledge and/or practical skill may be required at any time if deemed appropriate by the Bureau of Field Operations Commander. All training and proficiency for EMDTs will be documented in the officer's training file.

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

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

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The Defensive Tactics Cadre Supervisor is responsible for ensuring that all members who carry EMDTs have received initial and annual proficiency training. Periodic audits should be used for verification.

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

The Defensive Tactics Cadre Supervisor should ensure that all training includes:

(a) A review of this policy.

(b) A review of the Use of Force Policy.

(c) Performing weak-hand draws or cross-draws to reduce the possibility of accidentally drawing and firing a firearm.

(d) Target area considerations, to include techniques or options to reduce the accidental application of probes near the head, neck, chest and groin.

(e) Handcuffing a subject during the application of the EMDT and transitioning to other force options.

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the EMDT.

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# Officer-Involved Shootings and Deaths

## 305.1 PURPOSE AND SCOPE

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

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

## 305.2 INVESTIGATION RESPONSIBILITY

This department conforms to the San Joaquin County Officer Involved Protocol for investigating officer-involved shootings.

## 305.3 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

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

## 305.4 CONTROL OF INVESTIGATIONS

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

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

### 305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Tracy Police Department would control the investigation if the suspect's crime occurred in Tracy.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

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### 305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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

### 305.4.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

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

### 305.4.4 INVESTIGATION RESPONSIBILITY MATRIX

The following table identifies the possible scenarios and responsibilities for the investigation of officer-involved shootings:

| | **Criminal Investigation of Suspect(s)** | **Criminal Investigation of Officer(s)** | **Civil Investigation** | **Administrative Investigation** |
|---|---|---|---|---|
| **TPD Officer in This Jurisdiction** | TPD Investigators | District Attorney's Office | TPD Civil Liability Team | TPD Professional Standards Unit |
| **Allied Agency's Officer in This Jurisdiction** | TPD Investigators | District Attorney's Office | Involved Officer's Department | Involved Officer's Department |
| **TPD Officer in Another Jurisdiction** | Agency where incident occurred | Decision made by agency where incident occurred | TPD Civil Liability Team | TPD Professional Standards Unit |

## 305.5 INVESTIGATION PROCESS

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

### 305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

(a) Secure the scene and identify and eliminate hazards for all those involved.

(b) Take reasonable steps to obtain emergency medical attention for injured individuals.

(c) Request additional resources from the Department or other agencies.

(d) Coordinate a perimeter or pursuit of suspects.

(e) Check for injured persons and evacuate as needed.

(f) Brief the supervisor upon arrival.

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### 305.5.2 WATCH COMMANDER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Watch Commander shall be responsible for coordinating all aspects of the incident until their relieved by the Chief of Police or a Bureau Commander.

All outside inquiries about the incident shall be directed to the Watch Commander.

### 305.5.3 NOTIFICATIONS

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

- Chief of Police
- Investigation Bureau Commander
- Officer-Involved Critical Incident Protocol Team
- Outside agency investigator (if appropriate)
- Professional Standards and Training Division
- Civil liability response team
- Psychological/peer support personnel
- Chaplain
- Coroner (if necessary)
- Involved officer's agency representative (if requested)
- Public Information Officer

### 305.5.4 SUPERVISOR RESPONSIBILITIES

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

(a) Attempt to obtain a brief overview of the situation from any uninvolved officers.

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

(b) If necessary, the supervisor may administratively order any TPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.

2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.

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(c) Provide all available information to the Watch Commander and Dispatch. If feasible, sensitive information should be communicated over secure networks.

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

(e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.

1. Each involved TPD officer should be given an administrative order not to discuss the incident with other involved officers or TPD members pending further direction from a supervisor.

2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

### 305.5.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

(a) Any request for legal or union representation will be accommodated.

1. Involved TPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

2. Requests from involved non-TPD officers should be referred to their employing agency.

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

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

(d) A licensed psychotherapist shall be provided by the Department to each involved TPD officer. A licensed psychotherapist may also be provided to any other affected TPD members, upon request.

(a) Interviews with a licensed psychotherapist will be considered privileged.

(b) An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

(c) A separate fitness-for-duty exam may also be required..

(e) Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer (Government Code § 8669.4).

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

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

### 305.5.6 NOTIFICATION TO DEPARTMENT OF JUSTICE

The California Department of Justice (DOJ) is required to investigate an officer-involved shooting resulting in the death of an unarmed civilian. The Bureau of Investigations Commander, or designee shall promptly notify the DOJ in all incidents involving an officer-involved shooting resulting in the death of an unarmed civilian, including where it is undetermined if the civilian was unarmed.

For purposes of notification, “unarmed civilian” means anyone who in not in possession of a deadly weapon (Government Code § 12525.3).

## 305.6 CRIMINAL INVESTIGATION

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

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

(a) TPD supervisors and Professional Standards and Training Division personnel should not participate directly in any voluntary interview of TPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

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

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

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

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### 305.6.1 REPORTS BY INVOLVED TPD OFFICERS

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

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

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

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

### 305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

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

(a) Identification of all persons present at the scene and in the immediate area.

    1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.

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

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

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

(c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident. (See the **INTERVIEWS OF IMMEDIATE FAMILY** subsection for additional guidance.)

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### 305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated General Investigations supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

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

## 305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of TPD officers to determine conformance with department policy. The investigation will be conducted under the supervision of the Professional Standards and Training Division and will be considered a confidential officer personnel file.

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

(a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

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

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

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

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

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

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3. Administrative interviews should be recorded by the investigator. The officer may also record the interview (Government Code § 3303(g)).
4. The officer shall be informed of the nature of the investigation. If an officer refuses to answer questions, he/she should be given his/her *Lybarger* or *Garrity* rights and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
5. The Professional Standards and Training Division shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

## 305.8 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

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

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

## 305.9 CIVIL LIABILITY RESPONSE

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

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

## 305.10 DEBRIEFING

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

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### 305.10.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Bureau of Support Services Bureau Commander is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

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

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other professional staff personnel). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Professional Standards and Training Division personnel.

### 305.10.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

## 305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Investigation Bureau Commander and Public Information Officer in the event of inquiries from the media.

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

## 305.12 REPORTING

If the death of an individual occurs in the Tracy Police Department jurisdiction and qualifies to be reported to the state as a justifiable homicide, the Field OperationsBureau Commander will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements (Penal Code § 196; Penal Code § 13022).

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# Firearms

## 306.1 PURPOSE AND SCOPE

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

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

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

## 306.2 POLICY

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

### 306.2.1 DUTY WEAPONS

The authorized departmental issued handgun is the Glock, Model 17 for uniformed officers and the Glock, Model 19 for non-uniform officers, officers working a plain clothes detail, or administrative personnel. The magazine capacity shall not exceed (17) rounds for the Glock 17 and (15) rounds for the Glock 19. Only department issued magazines are authorized to carry while on-duty.

### 306.2.2 AUTHORIZED SECONDARY FIREARM

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

(a) The firearm shall be in good working order.

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

(c) The purchase of the firearm and ammunition shall be the responsibility of the officer.

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

(e) The firearm shall be inspected by the Range Cadre prior to being carried and thereafter shall be subject to inspection whenever deemed necessary.

(f) There shall be no modifications to the firearm which effect the functioning of firearm as designed by the manufacturer such as new trigger groups and recoil springs.

(g) Ammunition shall be the same as department issue. If the caliber of the firearm is other than department issue, the Range Cadreshall approve the ammunition.

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

(i) Personnel shall provide written notice of the make, model, color, serial number, and caliber of a second firearm to the Range Cadre.

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(j) Minimum caliber shall be no less than 380.

## 306.3 AUTHORIZED FIREARMS, AMMUNITION AND OTHER WEAPONS

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

All other weapons not provided by the Department, including but not limited to edged weapons, chemical or electronic weapons, impact weapons or any weapon prohibited or restricted by law or that is not covered elsewhere by department policy, may not be carried by members in the performance of their official duties without the express written authorization of the member's Bureau Commander. This exclusion does not apply to the carrying of a single folding pocketknife that is not otherwise prohibited by law.

### 306.3.1 AUTHORIZED OFF-DUTY FIREARMS

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

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

1. The purchase of the personally owned firearm and ammunition shall be the responsibility of the member.

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

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

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

(e) The member will successfully qualify with the firearm prior to it being carried.

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

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

(h) Members shall only carry department-authorized ammunition.

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(i) When armed, officers shall carry their Tracy Police Department identification cards authorizing them to carry a concealed weapon pursuant to 12027 of the California Penal Code..

### 306.3.2 AMMUNITION

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

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

### 306.3.3 PATROL RIFLES

The authorized department-issued patrol rifle is the Colt AR/M-4 platform rifle chambered in .223 cal. The capacity of the rifle magazine shall not exceed (30) rounds. Only department issued magazines are authorized to carry on-duty.

The following additional patrol rifles are approved for on-duty use: Sionics SAR15 chambered in .223 cal/5.56mm and Sons of Liberty M4-89 chambered in.223 cal/5.56mm.

Members may deploy the patrol rifle in any circumstance where the member can articulate a reasonable expectation that the rifle may be needed. Examples of some general guidelines for deploying the patrol rifle may include but are not limited to:

(a) Situations where the member reasonably anticipates an armed encounter.

(b) When a member is faced with a situation that may require accurate and effective fire at long range.

(c) Situations where a member reasonably expects the need to meet or exceed a suspect's firepower.

(d) When a member reasonably believes that there may be a need to fire on a barricaded person or a person with a hostage.

(e) When a member reasonably believes that a suspect may be wearing body armor.

(f) When authorized or requested by a supervisor.

(g) When needed to euthanize an animal.

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

### 306.3.4 PERSONALLY OWNED DUTY FIREARMS

Members are not allowed to carry personally owned duty firearms except as described in section 306.3.1 - Authorized Secondary Firearm.

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### 306.4 10-DAY FIREARMS WAIVER

Officers wishing to purchase a handgun, high capacity magazine(s), or Department approved rifle without having to wait the mandatory 10-day waiting period, must adhere to the following procedure in obtaining a 10-Day Letter of Waiver from the Chief of Police. Only the head of the Agency or their designee has the authority to sign a 10-day Letter of Waiver.

(a) (a) Obtain the **10-day Firearms Waiver Letter** ..

(b) Complete the form and forward it to theProfessional Standards Standards and Training Division.

(c) Professional Standardswill complete a limited criminal history check of the requesting officer.

(d) The history check must be free of any misdemeanor convictions of domestic violence, restraining orders or mental health issues which would prohibit firearms possession.

(e) The documents will then be routed via chain of command to the Chief of Police for signature and approval of the 10-day Firearms Letter of Waiver.

(f) The original letter must be presented to the firearms dealer at the time of purchase. The dealer must retain this letter along with the Dealers Record of Sale (DROS).

(Penal Code Sections- 26950, 26955, 26960, 26965, 26970, 27650, 27655, 27660, 27665, 27670)

Federal: Title 27 Sec. 478.134 Sale of firearms to law enforcement officers.

### 306.5 EQUIPMENT

Firearms carried on or off-duty shall be maintained in a clean, serviceable condition. Maintenance and repair of authorized personally owned firearms are the responsibility of the individual member.

#### 306.5.1 REPAIRS OR MODIFICATIONS

Each member shall be responsible for promptly reporting any damage or malfunction of an assigned firearm to a supervisor or the Range Cadre.

Firearms that are the property of the Department or personally owned firearms that are approved for department use may be repaired or modified only by a person who is department-approved and certified as an armorer or gunsmith in the repair of the specific firearm. Such modification or repair must be authorized in advance by the Range Cadre. At no time, will repairs or modifications be authorized which do not meet manufactures specifications or would otherwise void the manufactures warranty.

#### 306.5.2 HOLSTERS

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

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### 306.5.3 TACTICAL LIGHTS

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

### 306.5.4 OPTICS OR LASER SIGHTS

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

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

## 306.6 SAFE HANDLING, INSPECTION AND STORAGE

Members shall maintain the highest level of safety when handling firearms and shall consider the following:

(a) Members shall not unnecessarily display or handle any firearm.

(b) Members shall be governed by all rules and regulations pertaining to the use of the range and shall obey all orders issued by the Range Cadre. Members shall not dry fire or practice quick draws except as instructed by the Range Cadre or other firearms training staff.

(c) Members shall not clean, repair, load or unload a firearm anywhere in the Department, except where clearing barrels are present.

(d) Shotguns or rifles removed from vehicles or the equipment storage room shall be loaded and unloaded in the parking lot and outside of the vehicle, using clearing barrels.

(e) Members shall not place or store any firearm or other weapon on department premises except where the place of storage is locked. No one shall carry firearms into the jail section or any part thereof when securing or processing an arrestee, but shall place all firearms in a secured location. Members providing access to the jail section to persons from outside agencies are responsible for ensuring firearms are not brought into the jail section.

(f) Members shall not use any automatic firearm, heavy caliber rifle, gas or other type of chemical weapon or firearm from the armory, except with approval of a supervisor.

(g) Any firearm authorized by the Department to be carried on- or off-duty that is determined by a member to be malfunctioning or in need of service or repair shall not be carried. It shall be promptly presented to the Department or a Range Cadre approved by the Department for inspection and repair. Any firearm deemed in need of repair or service by the Range Cadre will be immediately removed from service. If

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the firearm is the member's primary duty firearm, a replacement firearm will be issued to the member until the duty firearm is serviceable.

### 306.6.1 ALCOHOL AND DRUGS

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

### 306.6.2 ADDITIONAL GUIDELINES FOR STORAGE

Members shall ensure that all firearms and ammunition are locked and secured while in their homes, vehicles, or any other area under their custody or control, and in a manner that will keep them inaccessible to children and others who should not have access. Members shall not permit department-issued firearms to be handled by anyone not authorized by the Department to do so. Members should be aware that negligent storage of a firearm could result in civil and criminal liability (Penal Code § 17060; Penal Code § 25100; Penal Code § 25105; Penal Code § 25145).

### 306.6.3 INSPECTION AND STORAGE

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

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

### 306.6.4 ADDITIONAL GUIDELINES FOR STORAGE IN VEHICLES

When leaving a handgun in an unattended vehicle, members shall ensure that it is locked in the trunk, or in a locked container that is placed out of view, or in a locked container that is permanently affixed to the vehicle's interior and not in plain view, or in a locked toolbox or utility box permanently affixed to the vehicle (Penal Code § 25140; Penal Code § 25452).

If the vehicle does not have a trunk or a locked container, then the firearm should be locked within the center utility console that can be locked with a padlock, keylock, combination lock, or other similar locking device (Penal Code § 25140).

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

## 306.7 FIREARMS TRAINING AND QUALIFICATIONS

All members who carry a firearm while on-duty are required to successfully complete training quarterly with their duty firearms. In addition to quarterly training, all members will qualify at least

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semi-annually with their duty firearms. Members will qualify with off-duty and secondary firearms at least once a year. Training and qualifications must be on an approved range course.

At least annually, all members carrying a firearm should receive practical training designed to simulate field situations including low-light shooting.

#### 306.7.1 NON-CERTIFICATION OR NON-QUALIFICATION

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

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

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

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

(c) No range credit will be given for the following:

1. Unauthorized range make-up
2. Failure to meet minimum standards or qualify after remedial training

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

### 306.8 FIREARM DISCHARGE

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

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

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

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

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### 306.8.1 DESTRUCTION OF ANIMALS

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

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

### 306.8.2 INJURED ANIMALS

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

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

### 306.8.3 WARNING AND OTHER SHOTS

Generally, warning shots or shots fired for the purpose of summoning aid are discouraged and may not be discharged unless the member reasonably believes that they appear necessary, effective and reasonably safe.

## 306.9 RANGE CADRE DUTIES

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

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

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

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

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

The Professional Standards and Training Division shall conduct a yearly audit of all firearms with an audit report sent of the Office of the Chief. The audit shall be completed no later than the last day of each January.

### 306.10 FLYING WHILE ARMED

The Transportation Security Administration (TSA) has imposed rules governing law enforcement officers flying armed on commercial aircraft. The following requirements apply to officers who intend to be armed while flying on a commercial air carrier or flights where screening is conducted (49 CFR 1544.219):

(a) Officers wishing to fly while armed must be flying in an official capacity, not for vacation or pleasure, and must have a need to have the firearm accessible, as determined by the Department based on the law and published TSA rules.

(b) Officers must carry their Tracy Police Department identification card, bearing the officer's name, a full-face photograph, identification number, the officer's signature and the signature of the Chief of Police or the official seal of the Department and must present this identification to airline officials when requested. The officer should also carry the standard photo identification needed for passenger screening by airline and TSA officials (e.g., driver license, passport).

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

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

(e) Officers must have completed the mandated TSA security training covering officers flying while armed. The training shall be given by the department-appointed instructor.

(f) It is the officer's responsibility to notify the air carrier in advance of the intended armed travel. This notification should be accomplished by early check-in at the carrier's check-in counter.

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

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

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

(j) Officers shall not consume alcoholic beverages while aboard an aircraft, or within eight hours prior to boarding an aircraft.

### 306.11 MANDATORY DEPLOYMENT OF SHOULDER FIRED WEAPONS

Sworn Personnel assigned to the following units shall carry a patrol rifle:

(a) Patrol

(b) Traffic

(c) SIU When Practicable

(d) Community Services Bureau - SROs and NROs

(e) SET

(f) GIU when practicable

### 306.12 CARRYING FIREARMS OUT OF STATE

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

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

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

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

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

Officers are cautioned that individual states may enact local regulations that permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property, or that prohibit or restrict the possession of firearms on any state or local government property, installation, building, base or park. Federal authority may not shield an officer from arrest and prosecution in such locally restricted areas.

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

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## 306.13 DISCHARGE OF FIREARM REVIEW BOARD

The Discharge of a Firearm Review Board will be convened when a firearm is discharged by a member, whether the employee was on duty or off duty, excluding training or recreational use.

The Chief of Police may direct the Discharge of a Firearm Review Board to investigate the circumstances surrounding any discharge of a firearm.

The Chief of Police may direct the Discharge of a Firearm Review Board as necessary. It will be the responsibility of the bureau commander or supervisor of the involved employee to notify the Chief of Police of any incidents requiring board review. The involved employee's Bureau Commander or supervisor will also ensure that all relevant reports, documents and materials are available for consideration and reviewed by the board.

### 306.13.1 COMPOSITION OF THE BOARD

The Discharge of a Firearm Review Board shall be comprised of the following persons: Commanding representative of each division.

Patrol Supervisor.

Appropriate subject matter expert(s).

The Discharge of a Firearm Review Board should have an odd number of personnel assigned. If this is not possible, the chairperson will serve as a non-voting member.

The senior ranking command representative who is not in the same bureau as the involved employee will serve as chairperson. The chairperson will convene the Discharge of a Firearm Review Board as necessary. It will be the responsibility of the bureau or unit commander of the employee(s) to notify the appropriate bureau commanders of any incident requiring board review. The bureau commander will also ensure that all relevant reports, documents, and materials are available for consideration and review by the board.

### 306.13.2 RESPONSIBLITIES OF THE BOARD

The Discharge of a Firearm Review Board is empowered to conduct an administrative review and inquiry into the circumstances of an incident.

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

The board does not have the authority to recommend discipline.

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

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

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

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

The board shall make one of the following recommended findings:

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

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

A recommended finding requires a majority vote of the board. The board may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The board chairperson will submit the written recommendation to the Chief of Police no later than 30 days after the conclusion of the board.

The Chief of Police shall review the recommendation, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Bureau Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police

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# Vehicle Pursuits

## 307.1 PURPOSE AND SCOPE

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

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

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

### 307.1.1 DEFINITIONS

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

**Vehicle Intercept** - A slow-speed coordinated maneuver where two or more patrol vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop, with the goal of containment and preventing a pursuit.

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

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

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

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

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

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

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

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

**Vehicle Pursuit** - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a motor vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, or turning suddenly.

**Failure to Yield** - Driving in a legal manner but willfully failing to yield to an officers signal to stop.

## 307.2 POLICY

It is the policy of this department to balance the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

## 307.3 OFFICER RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized police department emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by Vehicle Code § 21055. Officers are responsible for continuously driving with due regard and caution for the safety of all persons and property (Vehicle Code § 21056).

### 307.3.1 FAILURE TO YIELD

Officers may follow a subject who is driving in a legal manner but may be willfully failing to yield; regardless of offense.

A Failure to Yield is not a pursuit and not reportable as outlined in section 307.8.

### 307.3.2 WHEN TO INITIATE A PURSUIT

Officers are authorized to initiate a pursuit when it is reasonable to believe that a suspect is attempting to evade arrest or detention by fleeing in a vehicle for the following reasons:

(a) When an officer reasonably believes a felony crime has occurred, is occurring, or is about to occur, officers may pursue a suspect vehicle.

(b) Drivers suspected of driving under the influence of alcohol or drugs.

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(c) Persons actively involved in the commission of brandishing or illegal possession of a firearm.

(d) Officers shall not initiate a pursuit based only on an infraction.

After becoming involved in the pursuit, the officer, in a reasonable amount of time, must advise pertinent information related to the pursuit and receive approval from a supervisor or watch commander to continue with the pursuit. The approval shall be a verbal acknowledgement, via police radio by a supervisor or watch commander.

The following factors individually and collectively shall be considered in deciding whether to initiate a pursuit or to re-engage a previously terminated suspect vehicle. Officers shall evaluate any new information which causes concern for public safety prior to any re-engagement.:

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

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

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

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

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

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

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

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

(i) Vehicle speeds.

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

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

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

### 307.3.3 WHEN TO TERMINATE A PURSUIT

Pursuits shall be discontinued whenever the totality of objective circumstances known or which reasonably ought to be known to the officer or supervisor during the pursuit indicates that the

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

The factors listed in When to Initiate a Pursuit of this policy are expressly included herein and will apply equally to the decision to discontinue as well as the decision to initiate a pursuit. Officers and supervisors shall continually consider the severity of the offense and the importance of immediate apprehension in relationship to the safety of the community and involved officers in determining whether to terminate a pursuit.. In the context of this policy, the term "terminate" shall be construed to mean discontinue or to stop chasing the fleeing vehicle. Upon termination of a pursuit, officers shall deactivate their red light and siren as well as attempt to safely turn off the pursuit route, take the next available freeway exit, or pull to the curb.

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

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

(b) Pursued vehicle's location is no longer definitely known.

(c) Officer's pursuit vehicle sustains any type of damage that renders it unsafe to drive.

(d) There are hazards to uninvolved bystanders or motorists.

(e) If the identity of the offender is known and it does not reasonably appear that the need for immediate capture outweighs the risks associated with continuing the pursuit, officers should strongly consider discontinuing the pursuit and apprehending the offender at a later time.

(f) Pursuit is terminated by a supervisor.

(g) **Pursuit re-engagement:** When a pursuit is terminated because the need for immediate apprehension is outweighed by the risks of continuing the pursuit, the pursuit shall not be re-initiated without new information that would justify re-engagement of the suspect vehicle in another pursuit with the verbal approval by a supervisor or watch commander.

### 307.3.4 SPEED LIMITS

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

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

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

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

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

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## 307.4 PURSUIT UNITS

When involved in a pursuit, unmarked police department emergency vehicles should be replaced by marked emergency vehicles whenever practicable

Vehicle pursuits should be limited to four vehicles (three units and a supervisor); however, the number of units involved may vary with the circumstances.

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

### 307.4.1 MOTORCYCLE OFFICERS

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

### 307.4.2 VEHICLES WITHOUT EMERGENCY EQUIPMENT

Officers operating vehicles not equipped with red light and siren are prohibited from initiating or joining in any pursuit.

### 307.4.3 PRIMARY UNIT RESPONSIBILITIES

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

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

(a) The location, direction of travel, and estimated speed of the suspect's vehicle.

(b) The description of the suspect's vehicle including license plate number, if known.

(c) The reason for the pursuit.

(d) Known or suspected weapons. Threat of force, violence, injuries, hostages, or other unusual hazards.

(e) The suspected number of occupants and identity or description.

(f) The weather, road, and traffic conditions.

(g) The need for any additional resources or equipment.

(h) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or secondary unit, the officer in the primary unit is responsible for the broadcasting of the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing officer should, as soon as practicable, relinquish the responsibility

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of broadcasting the progress of the pursuit to a secondary unit or air support joining the pursuit to minimize distractions and allow the primary pursuing officer to concentrate foremost on safe pursuit tactics.

### 307.4.4 SECONDARY UNIT RESPONSIBILITIES

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

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

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

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

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

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

### 307.4.5 PURSUIT DRIVING

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

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

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

1. Available units not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.
2. Pursuing units should exercise due regard and caution when proceeding through controlled intersections.

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

1. Requesting assistance from available air support.
2. Maintain visual contact with the pursued vehicle by paralleling it on the correct side of the roadway.
3. Request other units to observe exits available to the suspects.

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

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

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### 307.4.6 PURSUIT TRAILING

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

### 307.4.7 AIR SUPPORT ASSISTANCE

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

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

### 307.4.8 UNITS NOT INVOLVED IN THE PURSUIT

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

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

## 307.5 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving officers from this department.

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

(a) Immediately notifying involved unit and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit.

(b) Engaging in the pursuit, when appropriate, to provide on-scene supervision.

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

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

(e) Directing that the pursuit be terminated if, in the supervisor's judgment, it is unreasonable to continue the pursuit under the guidelines of this policy.

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(f) Ensuring that assistance from air support, canines, or additional resources is requested, if available and appropriate.

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

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

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

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

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

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

### 307.5.1 SUPERVISOR RESPONSIBILITY

Upon becoming aware that a pursuit has been initiated, the patrol supervisor shall monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy.

The supervisor and/or watch commander has the final responsibility for the verbal approval to pursue, coordination, control and termination of a vehicle pursuit and shall be in overall command.

The supervisor shall review all pertinent reports for content and forward to the Bureau Commander through their chain of command.

On duty supervisors of units other than patrol shall assume supervisory oversight of pursuits in which their subordinates engage.

## 307.6 DISPATCH

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

### 307.6.1 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

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

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

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

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

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

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

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

### 307.6.2 LOSS OF PURSUED VEHICLE

When the pursued vehicle is lost, the primary unit shall broadcast pertinent information to assist other units in locating suspects. The primary unit will be responsible for coordinating any further search for either the pursued vehicle or suspects fleeing on foot.

## 307.7 INTER-JURISDICTIONAL CONSIDERATIONS

When a pursuit enters another agency's jurisdiction, the primary officer or supervisor, taking into consideration distance traveled, unfamiliarity with the area and other pertinent facts, should determine whether to request the other agency to assume the pursuit. Unless entry into another jurisdiction is expected to be brief, it is generally recommended that the primary officer or supervisor ensure that notification is provided to each outside jurisdiction into which the pursuit is reasonably expected to enter, regardless of whether such jurisdiction is expected to assist.

### 307.7.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

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

### 307.7.2 PURSUITS EXTENDING INTO THIS JURISDICTION

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

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

(a) The public's safety within this jurisdiction.

(b) The safety of the pursuing officers.

(c) Whether the circumstances are serious enough to continue the pursuit.

(d) Whether there is adequate staffing to continue the pursuit.

(e) The ability to maintain the pursuit.

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

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

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

## 307.8 WHEN PURSUIT INTERVENTION IS AUTHORIZED

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

### 307.8.1 USE OF FIREARMS

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

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

### 307.8.2 INTERVENTION STANDARDS

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

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

    1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risks of injury or death to occupants of the suspect vehicle, officers, or other members of the public.

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2. All other reasonable intervention techniques have failed or reasonably appear ineffective.
3. Employing the blocking maneuver does not unreasonably increase the risk to officer safety.
4. The target vehicle is stopped or traveling at a low speed.
5. At no time should civilian vehicles be used to deploy this technique.

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

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

1. The suspect is an actual or suspected felon who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner.
3. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized.

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

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

1. Tire deflation devices should only be used by officers who have received training in their use.
2. If practicable, the officer should advise via radio their location and intent prior to deploying the stop sticks.
3. It reasonably appears the use will terminate or prevent the pursuit.
4. Tire deflation devices should not be used when the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials, or a school bus transporting children, except in extraordinary circumstances.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor and only then under extraordinary

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conditions when all other reasonable intervention techniques have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, officers or other members of the public.

### 307.8.3 CAPTURE OF SUSPECTS

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

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

## 307.9 REPORTING REQUIREMENTS

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

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

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

(c) After first obtaining the available information, a field supervisor shall promptly complete a vehicle pursuit BlueTeam entry and submit it to his/her manager.

### 307.9.1 REGULAR AND PERIODIC PURSUIT TRAINING

The Training Manager shall make available to all officers initial and supplementary Police Officer Standard Training (POST) training on pursuits required by Penal Code § 13519.8, Vehicle Code § 17004.7(d), and 11 CCR 1081, and no less than annual training addressing:

(a) This policy.

(b) The importance of vehicle safety and protecting the public.

(c) The need to balance the known offense and the need for immediate capture against the risks to officers and others.

### 307.9.2 POLICY REVIEW

Each sworn member of this department shall certify in writing that they have received, read and understand this policy initially and upon any amendments. The POST attestation form, or an equivalent form, may be used to document the compliance. The policy review and attestation will be completed and retained as part of a sworn staff members annual evaluation..

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## 307.10 APPLICATION OF VEHICLE PURSUIT POLICY

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

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# Officer Response to Calls

## 308.1 PURPOSE AND SCOPE

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

## 308.2 RESPONSE TO CALLS

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

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

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

## 308.3 REQUESTING EMERGENCY ASSISTANCE

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

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

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

## 308.4 INITIATING CODE 3 RESPONSE

If an officer believes a Code-3 response to any call is appropriate, the officer shall immediately notify Dispatch. Generally, only two units should respond Code-3 to any situation. Should another officer believe a Code-3 response is appropriate, Dispatch shall be notified and the Patrol Supervisor will make a determination as to whether two or more officers driving Code-3 is appropriate. This section does not apply to units responding to an officer requiring or requesting a Code-3 response.

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### 308.5 RESPONSIBILITIES OF RESPONDING OFFICERS

Officers shall exercise sound judgment and care with due regard for life and property when responding to an emergency call. Officers shall reduce speed at all street intersections to such a degree that they shall have complete control of the vehicle.

The decision to continue a Code-3 response is at the discretion of the officer. If, in the officer's judgment, the roadway conditions or traffic congestion does not permit such a response without unreasonable risk, the officer may elect to respond to the call without the use of red lights and siren at the legal speed limit. In such an event, the officer should immediately notify Dispatch. An officer shall also discontinue the Code-3 response when directed by a supervisor.

Upon receiving authorization or determining a Code-3 response is appropriate, an officer shall immediately give the location from which he/she is responding; this does not apply to units responding to an officer requiring or requesting a Code-3 response.

### 308.6 COMMUNICATIONS RESPONSIBILITIES

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

(a) Attempt to assign the closest available unit to the location requiring assistance

(b) Immediately notify the Watch Commander

(c) Confirm the location from which the unit is responding

(d) Notify and coordinate allied emergency services (e.g., fire and ambulance)

(e) Continue to obtain and broadcast information as necessary concerning the response and monitor the situation until it is stabilized or terminated

(f) Control all radio communications during the emergency and coordinate assistance under the direction of the Watch Commander or field supervisor

### 308.7 SUPERVISORY RESPONSIBILITIES

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

(a) The proper response has been initiated

(b) No more than those units reasonably necessary under the circumstances are involved in the response

(c) Affected outside jurisdictions are being notified as practical

The field supervisor shall monitor the response until it has been stabilized or terminated and assert control by directing units into or out of the response if necessary. If, in the supervisor's judgment,

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the circumstances require additional units to be assigned a Code-3 response, the supervisor may do so.

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

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

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

## 308.8 FAILURE OF EMERGENCY EQUIPMENT

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

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# Canines

## 309.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment police services in the community, including but not limited to locating individuals and contraband and apprehending criminal offenders.

## 309.2 POLICY

It is the policy of the Tracy Police Department that teams of handlers and canines meet and maintain the appropriate proficiency to effectively and reasonably carry out legitimate law enforcement objectives. It is recognized that situations may arise that do not fall within the provisions set forth in this policy. In any case, a standard of objective reasonableness shall be used to review the decision to use a canine in view of the totality of the circumstances

## 309.3 ASSIGNMENT

Canine teams should be assigned to theBureau of Field Operations. However, they may be assigned by the Watch Commander to other functions, based on the current operational needs.

### 309.3.1 REQUEST FOR ASSISTANCE FROM OTHER AGENCIES

The Watch Commander or the Canine Unit Supervisor must approve all requests for canine assistance from outside agencies, subject to the following provisions:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) Generally, the handler has the ultimate authority to decide whether the canine should be used for any specific assignment..

(c) Canine teams shall not be called out while off-duty or used outside the boundaries of the City of Tracy unless authorized by the Watch Commander or the Canine Unit Supervisor.

(d) It shall be the responsibility of the canine handler to coordinate with outside agency personnel in order to minimize the risk of unintended injury.

### 309.3.2 REQUEST FOR PUBLIC DEMONSTRATIONS

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

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

## 309.4 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist:

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(a) There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to the public, any officer, or the handler.

(b) The suspect is physically resisting or threatening to resist arrest and the use of a canine reasonably appears to be necessary to overcome such resistance.

(c) The suspect is believed to be concealed in an area where entry by other than the canine would pose a threat to the safety of officers or the public.

It is recognized that situations may arise that do not fall within the provisions set forth in this policy. Such events require consideration of the totality of the circumstances and the use of an objective reasonableness standard applied to the decision to use a canine.

Absent a reasonable belief that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the Watch Commander. Absent a change in circumstances that presents an imminent threat to officers, the canine or the public, such canine use should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual.

In all applications, once the suspect has been located and no longer reasonably appears to present a threat or risk of escape, the handler should secure the canine as soon as it becomes reasonably practicable.

If the canine has apprehended the suspect with a secure bite, and the handler believes that the suspect no longer poses a threat, the handler should promptly command the canine to release the suspect.

### 309.4.1 PREPARATION FOR DEPLOYMENT

Prior to the use of a canine to search for or apprehend any suspect, the canine handler shall seek supervisor's approval and both handler and supervisor should carefully consider all pertinent information reasonably available at the time. It is recognized that supervisor approval may not be possible in an immediate deployment by the handler. The information should include, but is not limited to:

(a) The nature and seriousness of the suspected offense.

(b) Whether violence or weapons were used or are anticipated.

(c) The degree of resistance or threatened resistance, if any, the suspect has shown.

(d) The suspect’s known or perceived age.

(e) The potential for injury to officers or the public caused by the suspect if the canine is not utilized.

(f) Any potential danger to the public and/or other officers at the scene if the canine is released.

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(g) The potential for the suspect to escape or flee if the canine is not utilized.

As circumstances permit, the canine handler should make every reasonable effort to communicate and coordinate with other involved members to minimize the risk of unintended injury.

It is the canine handler's responsibility to evaluate each situation and determine whether the use of a canine is appropriate and reasonable. The canine handler shall have the authority to decline the use of the canine whenever he/she deems deployment is unsuitable.

A supervisor who is sufficiently apprised of the situation may prohibit deploying the canine, or order the deployment of the canine.

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

### 309.4.2 WARNINGS AND ANNOUNCEMENTS

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

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

### 309.4.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

Handlers shall document canine deployments in a canine use report. Whenever a canine deployment results in a bite, whether intended or unintended, or causes injury to an suspect, a supervisor shall be promptly notified and the injuries documented in a use of force report, as outlined in the department's Use of Force policy. The injured person shall be promptly treated by Emergency Medical Services personnel and, if appropriate, transported to an appropriate medical facility for further treatment. The deployment and injuries shall also be included in any related incident or arrest report.

Any injury caused by a department canine to a department employee or citizen, not involved in an enforcement event shall be documented in a documentation only report in Mark 43;The K9 box will be checked on the report.An entry shall be submitted into Blue Team under the category of Unintended K9 Bite.

Any bite or injury caused by a canine off-duty, shall be promptly reported to the canine coordinator and documented in BlueTeam.

If an individual alleges an injury, either visible or not visible, a supervisor shall be notified and both the individual's injured and uninjured areas shall be photographed as soon as practicable after first

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tending to the immediate needs of the injured party. Photographs shall be retained as evidence in accordance with current (department/office) evidence procedures. The photographs shall be retained until the criminal proceeding is completed and the time for any related civil proceeding has expired.

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

## 309.5 NON-APPREHENSION GUIDELINES

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

(a) Absent a change in circumstances that presents an imminent threat to officers, the canine, or the public, such applications should be conducted on-leash or under conditions that minimize the likelihood the canine will bite or otherwise injure the individual, if located.

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

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

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

### 309.5.1 NARCOTICS DETECTION

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

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

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

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

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

## 309.6 CANINE IN PUBLIC AREAS

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

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

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

### 309.7 TAKE HOME CANINE VEHICLE

The Canine handler may take home their department assigned canine patrol vehicle. All policies related to the use and safe operation of a police vehicle shall be adhered to by the canine handler. Whenever a canine handler takes his/her assigned vehicle home, the canine handler shall park the vehicle out of public view, preferably in a garage. The canine handler shall not use the canine vehicle for personal use. The take home vehicle privilege may be restricted or suspended by the Chief of Police or the Chief's designee based upon the operational, fleet, equipment, security and/or other needs of the department.

In addition to the above, the following conditions and/or restrictions apply:

(a) If the vehicle is not secured in a garage, the handler shall remove all weapons and any other easily removable equipment in plain view. All weapons shall be secured in the home in a manner that will keep them inaccessible to children and irresponsible adults.

(b) It is the responsibility of the canine handler to insure the care and maintenance of the canine vehicle. Regular service intervals, as scheduled by Fleet Maintenance, will be met. Canine vehicles will be kept clean and in good repair at all times.

(c) Canine handlers shall not take their assigned vehicles home over their regularly scheduled days off, or any other grants of leave with the exception of short term unexpected illness requiring sick leave.

(d) Only canine handlers living within 45 miles of city limits shall be authorized to take home a canine vehicle.

(e) Canine handlers shall be responsible for all tolls, fares, etc. that would be incurred in the normal course of travel to and from their residences.

(f) Canine handlers will not be compensated for normal travel time to or from their residences on work days. Travel time to and from the handler's residence shall not be calculated in as part of the handler's work shift.

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# Domestic Violence

## 310.1 PURPOSE AND SCOPE

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

### 310.1.1 DEFINITIONS

Definitions related to this policy include:

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

## 310.2 POLICY

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

## 310.3 OFFICER SAFETY

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

## 310.4 INVESTIGATIONS

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

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

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

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

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

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

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

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

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

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

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

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

### 310.4.1 IF A SUSPECT IS ARRESTED

If a suspect is arrested, officers should:

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(a) Advise the victim that there is no guarantee the suspect will remain in custody.

(b) Provide the victim's contact information to the jail staff to enable notification of the victim upon the suspect's release from jail.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

310.4.2 IF NO ARREST IS MADE

If no arrest is made, the officer should:

(a) Advise the parties of any options, including but not limited to:

1. Voluntary separation of the parties.

2. Appropriate resource referrals (e.g., counselors, friends, relatives, shelter homes, victim witness unit).

(b) Document the resolution in a report.

310.4.3 ARRESTING OFFICERS' RESPONSIBILITIES REGARDING FIREARMS

If a suspect is arrested, officers shall (Penal Code § 273.76):

(a) Query the Automated Firearms System through the California Law Enforcement Telecommunications System (CLETS) for any firearms owned or possessed by the arrestee.

1. The investigating or filing officer shall include a copy of the Automated Firearms System report when filing the case with the district attorney or prosecuting city attorney.

(b) Ask the arrestee, victim, and any other household members, if applicable, about any firearms owned or possessed by the arrestee.

(c) Ensure that any firearm or other deadly weapon in plain sight or discovered pursuant to a consensual or other lawful search is taken into temporary custody pursuant to Penal Code § 18250.

(d) Document in the arrest report the detailed actions taken required by Penal Code § 273.76.

## 310.5 VICTIM ASSISTANCE

Because victims may be traumatized or confused, officers should be aware that a victim's behavior and actions may be affected:

(a) Victims should be provided with the department's domestic violence information handout, even if the incident may not rise to the level of a crime.

(b) Victims should also be alerted to any available victim advocates, shelters, and community resources.

(c) When an involved person requests law enforcement assistance while removing essential items of personal property, officers should stand by for a reasonable amount of time.

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(d) If the victim has sustained injury or complaints of pain, officers should seek medical assistance as soon as practicable.

(e) Officers should ask the victim whether the victim has a safe place to stay and assist in arranging transportation to an alternate shelter if the victim expresses a concern for the victim's safety or if the officer determines that a need exists.

(f) Officers should make reasonable efforts to ensure that children or dependent adults who are under the supervision of the suspect or victim are being properly cared for.

(g) If appropriate, officers should seek or assist the victim in obtaining an emergency order if appropriate.

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

## 310.6 DISPATCH ASSISTANCE

All calls of domestic violence, including incomplete 9-1-1 calls, should be dispatched as soon as practicable.

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

## 310.7 FOREIGN COURT ORDERS

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

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

## 310.8 VERIFICATION OF COURT ORDERS

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

(a) Ask the subject of the order about his/her notice or receipt of the order, his/her knowledge of its terms and efforts to respond to the order.

1. If a determination is made that a valid foreign order cannot be enforced because the subject has not been notified or served the order, the officer shall inform the subject of the order, make a reasonable effort to serve the order upon the subject, and allow the subject a reasonable opportunity to comply with the order

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before enforcing the order. Verbal notice of the terms of the order is sufficient notice (Family Code § 6403).

(b) Check available records or databases that may show the status or conditions of the order.

1. Registration or filing of an order in California is not required for the enforcement of a valid foreign order (Family Code § 6403).

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

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

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

### 310.9 DOMESTIC VIOLENCE DEATH REVIEW TEAM

This department should cooperate with any interagency domestic violence death review team investigation. Written and oral information relating to a domestic violence death that would otherwise be subject to release restrictions may be disclosed to the domestic violence death review team upon written request and approval of a supervisor (Penal Code § 11163.3).

### 310.10 DECLARATION IN SUPPORT OF BAIL INCREASE

Any officer who makes a warrantless arrest for a felony or misdemeanor violation of a domestic violence restraining order shall evaluate the totality of the circumstances to determine whether reasonable cause exists to seek an increased bail amount. If there is reasonable cause to believe that the scheduled bail amount is insufficient to assure the arrestee's appearance or to protect the victim or family member of a victim, the officer shall prepare a declaration in support of increased bail (Penal Code § 1269c).

### 310.11 PUBLIC ACCESS TO POLICY

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

### 310.12 SERVICE OF COURT ORDERS

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

(b) A temporary restraining order, emergency protective order, or an order issued after a hearing shall, at the request of the petitioner, be served on the restrained person by an officer who is present at the scene of a reported domestic violence incident or

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when the officer receives a request from the petitioner to provide service of the order (Family Code § 6383; Penal Code § 13710).

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

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

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

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

## 310.13 RECORD-KEEPING AND DATA COLLECTION

The Records Unit shall maintain records of court orders related to domestic violence and the service status of each order (Penal Code § 13710).

Additionally, records shall be maintained on the number of domestic violence related calls reported to the Department, including whether weapons were used in the incident or whether the incident involved strangulation or suffocation. This information is to be reported monthly to the California Department of Justice (DOJ). The Records Supervisor has the responsibility to ensure that records are maintained and the required information is reported to the DOJ (Penal Code § 13730).

## 310.14 REPORTS AND RECORDS

(a) A written domestic violence incident report shall be completed on all incidents of domestic violence. All such reports should be documented on the appropriate form, which includes information and notations specific to domestic violence incidents, including notations for any court order served that are subject to the report requirements (Penal Code § 13730; Code of Civil Procedure § 527.12).

(b) Reporting officers should provide the victim with the case number of the report. The case number may be placed in the space provided on the domestic violence victim information handout provided to the victim. If the case number is not immediately available, an explanation should be given regarding how the victim can obtain the information at a later time.

(c) Officers who seize any firearm, ammunition, or other deadly weapon in a domestic violence incident shall issue the individual possessing such weapon a receipt that includes the name and residential mailing address of the owner or person who possessed the weapon and notice of where the weapon may be recovered, along with

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the applicable time limit for recovery (Penal Code § 18250; Penal Code § 18255; Penal Code § 33800; Family Code § 6389(c)).

## 310.15 STANDARDS FOR ARRESTS

Officers investigating a domestic violence report should consider the following:

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

1. Officers are only authorized to make an arrest without a warrant for a misdemeanor domestic violence offense if the officer makes the arrest as soon as probable cause arises (Penal Code § 836).

(b) An officer responding to a domestic violence call who cannot make an arrest will advise the victim of the victim's right to make a private person's arrest. The advisement should be made out of the presence of the suspect and shall include advising the victim how to safely execute the arrest. Officers shall not dissuade victims from making a lawful private person's arrest. Officers should refer to the provisions in the Private Persons Arrests Policy for options regarding the disposition of private person's arrests (Penal Code § 836(b)).

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

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

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

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

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(e) An arrest shall be made when there is probable cause to believe that a violation of a domestic violence court order has been committed (Penal Code § 13701; Penal Code § 836), regardless of whether the offense was committed in the officer's presence. After arrest, the officer shall confirm that a copy of the order has been registered, unless the victim provides a copy (Penal Code § 836).

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# Search and Seizure

### 311.1 PURPOSE AND SCOPE

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

### 311.2 POLICY

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

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

### 311.3 SEARCHES

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

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

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances
- Authorization under the terms or conditions of probation or parole supervision

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

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

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

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### 311.4 SEARCH PROTOCOL

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

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

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

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

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

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

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

### 311.5 DOCUMENTATION

Officers are responsible to document any search, as defined in above in 311.3 and to ensure that any required reports are sufficient including, at minimum, documentation of the following:

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

Documentation includes but is not limited to:

- Back of FI Card
  - ex. probation search of person
- CAD entry
- Property Report
  - ex. Removing property from person, structure and/or vehicle

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- Crime or incident report

Pat searches pursuant to Terry v. Ohio may be documented for intelligence purposes.

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

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# Temporary Custody of Juveniles

## 312.1 PURPOSE AND SCOPE

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

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

### 312.1.1 DEFINITIONS

Definitions related to this policy include:

**Juvenile non-offender** - An abused, neglected, dependent, or alien juvenile who may be legally held for the juvenile's own safety or welfare. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g., fine-only offense) but was taken into custody for the juvenile's protection or for purposes of reuniting the juvenile with a parent, guardian, or other responsible person. Juveniles 11 years of age or younger are considered juvenile non-offenders even if they have committed an offense that would subject an adult to arrest.

**Juvenile offender** - A juvenile 12 to 17 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense) (Welfare and Institutions Code § 602). It also includes an offense under Penal Code § 29610 for underage possession of a handgun or concealable firearm (28 CFR 31.303).

**Non-secure custody** - When a juvenile is held in the presence of an officer or other custody employee at all times and is not placed in a locked room, cell, or behind any locked doors. Juveniles in non-secure custody may be handcuffed but not to a stationary or secure object. Personal supervision, through direct visual monitoring and audio two-way communication is maintained. Monitoring through electronic devices, such as video, does not replace direct visual observation (Welfare and Institutions Code § 207.1; 15 CCR 1150).

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

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

Examples of secure custody include:

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

(b) A juvenile handcuffed to a rail.

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(c) A juvenile placed in a room that contains doors with delayed egress devices that have a delay of more than 30 seconds.

(d) A juvenile being processed in a secure booking area when a non-secure booking area is available.

(e) A juvenile left alone in a secure booking area after being photographed and fingerprinted.

(f) A juvenile placed in a cell within the adult temporary holding area, whether or not the cell door is locked.

(g) A juvenile placed in a room that is capable of being locked or contains a fixed object designed for cuffing or restricting movement.

**Sight and sound separation** - Located or arranged to prevent physical, visual, or auditory contact that is more than brief or inadvertent.

**Status offender** - A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violation, and truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender. This includes the habitually disobedient or truant juvenile under Welfare and Institutions Code § 601 and any juvenile suspected of an offense that would not subject an adult to arrest (e.g., fine-only offense).

## 312.2 POLICY

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

## 312.3 JUVENILES WHO SHOULD NOT BE HELD

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

(a) Unconscious

(b) Seriously injured

(c) A known suicide risk or obviously severely emotionally disturbed

(d) Significantly intoxicated except when approved by the Watch Commander. A medical clearance shall be obtained for minors who are under the influence of drugs, alcohol, or any other intoxicating substance to the extent that they are unable to care for themselves (15 CCR 1151).

(e) Extremely violent or continuously violent

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

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These juveniles should not be held at the Tracy Police Department unless they have been evaluated by a qualified medical and/or mental health professional (15 CCR 1142).

If the officer taking custody of the juvenile believes the juvenile may be a suicide risk, the juvenile shall be under continuous direct supervision until evaluation, release, or a transfer is completed (15 CCR 1142).

#### 312.3.1 EMERGENCY MEDICAL CARE OF JUVENILES IN CUSTODY

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

#### 312.3.2 SUICIDE PREVENTION OF JUVENILES IN CUSTODY

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

### 312.4 CUSTODY OF JUVENILES

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

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

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

#### 312.4.1 CUSTODY OF JUVENILE NON-OFFENDERS

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

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

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### 312.4.2 CUSTODY OF JUVENILE STATUS OFFENDERS

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

### 312.4.3 CUSTODY OF JUVENILE OFFENDERS

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

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

A juvenile offender who is 14 years of age or older and taken into custody for committing or attempting to commit a felony with a firearm shall not be released and be transported to a juvenile facility (Welfare and Institutions Code § 625.3).

A juvenile offender suspected of committing murder, a sex offense described in Welfare and Institutions Code § 602(b) that may subject the juvenile to criminal jurisdiction under Welfare and Institutions Code § 707, or a serious or violent felony should be referred to a probation officer for a decision on further detention.

In all other cases the juvenile offender may be:

(a) Released upon warning or citation.

(b) Released to a parent or other responsible adult after processing at the Department.

(c) Referred to a probation officer for a decision regarding whether to transport the juvenile offender to a juvenile facility.

(d) Transported to the juvenile offender's home or to the place where the juvenile offender was taken into custody (Welfare and Institutions Code § 207.2).

In determining which disposition is appropriate, the investigating officer or supervisor shall prefer the alternative that least restricts the juvenile's freedom of movement, provided that alternative is compatible with the best interests of the juvenile and the community (Welfare and Institutions Code § 626).

Whenever a juvenile offender under the age of 14 is taken into custody, the officer should take reasonable steps to verify and document the child's ability to differentiate between right and wrong, particularly in relation to the alleged offense (Penal Code § 26).

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### 312.5 ADVISEMENTS

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

Whenever a juvenile is taken into temporary custody, the juvenile shall be given the *Miranda* rights advisement regardless of whether questioning is intended. This does not apply to juvenile non-offenders taken into temporary custody for their safety or welfare (Welfare and Institutions Code § 625).

Anytime a juvenile offender is placed in secure custody, the juvenile offender shall be informed of the purpose of the secure custody, the length of time the secure custody is expected to last, and of the maximum six-hour limitation (Welfare and Institutions Code § 207.1).

Juveniles taken into custody for an offense shall immediately be advised (or at least within one hour from being taken into custody, if possible) that they may make three telephone calls: one call completed to their parent or guardian; one to a responsible relative or their employer; and another call completed to an attorney. The calls shall be at no expense to the juvenile when completed to telephone numbers within the local calling area. Juveniles should be asked whether they are a caregiver and provided two more phone calls in the same manner as provided to adults in the Temporary Custody of Adults Policy (Welfare and Institutions Code § 627; Penal Code § 851.5).

### 312.6 JUVENILE CUSTODY LOGS

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

(a) Identifying information about the juvenile.

(b) Date and time of arrival and release from the Tracy Police Department (15 CCR 1150).

(c) Watch Commander notification and approval to temporarily hold the juvenile.

(d) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender, or non-offender.

(e) Any changes in status (e.g., emergency situations, unusual incidents).

(f) Time of all safety checks.

(g) Any medical and other screening requested and completed (15 CCR 1142).

(h) Circumstances that justify any secure custody (Welfare and Institutions Code § 207.1; 15 CCR 1145).

(i) Any other information that may be required by other authorities, such as compliance inspectors or a local juvenile court authority.

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

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### 312.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in custody at the Department (34 USC § 11133; Welfare and Institutions Code § 207.1; Welfare and Institutions Code § 208; 15 CCR 1144). There should also be sight and sound separation between non-offenders and juvenile and status offenders.

In situations where brief or accidental contact may occur (e.g., during the brief time a juvenile is being fingerprinted and/or photographed in booking), a member of the Tracy Police Department (trained in the supervision of persons in custody) shall maintain a constant, immediate, side-by-side presence with the juvenile or the adult to minimize any contact. If inadvertent or accidental contact does occur, reasonable efforts shall be taken to end the contact (15 CCR 1144).

### 312.8 TEMPORARY CUSTODY REQUIREMENTS

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

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

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal safety checks and significant incidents/activities shall be noted on the log.

(d) Juveniles in custody are informed that they will be monitored at all times, except when using the toilet.

    1. There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware.

    2. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins (15 CCR 1143).

(f) Juveniles shall be provided sanitary napkins, panty liners, and tampons as requested (15 CCR 1143).

(g) Food shall be provided if a juvenile has not eaten within the past four hours or is otherwise in need of nourishment, including any special diet required for the health of the juvenile (15 CCR 1143).

(h) Juveniles shall have reasonable access to a drinking fountain or water (15 CCR 1143).

(i) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

(j) Juveniles shall have privacy during family, guardian, and/or lawyer visits (15 CCR 1143).

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(k) Juveniles shall be permitted to remain in their personal clothing unless the clothing is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody (15 CCR 1143).

(l) Blankets shall be provided as reasonably necessary (15 CCR 1143).

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(m) Adequate shelter, heat, light, and ventilation should be provided without compromising security or enabling escape.

(n) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(o) Juveniles shall have the right to the same number of telephone calls as an adult in temporary custody.

(p) Juveniles shall have access to language services (15 CCR 1143).

(q) Juveniles shall have access to disability services (15 CCR 1143).

(r) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation, or mental abuse (15 CCR 1142).

While held in temporary custody, juveniles shall be informed in writing of what is available to them pursuant to 15 CCR 1143 and it shall be posted in at least one conspicuous place to which they have access (15 CCR 1143).

## 312.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the Handcuffing and Restraints Policy. A juvenile offender may be handcuffed at the Tracy Police Department when the juvenile presents a heightened risk. However, non-offenders and status offenders should not be handcuffed unless they are combative or threatening (15 CCR 1142).

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

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

## 312.10 PERSONAL PROPERTY

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

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

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## 312.11 SECURE CUSTODY

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

Secure custody should only be used for juvenile offenders when there is a reasonable belief that the juvenile is a serious risk of harm to themselves or others. Factors to be considered when determining if the juvenile offender presents a serious security risk to themselves or others include the following (15 CCR 1145):

(a) Age, maturity, and delinquent history

(b) Severity of offense for which the juvenile was taken into custody

(c) The juvenile offender's behavior

(d) Availability of staff to provide adequate supervision or protection of the juvenile offender

(e) Age, type, and number of other individuals in custody at the facility

Members of this department shall not use secure custody for convenience when non-secure custody is, or later becomes, a reasonable option (15 CCR 1145).

When practicable and when no locked enclosure is available, handcuffing one hand of a juvenile offender to a fixed object while otherwise maintaining the juvenile in non-secure custody should be considered as the method of secure custody. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object (15 CCR 1148).

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

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

### 312.11.1 LOCKED ENCLOSURES

A thorough inspection of the area shall be conducted before placing a juvenile into the enclosure. A second inspection shall be conducted after removing the juvenile. Any damage noted to the room should be photographed and documented in the crime report.

The following requirements shall apply to a juvenile offender who is held inside a locked enclosure:

(a) The juvenile shall constantly be monitored by an audio/video system during the entire custody.

(b) Juveniles shall have constant auditory access to department members (15 CCR 1147).

(c) Initial placement into and removal from a locked enclosure shall be logged (Welfare and Institutions Code § 207.1).

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(d) Unscheduled safety checks to provide for the health and welfare of the juvenile by a staff member, no less than once every 15 minutes, shall occur (15 CCR 1147; 15 CCR 1151).

1. All safety checks shall be logged.
2. The safety check should involve questioning the juvenile as to the juvenile's well-being (sleeping juveniles or apparently sleeping juveniles should be awakened).
3. Requests or concerns of the juvenile should be logged.

(e) Juveniles of different genders shall not be placed in the same locked room (15 CCR 1147).

(f) Juvenile offenders should be separated according to severity of the crime (e.g., felony or misdemeanor).

(g) Restrained juveniles shall not be mixed in a cell or room with unrestrained juveniles.

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

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

(a) Immediate notification of the on-duty supervisor, Chief of Police, and Investigation Bureau Supervisor.

(b) Notification of the parent, guardian, or person standing in loco parentis of the juvenile.

(c) Notification of the appropriate prosecutor.

(d) Notification of the City attorney.

(e) Notification to the coroner.

(f) Notification of the juvenile court.

(g) In the case of a death, providing a report to the Attorney General under Government Code § 12525 within 10 calendar days of the death, and forwarding the same report to the Board of State and Community Corrections within the same time frame (15 CCR 1046).

(h) A medical and operational review of deaths and suicide attempts pursuant to 15 CCR 1046.

(i) Evidence preservation.

## 312.13 INTERVIEWING OR INTERROGATING JUVENILE SUSPECTS

No interview or interrogation of a juvenile should occur unless the juvenile has the apparent capacity to consent, and does consent to an interview or interrogation.

Prior to conducting a custodial interrogation, including the waiver of *Miranda* rights, an officer shall permit a juvenile 17 years of age or younger to consult with legal counsel in person, by telephone, or by video conference. The consultation may not be waived by the juvenile. The requirement to consult with legal counsel does not apply when (Welfare and Institutions Code § 625.6):

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(a) Information is necessary to protect life or property from an imminent threat.

(b) The questions are limited to what is reasonably necessary to obtain the information relating to the threat.

312.13.1 MANDATORY RECORDINGS OF JUVENILES

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

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

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The individual refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated, or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

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

## 312.14 FORMAL BOOKING

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

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

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

(a) The gravity of the offense

(b) The past record of the offender

(c) The age of the offender

### 312.15 RELEASE OF INFORMATION CONCERNING JUVENILES

Court decisions and legislation have combined to carefully specify situations in which information may be given out or exchanged when a case involves a juvenile. Members of this department shall not divulge any information regarding juveniles unless they are certain of the legal authority to do so.

A copy of the current policy of the juvenile court concerning authorized release of information and appropriate acknowledgment forms shall be kept with copies of this procedure in the Tracy Police Department Policy Manual. Such releases are authorized by Welfare and Institutions Code § 827.

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

### 312.16 BOARD OF STATE AND COMMUNITY CORRECTIONS CERTIFICATION

The Professional Standards and Training Division shall coordinate the procedures related to the custody of juveniles held at the Tracy Police Department and ensure any required certification is maintained (Welfare and Institution Code § 210.2).

### 312.17 RELIGIOUS ACCOMMODATION

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

### 312.18 TRAINING

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

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# Senior and Disability Victimization

## 313.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Tracy Police Department members as required by law (Penal Code § 368.6).

The Tracy Police Department is committed to providing equal protection and demonstrating respect for all persons regardless of age or disabilities, and to conscientiously enforcing all criminal laws protecting elders, and adults and children with disabilities, regardless of whether these crimes also carry civil penalties (Penal Code § 368.6) (see Child Abuse Policy for child abuse investigations and reporting).

### 313.1.1 DEFINITIONS

Definitions related to this policy include:

**Abuse of an elder (age 65 or older) or dependent adult** - Physical abuse, neglect, financial abuse, abandonment, isolation, abduction, or other treatment with resulting physical harm or pain or mental suffering; or the deprivation by a care custodian of goods or services that are necessary to avoid physical harm or mental suffering. Neglect includes self-neglect (Welfare and Institutions Code § 15610.05 et seq.; Penal Code § 368.5).

**Department protocols (or protocols)** - A procedure adopted by a local law enforcement agency consistent with the agency's organizational structure and stated in a policy adopted pursuant to this section, to effectively and accountably carry out a particular agency responsibility.

**Dependent adult** - An individual, regardless of whether the individual lives independently, between 18 and 64 years of age who has physical or mental limitations that restrict their ability to carry out normal activities or to protect their rights, including but not limited to persons who have physical or developmental disabilities or whose physical or mental abilities have diminished because of age. This also includes those admitted as inpatients to a 24-hour health facility, as defined in state law (Penal Code § 368; Welfare and Institutions Code § 15610.23).

**Elder and dependent adult abuse** - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement (Penal Code § 368).

**Senior and disability victimization** - Means any of the following (Penal Code § 368.6):

(a) Elder and dependent adult abuse

(b) Unlawful interference with a mandated report

(c) Homicide of an elder, dependent adult, or other adult or child with a disability

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(d) Sex crimes against elders, dependent adults, or other adults and children with disabilities

(e) Child abuse of children with disabilities

(f) Violation of relevant protective orders

(g) Hate crimes against persons with actual or perceived disabilities, including but not limited to disabilities caused by advanced age, or those associated with them

(h) Domestic violence against elders, dependent adults, and adults and children with disabilities, including disabilities caused by advanced age

## 313.2 POLICY

The Tracy Police Department will investigate all reported incidents of alleged elder and dependent adult abuse and ensure proper reporting and notification as required by law.

### 313.2.1 ARREST POLICY

It is the department policy to make arrests or to seek arrest warrants for elder and dependent adult abuse in accordance with Penal Code § 836 and, in the case of domestic violence, as allowed by Penal Code § 13701 (Penal Code § 368.6) (see Law Enforcement Authority and Domestic Violence policies for additional guidance).

### 313.2.2 ADHERENCE TO POLICY

All officers are required to be familiar with the policy and carry out the policy at all times, except in the case of an unusual compelling circumstance as determined and approved by a supervisor (Penal Code § 368.6).

Any supervisor who determines and approves an officer's deviation from this policy shall provide a written report to the Chief of Police that states the unusual compelling circumstances regarding the deviation. A copy of this report will be made available to the alleged victim and reporting party pursuant to department protocols (Penal Code § 368.6(c)(27)).

The Chief of Police shall retain the report for a minimum of five years and shall make it available to the state protection and advocacy agency upon request (Penal Code § 368.6(c)(27)).

## 313.3 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police or the authorized designee responsibilities include but are not limited to (Penal Code § 368.6):

(a) Taking leadership within the Department and in the community, including by speaking out publicly in major cases of senior and disability victimization, to assure the community of department support for the victims and their families and for others in the community who are terrorized and traumatized by the crimes, and to encourage victims and witnesses to the crimes or similar past or future crimes to report those crimes to help bring the perpetrators to justice and prevent further crimes.

(b) Developing and including department protocols in this policy, including but not limited to the following:

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1. Protocols for seeking emergency protective orders by phone from a court at any time of day or night pursuant to Family Code § 6250(d).
2. Protocols for arrest warrants and arrests for senior and disability victimization for matters other than domestic violence and consistent with the requirements of Penal Code § 368.6(c)(9)(B) that include the following:
    (a) In the case of a senior and disability victimization committed in an officer's presence, including but not limited to a violation of a relevant protective order, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
    (b) In the case of a felony not committed in an officer's presence, the officer shall make a warrantless arrest based on probable cause when necessary or advisable to protect the safety of the victim or others.
    (c) In the case of a misdemeanor not committed in the officer's presence, including but not limited to misdemeanor unlawful interference with a mandated report or a misdemeanor violation of a relevant protective order, or when necessary or advisable to protect the safety of the victim or others, the agency shall seek an arrest warrant based on probable cause.
    (d) Protocol for seeking arrest warrants based on probable cause for crimes for which no arrest has been made.
3. Procedures for first responding officers to follow when interviewing persons with cognitive and communication disabilities until officers, or staff of other responsible agencies with more advanced training, are available. The procedure shall include an instruction to avoid repeated interviews whenever possible.

(c) For each department protocol, include either a specific title-by-title list of officer responsibilities or a specific office or unit in the Department responsible for implementing the protocol.

(d) Ensuring an appendix is created and attached to this policy that describes requirements for elder and dependent adult abuse investigations consistent with Penal Code § 368.6(c)(8)(B).

(e) Ensuring a detailed checklist is created and attached to this policy regarding first responding responsibilities that includes but is not limited to the requirements of Penal Code § 368.6(c)(23).

(f) Ensuring that all members carry out their responsibilities under this policy.

(g) Verifying a process is in place for transmitting and periodically retransmitting this policy and related orders to officers, including a simple and immediate way for officers to access the policy in the field when needed.

(h) Ensuring this policy is available to the Protection and Advocacy Agency upon request.

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### 313.4 ELDER AND DEPENDENT ADULT ABUSE LIAISON

A department member appointed by the Chief of Police or the authorized designee will serve as the Elder and Dependent Adult Abuse Liaison. Responsibilities of the liaison include but are not limited to (Penal Code § 368.6):

(a) Acting as a liaison to other responsible agencies (defined by Penal Code § 368.6(b)(15)) to increase cooperation and collaboration among them while retaining the law enforcement agency's exclusive responsibility for criminal investigations (Welfare and Institutions Code § 15650).

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

### 313.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of elder and dependent adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated (Penal Code § 368.6).

Investigations and reports related to suspected cases of elder and dependent adult abuse should address, as applicable:

(a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected elder and dependent adult abuse victim is contacted.

(b) Any relevant statements the victim may have made and to whom he/she made the statements.

(c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.

(e) Whether the victim was transported for medical treatment or a medical examination.

(f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

(g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.

(h) Previous addresses of the victim and suspect.

(i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

(j) Witness and suspect statements if available.

(k) Review of all portable audio/video recorders, devices, and other available video.

(l) Call history related to the elder or dependent adult including calls from mandated reporters or other individuals.

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(m) Whether the abuse is related to a disability-bias hate crime and related bias motivations (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).

(n) Results of investigations shall be provided to those agencies (Adult Protective Services (APS), long-term ombudsman) that referred or reported the elder or dependent adult abuse (Welfare and Institutions Code § 15640(f)).

(o) Whether a death involved the End of Life Option Act:

1. Whether or not assistance was provided to the person beyond that allowed by law (Health and Safety Code § 443.14).
2. Whether an individual knowingly altered or forged a request for an aid-in-dying drug to end a person's life without his/her authorization, or concealed or destroyed a withdrawal or rescission of a request for an aid-in-dying drug (Health and Safety Code § 443.17).
3. Whether coercion or undue influence was exerted on the person to request or ingest an aid-in-dying drug or to destroy a withdrawal or rescission of a request for such medication (Health and Safety Code § 443.17).
4. Whether an aid-in-dying drug was administered to a person without his/her knowledge or consent (Health and Safety Code § 443.17).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential elder or dependent adult abuse and investigated similarly.

An unexplained or suspicious death of an elder, dependent adult, or other adult or child with a disability should be treated as a potential homicide until a complete investigation including an autopsy is completed, and it should not be assumed that the death of an elder or person with a disability is natural simply because of the age or disability of the deceased (Penal Code § 368.6(c)(18)).

### 313.5.1 ADDITIONAL INVESTIGATIVE CONSIDERATIONS

The following factors as provided in Penal Code § 368.6 should be considered when investigating incidents of elder and dependent adult abuse:

(a) Elder and dependent adult abuse, sex crimes, child abuse, domestic violence, and any other criminal act, when committed in whole or in part because of the victim's actual or perceived disability, including disability caused by advanced age, is also a hate crime (Penal Code § 368.6) (see the Hate Crimes Policy for additional guidance).

(b) Senior and disability victimization crimes are also domestic violence subject to the mandatory arrest requirements of Penal Code § 836 if they meet the elements described in Penal Code § 273.5, including but not limited to a violation by a caretaker or other person who is or was a cohabitant of the victim, regardless of whether the cohabitant is or was a relative of, or in an intimate personal relationship with, the victim (Penal Code § 368.6(c)(10)).

(c) Many victims of sexual assault and other sex crimes delay disclosing the crimes for reasons including but not limited to shame, embarrassment, self-doubt, fear of being

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disbelieved, and fear of retaliation by the perpetrator or others (Penal Code § 368.6(c)(11)).

(d) Victims and witnesses with disabilities, including cognitive and communication disabilities, can be highly credible witnesses when interviewed appropriately by trained officers or other trained persons (Penal Code § 368.6(c)(14)).

## 313.6 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of elder and dependent adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to elder and dependent adult abuse investigations.

(c) Present all cases of alleged elder and dependent adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies, and facility administrators as needed (Welfare and Institutions Code § 15650).

(e) Provide referrals to therapy services, victim advocates, guardians, and support for the victim and family as appropriate (see the Victim and Witness Assistance Policy for additional guidance).

1. Ensure victims of sex crimes know their right to have a support person of their choice present at all times during an interview or contact (Penal Code § 368.6) (see the Sexual Assault Investigations Policy for additional guidance).

2. Referrals to the crime victim liaison as appropriate for victims requiring further assistance or information regarding benefits from crime victim resources.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 15610.55).

(g) Make reasonable efforts to determine whether any person committed unlawful interference in a mandated report.

## 313.7 MANDATORY NOTIFICATION

Members of the Tracy Police Department shall notify the local office of the California Department of Social Services (CDSS) APS agency when they reasonably suspect, have observed, or have knowledge of an incident that reasonably appears to be abuse of an elder or dependent adult, or are told by an elder or dependent adult that the person has experienced abuse (Welfare and Institutions Code § 15630(b)).

Notification shall be made by telephone as soon as practicable and a written report shall be provided within two working days as provided in Welfare and Institutions Code § 15630(b)(c).

Notification shall also be made to the following agencies as soon as practicable or as provided below (Welfare and Institutions Code § 15630):

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(a) If the abuse is physical abuse and occurred in a long-term care facility (not a state mental health hospital or a state developmental center), notification shall be made as follows (Welfare and Institutions Code § 15630(b)(1)):

1. If there is serious bodily injury, notification shall be made by telephone and, within two hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
2. If there is physical abuse and no serious bodily injury, notification shall be made by telephone and, within 24 hours, a written report shall be made to the local ombudsman and the corresponding licensing agency.
3. If the abuse is allegedly caused by a resident with dementia and there is no serious bodily injury, notification shall be made by telephone and a written report to the local ombudsman within 24 hours.
4. When a report of abuse is received by the Department, the local ombudsman shall be called to coordinate efforts to provide the most immediate and appropriate response (Welfare and Institutions Code § 15630(b)).

(b) If the abuse is in a long-term care facility (not a state mental health or a state developmental center) and is other than physical abuse, a telephone report and a written report shall be made to the local ombudsman as soon as practicable (Welfare and Institutions Code § 15630(b)).

(c) The California Department of Public Health (DPH) shall be notified of all known or suspected abuse in a long-term care facility.

(d) The CDSS shall be notified of all known or suspected abuse occurring in a residential care facility for the elderly or in an adult day program.

(e) If the abuse occurred in an adult day health care center, DPH and the California Department of Aging shall be notified.

(f) The Division of Medi-Cal Fraud and Elder Abuse shall be notified of all abuse that constitutes criminal activity in a long-term care facility.

(g) The District Attorney's office shall be notified of all cases of physical abuse and financial abuse in a long-term care facility.

(h) If the abuse occurred at a state mental hospital or a state developmental center, notification shall be made to the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services as soon as practicable but no later than two hours after law enforcement becomes aware of the abuse (Welfare and Institutions Code § 15630(b)).

1. When a report of abuse is received by the Department, investigation efforts shall be coordinated with the designated investigators of the California Department of State Hospitals or the California Department of Developmental Services (Welfare and Institutions Code § 15630(b)).

(i) If during an investigation it is determined that the elder or dependent adult abuse is being committed by a licensed health practitioner as identified in Welfare and

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Institutions Code § 15640(b), the appropriate licensing agency shall be immediately notified (Welfare and Institutions Code 15640(b)).

(j) When the Department receives a report of abuse, neglect, or abandonment of an elder or dependent adult alleged to have occurred in a long-term care facility, the licensing agency shall be notified by telephone as soon as practicable (Welfare and Institutions Code § 15640(e)).

The General Investigations supervisor is responsible for ensuring that proper notifications have occurred to the District Attorney's Office and any other regulatory agency that may be applicable based upon where the abuse took place (e.g., care facility, hospital) per Welfare and Institutions Code § 15630(b).

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

Failure to report, or impeding or inhibiting a report of abuse of an elder or dependent adult, is a misdemeanor (Welfare and Institutions Code §15630(h)).

#### 313.7.1 NOTIFICATION PROCEDURE

Notification should include the following information, if known (Welfare and Institutions Code § 15630(e)):

(a) The name of the person making the report.

(b) The name and age of the elder or dependent adult.

(c) The present location of the elder or dependent adult.

(d) The names and addresses of family members or any other adult responsible for the care of the elder or dependent adult.

(e) The nature and extent of the condition of the elder or dependent adult.

(f) The date of incident.

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

### 313.8 PROTECTIVE CUSTODY

Before taking an elder or dependent adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer should make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian, or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Generally, members of this department should remove an elder or dependent adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim.

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Prior to taking an elder or dependent adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an elder or dependent adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

When elder or dependent adult abuse victims are under state control, have a state-appointed guardian, or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

#### 313.8.1 EMERGENCY PROTECTIVE ORDERS

In any situation which an officer reasonably believes that an elder or dependent adult is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may seek an emergency protective order against the person alleged to have committed or threatened such abuse (Family Code § 6250(d)).

#### 313.8.2 VERIFICATION OF PROTECTIVE ORDER

Whenever an officer verifies that a relevant protective order has been issued, the officer shall make reasonable efforts to determine if the order prohibits the person from possession of firearms or requires the relinquishment of firearms, and if the order does so, the officer shall make reasonable efforts to (Penal Code § 368.6(c)(19)):

(a) Inquire whether the restrained person possesses firearms. The officer should make this effort by asking the restrained person and the protected person.

(b) Query the California Law Enforcement Telecommunications System to determine if any firearms are registered to the restrained person.

(c) Receive or seize prohibited firearms located in plain view or pursuant to a consensual or other lawful search in compliance with Penal Code § 18250 et seq. and in accordance with department procedures.

### 313.9 INTERVIEWS

#### 313.9.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected elder or dependent adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

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### 313.9.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:

1. A reasonable belief that medical issues of the adult need to be addressed immediately.
2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.

(b) A court order or warrant has been issued.

### 313.9.3 INTERVIEWS WITH A PERSON WITH DEAFNESS OR HEARING LOSS

An officer who is interviewing a victim or witness who reports or demonstrates deafness or hearing loss should secure the services of a qualified interpreter (as defined by Evidence Code § 754) prior to the start of the interview (Penal Code § 368.6) (see the Communications with Persons with Disabilities Policy for additional guidance).

## 313.10 MEDICAL EXAMINATIONS

When an elder or dependent adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency, or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency, or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

## 313.11 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an elder or dependent adult abuse victim who has been exposed to the manufacturing, trafficking, or use of narcotics.

### 313.11.1 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an elder or dependent adult abuse victim is present or where there is evidence that an elder or dependent adult abuse victim lives should:

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

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(b) Notify the General Investigations supervisor so an interagency response can begin.

313.11.2 SUPERVISOR RESPONSIBILITIES
The General Investigations supervisor should:

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

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

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

## 313.12 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting interviews.

(c) Availability of therapy services for adults and families.

(d) Availability of specialized forensic medical exams.

(e) Cultural competence (including interpretive services) related to elder and dependent adult abuse investigations.

(f) Availability of victim advocates or other support.

313.12.1 MANDATORY TRAINING
The Training Manager shall ensure that appropriate personnel receive the required training, including:

(a) Materials from POST as described in Penal Code § 368.6(c)(5)(A).

(b) Advanced training on senior and disability victimization available from POST, the United States Department of Justice, the Disability and Abuse Project of the Spectrum Institute, or other sources as provided by Penal Code § 368.6(c)(16)(A).

1. Training should include the following:

(a) Information on the wide prevalence of elder and dependent adult abuse, sexual assault, other sex crimes, hate crimes, domestic violence, human trafficking, and homicide against adults and children with disabilities, including disabilities caused by advanced age, and including those crimes often committed by caretakers (Penal Code § 368.6(c)(1)).

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(b) Information on the history of elder and dependent adult abuse and crimes against individuals with disabilities (see the POST Senior and Disability Victimization Policy Guidelines).

The Training Manager shall also ensure that appropriate training is provided on this policy to dispatchers, community services officers, front desk personnel, and other civilian personnel who interact with the public (Penal Code § 368.6 (c)(7)).

### 313.13 RECORDS UNIT RESPONSIBILITIES

The Records Unit is responsible for:

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

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

### 313.14 JURISDICTION

The Tracy Police Department has concurrent jurisdiction with state law enforcement agencies when investigating elder and dependent adult abuse and all other crimes against elder victims and victims with disabilities (Penal Code § 368.5).

Adult protective services agencies and local long-term care ombudsman programs also have jurisdiction within their statutory authority to investigate elder and dependent adult abuse and criminal neglect and may assist in criminal investigations upon request, if consistent with federal law, in such cases. However, this department will retain responsibility for the criminal investigations (Penal Code § 368.5).

Additional jurisdiction responsibilities for investigations of abuse involving various facilities and agencies may be found in Welfare and Institutions Code § 15650.

### 313.15 RELEVANT STATUTES

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

(a) Except as provided in subdivision (i), a person who willfully and lewdly commits any lewd or lascivious act, including any of the acts constituting other crimes provided for in Part 1 (Of Crimes and Punishments of the Penal Code) upon or with the body, or any part or member thereof, of a child who is under the age of 14 years, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of that person or the child, is guilty of a felony and shall be punished by imprisonment in the state prison for three, six, or eight years.

(b)(2) A person who is a caretaker and commits an act described in subdivision (a) upon a dependent person by use of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, with the intent described in subdivision (a), is guilty of a felony and shall be punished by imprisonment in the state prison for 5, 8, or 10 years.

**Penal Code § 368 (c)**

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A person who knows or reasonably should know that a person is an elder or dependent adult and who, under circumstances or conditions other than those likely to produce great bodily harm or death, willfully causes or permits any elder or dependent adult to suffer, or inflicts thereon unjustifiable physical pain or mental suffering, or having the care or custody of any elder or dependent adult, willfully causes or permits the person or health of the elder or dependent adult to be injured or willfully causes or permits the elder or dependent adult to be placed in a situation in which their person or health may be endangered, is guilty of a misdemeanor.

**Penal Code § 368 (f)**

A person who commits the false imprisonment of an elder or a dependent adult by the use of violence, menace, fraud, or deceit is punishable by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

Protections provided by the above Penal Code § 288 and Penal Code § 368 protect many persons with disabilities regardless of the fact they live independently.

**Welfare and Institutions Code § 15610.05**

"Abandonment" means the desertion or willful forsaking of an elder or a dependent adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody.

**Welfare and Institutions Code § 15610.06**

"Abduction" means the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, of any elder or dependent adult who does not have the capacity to consent to the removal from this state and the restraint from returning to this state, or the restraint from returning to this state, as well as the removal from this state or the restraint from returning to this state, of any conservatee without the consent of the conservator or the court.

**Welfare and Institutions Code § 15610.30**

(a) "Financial abuse" of an elder or dependent adult occurs when a person or entity does any of the following:

1. Takes, secretes, appropriates, obtains, or retains real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
2. Assists in taking, secreting, appropriating, obtaining, or retaining real or personal property of an elder or dependent adult for a wrongful use or with intent to defraud, or both.
3. Takes, secretes, appropriates, obtains, or retains, or assists in taking, secreting, appropriating, obtaining, or retaining, real or personal property of an elder or dependent adult by undue influence, as defined in Section 15610.70.

(b) A person or entity shall be deemed to have taken, secreted, appropriated, obtained, or retained property for a wrongful use if, among other things, the person or entity takes, secretes, appropriates, obtains, or retains the property and the person or entity

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knew or should have known that this conduct is likely to be harmful to the elder or dependent adult.

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

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

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

**Welfare and Institutions Code § 15610.43**

(a) "Isolation" means any of the following:

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

(b) The acts set forth in subdivision (a) shall be subject to a rebuttable presumption that they do not constitute isolation if they are performed pursuant to the instructions of a physician and surgeon licensed to practice. medicine in the state, who is caring for the elder or dependent adult at the time the instructions are given, and who gives the instructions as part of his or her medical care.

(c) The acts set forth in subdivision (a) shall not constitute isolation if they are performed in response to a reasonably perceived threat of danger to property or physical safe.

**Welfare and Institutions Code § 15610.57**

(a) "Neglect" means either of the following:

1. The negligent failure of any person having the care or custody of an elder or a dependent adult to exercise that degree of care that a reasonable person in a like position would exercise.

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2. The negligent failure of an elder or dependent adult to exercise that degree of self care that a reasonable person in a like position would exercise.

(b) Neglect includes, but is not limited to, all of the following:

1. Failure to assist in personal hygiene, or in the provision of food, clothing, or shelter.

2. Failure to provide medical care for physical and mental health needs. A person shall not be deemed neglected or abused for the sole reason that the person voluntarily relies on treatment by spiritual means through prayer alone in lieu of medical treatment.

3. Failure to protect from health and safety hazards.

4. Failure to prevent malnutrition or dehydration.

5. Substantial inability or failure of an elder or dependent adult to manage personal finances.

6. Failure of an elder or dependent adult to satisfy any of the needs specified in paragraphs (1) to (5), inclusive, for themselves as a result of poor cognitive functioning, mental limitation, substance abuse, or chronic poor health.

(c) Neglect includes being homeless if the elder or dependent adult is also unable to meet any of the needs specified in paragraphs (1) to (5), inclusive, of subdivision (b).

**Welfare and Institutions Code § 15610.63**

"Physical abuse" means any of the following:

(a) Assault, as defined in Section 240 of the Penal Code.

(b) Battery, as defined in Section 242 of the Penal Code.

(c) Assault with a deadly weapon or force likely to produce great bodily injury, as defined in Section 245 of the Penal Code.

(d) Unreasonable physical constraint, or prolonged or continual deprivation of food or water.

(e) Sexual assault, that means any of the following:

1. Sexual battery, as defined in Section 243.4 of the Penal Code.

2. Rape, as defined in Section 261 of the Penal Code, or former Section 262 of the Penal Code.

3. Rape in concert, as described in Section 264.1 of the Penal Code.

4. Incest, as defined in Section 285 of the Penal Code.

5. Sodomy, as defined in Section 286 of the Penal Code.

6. Oral copulation, as defined in Section 287 or former Section 288a of the Penal Code.

7. Sexual penetration, as defined in Section 289 of the Penal Code.

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8. Lewd or lascivious acts as defined in paragraph (2) of subdivision (b) of Section 288 of the Penal Code.

(f) Use of a physical or chemical restraint or psychotropic medication under any of the following conditions:

1. For punishment.
2. For a period beyond that for which the medication was ordered pursuant to the instructions of a physician and surgeon licensed in the State of California, who is providing medical care to the elder or dependent adult at the time the instructions are given.
3. For any purpose not authorized by the physician and surgeon.

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# Discriminatory Harassment

## 314.1 PURPOSE AND SCOPE

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

## 314.2 POLICY

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

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

## 314.3 DEFINITIONS

Definitions related to this policy include:

### 314.3.1 DISCRIMINATION

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

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

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

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

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

(a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment, position, or compensation.

(b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the member.

(c) Such conduct has the purpose or effect of substantially interfering with a member's work performance or creating an intimidating, hostile, or offensive work environment.

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

(a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission (EEOC) and the California Civil Rights Council guidelines.

(b) Bona fide requests or demands by a supervisor that the member improve the member's work quality or output, that the member report to the job site on time, that the member comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and member.

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

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

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

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

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retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

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

### 314.4.1 SUPERVISOR RESPONSIBILITIES

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

(a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.

(b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.

(c) Ensuring that their subordinates understand their responsibilities under this policy.

(d) Ensuring that members who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.

(e) Making a timely determination regarding the substance of any allegation based upon all available facts.

(f) Notifying the Chief of Police or the Director of Human Resources in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

### 314.4.2 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

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

(b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent members.

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

### 314.4.3 QUESTIONS OR CLARIFICATION

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

## 314.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved member should take prompt and reasonable steps to mitigate or eliminate

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any continuing abusive or hostile work environment. It is the policy of the Department that all complaints of discrimination, retaliation, or harassment shall be fully documented and promptly and thoroughly investigated.

### 314.5.1 SUPERVISOR RESOLUTION

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

### 314.5.2 FORMAL INVESTIGATION

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

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

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

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

### 314.5.3 ALTERNATIVE COMPLAINT PROCESS

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

## 314.6 DOCUMENTATION OF COMPLAINTS

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

(a) Approved by the Chief of Police, the City Manager, or the Director of Human Resources, depending on the ranks of the involved parties.

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(b) Maintained in accordance with the department's established records retention schedule.

### 314.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

## 314.7 TRAINING

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

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

### 314.7.1 STATE-REQUIRED TRAINING

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

(a) Supervisory employees shall receive two hours of classroom or other effective interactive training and education within six months of assuming a supervisory position.

(b) All other employees shall receive one hour of classroom or other effective interactive training and education within six months of their employment or sooner for seasonal or temporary employees as described in Government Code § 12950.1.

(c) All employees shall receive refresher training every two years thereafter.

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

### 314.7.2 TRAINING RECORDS

The Training Manager shall be responsible for maintaining records of all discriminatory harassment training provided to members. Records shall be retained in accordance with established records retention schedules and for a minimum of two years (2 CCR 11024).

## 314.8 REQUIRED POSTERS

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

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# Child Abuse

## 315.1 PURPOSE AND SCOPE

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

### 315.1.1 DEFINITIONS

Definitions related to this policy include:

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

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

## 315.2 POLICY

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

## 315.3 MANDATORY NOTIFICATION

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

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

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

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

When the abuse or neglect occurs at a licensed facility or is alleged to have resulted from the actions of a person who is required to have a state license (e.g., foster homes, group homes, day care), notification shall also be made to the California Department of Social Services or other applicable licensing authority. When the alleged abuse or neglect involves a child of a minor parent or a dependent adult, notification shall also be made to the attorney of the minor or the dependent adult within 36 hours (Penal Code 11166.1; Penal Code 11166.2).

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

#### 315.3.1 NOTIFICATION PROCEDURE

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

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

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

### 315.4 QUALIFIED INVESTIGATORS

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

(a) Conduct interviews in child appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

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

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

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

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (Welfare and Institutions Code § 18961.7).

### 315.5 INVESTIGATIONS AND REPORTING

In all reported or suspected cases of child abuse, a report will be written. Officers shall write a report even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of child abuse should address, as applicable:

(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.

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(c) Any relevant statements the child may have made and to whom he/she made the statements.

(d) If a child was taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.

(e) Documentation of any visible injuries or any injuries identified by the child. This should include photographs of such injuries, if practicable.

(f) Whether the child victim was transported for medical treatment or a medical examination.

(g) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other children who may reside in the residence.

(h) Identification of any prior related reports or allegations of child abuse, including other jurisdictions, as reasonably known.

(i) Previous addresses of the victim and suspect.

(j) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

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

### 315.5.1 EXTRA JURISDICTIONAL REPORTS

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

### 315.5.2 INITIAL REPORTS OF ABUSE FROM A NONMANDATED REPORTER

Members who receive a report of child abuse or neglect shall request the following information from the reporter (Penal Code § 11167):

(a) Name and telephone number

(b) Information and the source of information that gives rise to the knowledge or reasonable suspicion of child abuse or neglect

If the reporter refuses to provide their name and telephone number, the member should make a reasonable effort to determine the basis for the refusal and inform them that their information will remain confidential.

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### 315.6 PROTECTIVE CUSTODY

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

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

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

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

(a) The officer reasonably believes the child is a person described in Welfare and Institutions Code § 300, and further has good cause to believe that any of the following conditions exist:

1. The child has an immediate need for medical care.
2. The child is in immediate danger of physical or sexual abuse.
3. The physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In the case of a child left unattended, the officer shall first attempt to locate and determine if a responsible parent or guardian is available and capable of assuming custody before taking the child into protective custody.

(b) The officer reasonably believes the child requires protective custody under the provisions of Penal Code § 279.6, in one of the following circumstances:

1. It reasonably appears to the officer that a person is likely to conceal the child, flee the jurisdiction with the child or, by flight or concealment, evade the authority of the court.
2. There is no lawful custodian available to take custody of the child.
3. There are conflicting custody orders or conflicting claims to custody and the parties cannot agree which party should take custody of the child.
4. The child is an abducted child.

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

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

315.6.1 CALIFORNIA SAFELY SURRENDERED BABY LAW
An individual having lawful custody of an infant less than 72 hours old is not guilty of abandonment if the individual voluntarily surrenders physical custody of the infant to personnel on-duty at a safe-surrender site, such as a hospital or fire department (Penal Code § 271.5). The law requires the surrender site to notify CPS.

315.6.2 NEWBORNS TESTING POSITIVE FOR DRUGS
Under certain circumstances, officers can be prohibited from taking a newborn who is the subject of a proposed adoption into protective custody, even when the newborn has tested positive for illegal drugs or the birth mother tested positive for illegal drugs.

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

## 315.7 INTERVIEWS

315.7.1 PRELIMINARY INTERVIEWS
Absent extenuating circumstances or impracticality, officers should record the preliminary interview with suspected child abuse victims. Officers should avoid multiple interviews with a child victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available. Generally, child victims should not be interviewed in the home or location where the alleged abuse occurred.

315.7.2 DETAINING SUSPECTED CHILD ABUSE VICTIMS FOR AN INTERVIEW
An officer should not detain a child involuntarily who is suspected of being a victim of child abuse solely for the purpose of an interview or physical exam without the consent of a parent or guardian unless one of the following applies:

(a) Exigent circumstances exist, such as:
    1. A reasonable belief that medical issues of the child need to be addressed immediately.
    2. A reasonable belief that the child is or will be in danger of harm if the interview or physical exam is not immediately completed.
    3. The alleged offender is the custodial parent or guardian and there is reason to believe the child may be in continued danger.

(b) A court order or warrant has been issued.

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

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

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

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

315.9.1 SUPERVISOR RESPONSIBILITIES
The General Investigations supervisor should:

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

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

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

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

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(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 General Investigations supervisor so an interagency response can begin.

## 315.10 STATE MANDATES AND OTHER RELEVANT LAWS

California requires or permits the following:

### 315.10.1 RELEASE OF REPORTS

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

### 315.10.2 REQUESTS FOR REMOVAL FROM THE CHILD ABUSECENTRAL INDEX (CACI)

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

### 315.10.3 CACI HEARING OFFICER

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

### 315.10.4 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

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

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

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

### 315.10.5 CHILD DEATH REVIEW TEAM

This department should cooperate with any interagency child death review team investigation. Written and oral information relating to the death of a child that would otherwise be subject to release restrictions may be disclosed to the child death review team upon written request and approval of a supervisor (Penal Code § 11174.32).

## 315.11 TRAINING

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

(a) Participating in multidisciplinary investigations, as appropriate.

(b) Conducting forensic interviews.

(c) Availability of therapy services for children and families.

(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.

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# Missing Persons

## 316.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

### 316.1.1 DEFINITIONS

**At risk** - Includes, but is not limited to (Penal Code § 14215):

- A victim of a crime or foul play.
- A person missing and in need of medical attention.
- A missing person with no pattern of running away or disappearing.
- A missing person who may be the victim of parental abduction.
- A mentally impaired missing person, including cognitively impaired or developmentally disabled.

**Missing person** - Any person who is reported missing to law enforcement when the person's location is unknown. This includes a child who has been taken, detained, concealed, enticed away or kept by a parent in violation of the law (Penal Code § 277 et seq.). It also includes any child who is missing voluntarily, involuntarily or under circumstances that do not conform to his/her ordinary habits or behavior, and who may be in need of assistance (Penal Code § 14215).

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

## 316.2 POLICY

The Tracy Police Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Tracy Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

## 316.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigation supervisor should ensure the forms and kits are developed and available in accordance with this policy, state law, federal law and the California Peace Officer Standards and Training (POST) Missing Persons Investigations guidelines, including:

- Department report form for use in missing person cases
- Missing person investigation checklist that provides investigation guidelines and resources that could be helpful in the early hours of a missing person investigation (Penal Code § 13519.07)
- Missing person school notification form

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- Medical records release form from the California Department of Justice
- California DOJ missing person forms as appropriate
- Biological sample collection kits

### 316.4 ACCEPTANCE OF REPORTS

Any employee encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code § 14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those employees who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert an employee who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code § 14211).

### 316.5 INITIAL INVESTIGATION

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

(a) Respond to a dispatched call for service as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).

(d) Broadcast a "Be on the Look-Out" (BOLO) bulletin if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcast as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code § 14211).

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

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

(f) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

(g) Collect and/or review:

1. A photograph and a fingerprint card of the missing person, if available.
2. A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).

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3. Any documents that may assist in the investigation, such as court orders regarding custody.
4. Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).

(h) When circumstances permit and if appropriate, attempt to determine the missing person's location through his/her telecommunications carrier.

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

## 316.6 REPORT PROCEDURES AND ROUTING

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

### 316.6.1 SUPERVISOR RESPONSIBILITIES

The responsibilities of the supervisor shall include, but are not limited to:

(a) Reviewing and approving missing person reports upon receipt.
1. The reports should be promptly sent to the Records Unit.

(b) Ensuring resources are deployed as appropriate.

(c) Initiating a command post as needed.

(d) Ensuring applicable notifications and public alerts are made and documented.

(e) Ensuring that records have been entered into the appropriate missing persons networks.

(f) Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

### 316.6.2 RECORDS UNIT RESPONSIBILITIES

The receiving member shall:

(a) As soon as reasonable under the circumstances, notify and forward a copy of the report to the law enforcement agency having jurisdiction over the missing person's residence in cases where the missing person is a resident of another jurisdiction (Penal Code § 14211).

(b) Notify and forward a copy of the report to the law enforcement agency in whose jurisdiction the missing person was last seen (Penal Code § 14211).

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

(d) Forward a copy of the report to the General Investigations.

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

## 316.7 GENERAL INVESTIGATIONS FOLLOW-UP

In addition to completing or continuing any actions listed above, the investigator assigned to a missing person investigation:

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

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

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

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

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

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

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

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

(g) Should make appropriate inquiry with the Coroner.

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

(i) Shall attempt to obtain the most recent photograph for persons under 18 years of age if it has not previously been obtained and forward the photograph to California DOJ (Penal Code § 14210) and enter the photograph into applicable missing person networks (34 USC § 41308).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

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(k) In the case of an at-risk missing person or a person who has been missing for an extended time, should consult with a supervisor regarding seeking federal assistance from the FBI and the U.S. Marshals Service (28 USC § 566).

## 316.8 WHEN A MISSING PERSON IS FOUND

When any person reported missing is found, the assigned investigator shall document the location of the missing person in the appropriate report, notify the relatives and/or reporting party, as appropriate, and other involved agencies and refer the case for additional investigation if warranted.

The Records Supervisor shall ensure that, upon receipt of information that a missing person has been located, the following occurs (Penal Code § 14213):

(a) Notification is made to California DOJ.

(b) The missing person's school is notified.

(c) Entries are made in the applicable missing person networks.

(d) Immediately notify the Attorney General's Office.

(e) Notification shall be made to any other law enforcement agency that took the initial report or participated in the investigation within 24 hours.

### 316.8.1 UNIDENTIFIED PERSONS

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

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

## 316.9 CASE CLOSURE

The General Investigations supervisor may authorize the closure of a missing person case after considering the following:

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

(b) If the missing person is a resident of Tracy 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.

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(d) A missing person case should not be closed or reclassified because the person would have reached a certain age or adulthood or because the person is now the subject of a criminal or civil warrant.

## 316.10 TRAINING

Subject to available resources, the Training Manager should ensure that members of this department whose duties include missing person investigations and reports receive regular training that includes:

(a) The initial investigation:

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

(b) Briefing of department members at the scene.

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

(d) Verifying the accuracy of all descriptive information.

(e) Initiating a neighborhood investigation.

(f) Investigating any relevant recent family dynamics.

(g) Addressing conflicting information.

(h) Key investigative and coordination steps.

(i) Managing a missing person case.

(j) Additional resources and specialized services.

(k) Update procedures for case information and descriptions.

(l) Preserving scenes.

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

(n) Media relations.

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# Public Alerts

## 317.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for alerting the public to important information and soliciting public aid when appropriate.

## 317.2 POLICY

Public alerts may be employed using the Emergency Alert System (EAS), local radio, television and press organizations and other groups to notify the public of incidents, or enlist the aid of the public, when the exchange of information may enhance the safety of the community. Various types of alerts may be available based upon each situation and the alert system's individual criteria.

## 317.3 RESPONSIBILITIES

### 317.3.1 MEMBER RESPONSIBILITIES

Members of the Tracy Police Department should notify their supervisor, Watch Commander, or General Investigations Supervisor as soon as practicable upon learning of a situation where public notification, a warning, or enlisting the help of the media and public could assist in locating a missing person, apprehending a dangerous person, or gathering information.

### 317.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor apprised of the need for a public alert is responsible to make the appropriate notifications based upon the circumstances of each situation. The supervisor shall promptly notify the Chief of Police, the appropriate Bureau Commander and the Public Information Officer when any public alert is generated.

The supervisor in charge of the investigation to which the alert relates is responsible for the following:

(a) Updating alerts

(b) Canceling alerts

(c) Ensuring all appropriate reports are completed

(d) Preparing an after-action evaluation of the investigation to be forwarded to the Bureau Commander

## 317.4 AMBER ALERTS

The AMBER Alert™ Program is a voluntary partnership between law enforcement agencies, broadcasters, transportation agencies and the wireless industry, to activate urgent bulletins in child abduction cases.

### 317.4.1 CRITERIA FOR AMBER ALERT

The following conditions must be met before activating an AMBER Alert (Government Code § 8594(a)):

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(a) A child has been abducted or taken by anyone, including but not limited to a custodial parent or guardian.

(b) The victim is 17 years of age or younger, or has a proven mental or physical disability.

(c) The victim is in imminent danger of serious injury or death.

(d) There is information available that, if provided to the public, could assist in the child's safe recovery.

317.4.2 PROCEDURE FOR AMBER ALERT

The supervisor in charge will ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the child:

1. The child's identity, age and description
2. Photograph if available
3. The suspect's identity, age and description, if known
4. Pertinent vehicle description
5. Detail regarding location of incident, direction of travel, potential destinations, if known
6. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
7. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center should be contacted to initiate a multi-regional or statewide EAS broadcast, following any policies and procedures developed by CHP (Government Code § 8594).

(c) The press release information is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) Information regarding the missing person should be entered into the California Law Enforcement Telecommunication System (CLETS).

(e) Information regarding the missing person should be entered into the California Department of Justice Missing and Unidentified Persons System (MUPS)/National Crime Information Center (NCIC).

(f) The following resources should be considered as circumstances dictate:

1. The local FBI office
2. National Center for Missing and Exploited Children (NCMEC)

## 317.5 BLUE ALERTS

Blue Alerts may be issued when an officer is killed, injured or assaulted and the suspect may pose a threat to the public or other law enforcement personnel.

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### 317.5.1 CRITERIA FOR BLUE ALERTS

All of the following conditions must be met before activating a Blue Alert (Government Code § 8594.5):

(a) A law enforcement officer has been killed, suffered serious bodily injury or has been assaulted with a deadly weapon, and the suspect has fled the scene of the offense.

(b) The investigating law enforcement agency has determined that the suspect poses an imminent threat to the public or other law enforcement personnel.

(c) A detailed description of the suspect's vehicle or license plate is available for broadcast.

(d) Public dissemination of available information may help avert further harm or accelerate apprehension of the suspect.

### 317.5.2 PROCEDURE FOR BLUE ALERT

The supervisor in charge should ensure the following:

(a) An initial press release is prepared that includes all available information that might aid in locating the suspect:

1. The license number and/or any other available description or photograph of the vehicle
2. Photograph, description and/or identification of the suspect
3. The suspect's identity, age and description, if known
4. Detail regarding location of incident, direction of travel, potential destinations, if known
5. Name and telephone number of the Public Information Officer or other authorized individual to handle media liaison
6. A telephone number for the public to call with leads or information

(b) The local California Highway Patrol communications center is contacted to initiate a multi-regional or statewide EAS broadcast.

(c) The information in the press release is forwarded to the Sheriff's Department Emergency Communications Bureau so that general broadcasts can be made to local law enforcement agencies.

(d) The following resources should be considered as circumstances dictate:

1. Entry into the California Law Enforcement Telecommunication System (CLETS)
2. The FBI local office

## 317.6 SILVER ALERTS

Silver Alerts® is an emergency notification system for people who are 65 years of age or older, developmentally disabled or cognitively impaired and have been reported missing (Government Code § 8594.10).

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317.6.1 CRITERIA FOR SILVER ALERTS
All of the following conditions must be met before activating a Silver Alert (Government Code § 8594.10):

(a) The missing person is 65 years of age or older, developmentally disabled or cognitively impaired.

(b) The Tracy Police Department has utilized all available local resources.

(c) The investigating officer or supervisor has determined that the person is missing under unexplained or suspicious circumstances.

(d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

317.6.2 PROCEDURE FOR SILVER ALERT
Requests for a Silver Alert shall be made through the California Highway Patrol (Government Code § 8594.10). Because the California Highway Patrol's Emergency Notification and Technical Alert Center (ENTAC) needs to speak with the investigating officer before the Silver Alert is ativated, the investigating officer will generally be responsible for making the request.

## 317.7 YELLOW ALERT
A Yellow Alert may be issued when a person is killed due to a hit-and-run incident and the department has specified information concerning the suspect or the suspect's vehicle (Government Code § 8594.15).

317.7.1 CRITERIA FOR YELLOW ALERT
All of the following conditions must be met before activating a Yellow Alert (Government Code § 8594.15):

(a) A person has been killed due to a hit-and-run incident.

(b) There is an indication that a suspect has fled the scene utilizing the state highway system or is likely to be observed by the public on the state highway system.

(c) The department has additional information concerning the suspect or the suspect's vehicle including but not limited to the following:

1. The complete license plate number of the suspect's vehicle.
2. A partial license plate number and additional unique identifying characteristics, such as the make, model, and color of the suspect's vehicle, which could reasonably lead to the apprehension of a suspect.
3. The identity of a suspect.
4. Public dissemination of available information could either help avert further harm or accelerate apprehension of a suspect based on any factor, including but not

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limited to the time elapsed between a hit-and-run incident and the request or the likelihood that an activation would reasonably lead to the apprehension of a suspect.

317.7.2 PROCEDURE FOR YELLOW ALERT
Requests for a Yellow Alert shall be made through the California Highway Patrol (Government Code § 8594.15).

## 317.8 FEATHER ALERT

A Feather Alert may be issued when an Indigenous person is reported missing. The determination that criteria has been met for the alert shall be made within 24 hours following the initial report being made to the Department (Government Code § 8594.13).

317.8.1 CRITERIA FOR FEATHER ALERT
The Department may request that a Feather Alert be activated if it is determined that the alert would be an effective tool in the investigation of missing and murdered Indigenous persons, including young women or girls. The following factors shall be considered to make that determination (Government Code § 8594.13):

(a) The missing person is an Indigenous person.

(b) The Department has utilized local and tribal resources.

(c) The investigating officer has determined the person is missing.

(d) The investigating officer or supervisor believes that the person is in danger and missing under circumstances that indicate any of the following:

1. The missing person's physical safety may be endangered.
2. The missing person may be subject to trafficking.
3. The missing person suffers from a mental or physical disability, or substance use disorder.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

317.8.2 PROCEDURE FOR FEATHER ALERT
Requests for a Feather Alert shall be made through the California Highway Patrol (Government Code § 8594.13).

## 317.9 ADDITIONAL ALERTS FOR PUBLIC SAFETY EMERGENCIES

Additional public safety emergency alerts may be authorized that utilize wireless emergency alert system (WEA) and emergency alert system (EAS) equipment for alerting and warning the public to protect lives and save property (Government Code § 8593.7).

317.9.1 PROCEDURE
Public safety emergency alerts should be activated by following the guidelines issued by the Office of Emergency Services (Government Code § 8593.7).

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317.9.2 CRITERIA
Public safety emergency alerts may be issued to alert or warn the public about events including but not limited to:

(a) Evacuation orders (including evacuation routes, shelter information, key information).

(b) Shelter-in-place guidance due to severe weather.

(c) Terrorist threats.

(d) HazMat incidents.

## 317.10 ENDANGERED MISSING ADVISORY

An Endangered Missing Advisory may be requested when a person is reported missing who is developmentally disabled, or cognitively impaired, or has been abducted, or is unable to otherwise care for themselves, placing their physical safety at risk (Government Code § 8594.11).

317.10.1 CRITERIA FOR ENDANGERED MISSING ADVISORY
All of the following conditions must be met before activating an Endangered Missing Advisory (Government Code § 8594.11):

(a) The missing person is developmentally disabled, cognitively impaired, has been abducted or is otherwise unable to care for themselves, placing their physical safety at risk.

(b) The Department has utilized all available local resources.

(c) The investigating officer has determined the person has gone missing under unexplained or suspicious circumstances.

(d) The investigating officer or supervisor believes that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(e) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

317.10.2 PROCEDURE FOR ENDANGERED MISSING ADVISORIES
Requests for an endangered missing advisory shall be made through the California Highway Patrol (Government Code § 8594.11).

## 317.11 EBONY ALERT

An Ebony Alert may be requested when it is determined the alert would be an effective tool in the investigation of missing Black youth, including a young woman or girl (Government Code § 8594.14).

317.11.1 CRITERIA FOR EBONY ALERT
The investigating officer may consider the following factors to make the determination that an Ebony Alert would be an effective tool (Government Code § 8594.14):

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(a) The missing person is between the ages of 12 and 25 years old, inclusive.

(b) The missing person is missing under circumstances that indicate their physical safety is endangered or they have been subject to trafficking.

(c) The missing person suffers from a mental or physical disability.

(d) Determination that the person has gone missing under unexplained or suspicious circumstances.

(e) Belief that the person is in danger because of age, health, mental or physical disability, environment or weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril.

(f) The Department has utilized all available local resources.

(g) There is information available that, if disseminated to the public, could assist in the safe recovery of the missing person.

317.11.2 PROCEDURE FOR EBONY ALERT

Requests for an Ebony Alert shall be made through the California Highway Patrol (Government Code § 8594.14).

## 317.12 LANGUAGE REQUIREMENTS FOR PUBLIC EMERGENCIES

In the event of an emergency, as defined in Government Code § 7299.7, the Tracy Police Department shall provide information to the public relating to the emergency in all languages jointly spoken by the local population as provided in Government Code § 7299.7.

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# Victim and Witness Assistance

## 318.1 PURPOSE AND SCOPE

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

## 318.2 POLICY

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

## 318.3 CRIME VICTIM LIAISON

The Chief of Police shall appoint a member of the Department to serve as the crime victim liaison (2 CCR 649.36). The crime victim liaison will be the point of contact for individuals requiring further assistance or information from the Tracy Police Department regarding benefits from crime victim resources. This person shall also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses.

### 318.3.1 CRIME VICTIM LIAISON DUTIES

The crime victim liaison is specifically tasked with the following:

(a) Developing and implementing written procedures for notifying and providing forms for filing with the California Victim Compensation Board (CalVCB) to crime victims, their dependents, or family. Access to information or an application for victim compensation shall not be denied based on the victim's or derivative victim's designation as a gang member, associate, or affiliate, or on the person's documentation or immigration status (Government Code § 13962; 2 CCR 649.35; 2 CCR 649.36).

(b) Responding to inquiries concerning the procedures for filing a claim with CalVCB (2 CCR 649.36).

(c) Providing copies of crime reports requested by CalVCB or victim witness assistance centers. Disclosure of reports must comply with the Records Maintenance and Release Policy.

(d) Annually providing CalVCB with the crime victim liaison's contact information (Government Code § 13962).

(e) Developing in consultation with sexual assault experts a sexual assault victim card explaining the rights of victims under California law (Penal Code § 680.2).

1. Ensuring that sufficient copies of the rights of sexual assault victim card are provided to each provider of medical evidentiary examinations or physical examinations arising out of sexual assault in the Tracy Police Department jurisdiction (Penal Code § 680.2).

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(f) Providing information required by Penal Code § 679.09 of a deceased minor to a parent or guardian of the minor whose death is being investigated.

1. In cases where the parent or guardian of the deceased minor cannot be located, information required by Penal Code § 679.09 shall be provided to the victim's immediate family, upon their request.

(g) Providing notification to victims of human trafficking or abuse of their right to have a human trafficking advocate and a support person that the victim chooses present during any interview by the Department, prosecutor, the suspect's defense attorney, or any other subsequent examinations and proceedings (Penal Code § 236.21; Welfare and Institutions Code § 23020).

1. Notification includes an explanation of the benefits of being represented by an advocate that includes confidentiality and evidentiary privilege, emotional support, assistance in accessing resources, and assistance with understanding their legal rights.

2. If the survivor requests an advocate, arranging for an advocate to be present for any further interviews or examinations by contacting a rape crisis center or another appropriate organization, such as an immigrant services organization.

3. If an advocate is waived, providing the victim with an authorized department standardized written waiver of advocacy. The victim should be advised that they may revoke the waiver at any time and request an advocate.

(h) Working in collaboration with community-based organizations to establish a process for referrals of human trafficking victims to the county social services department (Welfare and Institutions Code § 23020).

1. Referrals to services should be consistent with a survivor's culture, sexual orientation, and gender identity.

## 318.4 CRIME VICTIMS

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

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

### 318.4.1 VICTIMS OF HUMAN TRAFFICKING

Officers investigating or receiving a report involving a victim of human trafficking shall orally inform the victim, or the victim's parent or guardian if the victim is a minor, that upon the request of the victim, the names, addresses, and images of the victim and their immediate family members may be withheld and kept confidential (Penal Code § 293).

## 318.5 VICTIM INFORMATION

The Bureau of Support Services Supervisor shall ensure that victim information handouts are available and current. These should include as appropriate:

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

(b) Community resources for victims of sexual assault.

(c) Assurance that sexual assault victims will not incur out-of-pocket expenses for forensic medical exams, and information about evidence collection, storage, and preservation in sexual assault cases (34 USC § 10449; 34 USC § 20109; Penal Code § 13823.95(a)).

(d) An explanation that victims of sexual assault who seek a standardized medical evidentiary examination shall not be required to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time (Penal Code § 13823.95(b)).

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

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

(g) Information regarding available compensation for qualifying victims of crime (Government Code § 13962).

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

(i) Notice regarding U visa and T visa application processes.

(j) Resources available for victims of identity theft.

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

(l) The "Victims of Domestic Violence" card containing the names, phone numbers, or local county hotlines of local shelters for battered women and rape victim counseling centers within the county and their 24-hour counseling service telephone numbers (Penal Code § 264.2).

(m) The rights of sexual assault victims card with the required information as provided in Penal Code § 680.2.

(n) Referrals to organizations that provide services to survivors of human trafficking, including immigrant services organizations (Welfare and Institutions Code § 23020).

(o) Any additional information required by state law (Penal Code § 13701; Penal Code § 679.02; Penal Code § 679.04; Penal Code § 679.05; Penal Code § 679.026).

### 318.6 WITNESSES

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

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

### 318.7 APPENDIX

See attachments:

POST Human Trafficking Survivor's Waiver of Rights to an Advocate.pdf

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# Hate Crimes

## 319.1 POLICY

It is the policy of the Department to adopt the Commission on Peace Officer Standards and Training (POST) model policy.

See attachment: Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf

## 319.2 NOTIFICATION

As soon as practical the supervisor shall notify via voice or text message the following personnel or their designee:

- Watch Commander
- Bureau Commander
- Chief of Police

## 319.3 PURPOSE AND SCOPE

This policy is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow-up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how the Tracy Police Department may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy (Penal Code § 13519.6; Penal Code § 422.87).

### 319.3.1 DEFINITION AND LAWS

In accordance with Penal Code § 422.55; Penal Code § 422.56; Penal Code § 422.6; and Penal Code § 422.87, for purposes of all other state law, unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

**Bias motivation** - Bias motivation is a pre-existing negative attitude toward actual or perceived characteristics referenced in Penal Code § 422.55. Depending on the circumstances of each case, bias motivation may include but is not limited to hatred, animosity, discriminatory selection of victims, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including but not limited to disability or gender.

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**Disability** - Disability includes mental disability and physical disability as defined in Government Code § 12926, regardless of whether those disabilities are temporary, permanent, congenital, or acquired by heredity, accident, injury, advanced age, or illness.

**Disability bias** - In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as but not limited to dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes but is not limited to situations where a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons, such as inebriated persons or persons with perceived disabilities different from those of the victim. Such circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

**Gender** - Gender means sex and includes a person's gender identity and gender expression.

**Gender expression** -Gender expression means a person's gender-related appearance and behavior, regardless of whether it is stereotypically associated with the person's assigned sex at birth.

**Gender identity** - Gender identity means each person's internal understanding of their gender, or the perception of a person's gender identity, which may include male, female, a combination of male and female, neither male nor female, a gender different from the person's sex assigned at birth, or transgender (2 CCR § 11030).

**Hate crime** - "Hate crime" includes but is not limited to a violation of Penal Code § 422.6, and means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(a) Disability

(b) Gender

(c) Nationality

(d) Race or ethnicity

(e) Religion

(f) Sexual orientation

(g) Association with a person or group with one or more of these actual or perceived characteristics:

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1. "Association with a person or group with one or more of these actual or perceived characteristics" includes advocacy for, identification with, or being on the premises owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of the characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of Penal Code § 422.55(a).

Note: A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

**Hate incident** - A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

**Hate speech** - The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected:

- Fighting words
- True threats
- Perjury
- Blackmail
- Incitement to lawless action
- Conspiracy
- Solicitation to commit any crime

**In whole or in part** - "In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that a crime would not have been committed but for the actual or perceived characteristic.

**Nationality** - Nationality means country of origin, immigration status, including citizenship, and national origin.

**Race or ethnicity** - Race or ethnicity includes ancestry, color, and ethnic background.

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**Religion** - Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

**Religious bias** - In recognizing suspected religion-bias hate crimes, officers should consider whether there were targeted attacks on, or biased references to, symbols of importance to a particular religion or articles considered of spiritual significance in a particular religion (e.g., crosses, hijabs, Stars of David, turbans, head coverings, statues of the Buddha).

**Sexual orientation** - Sexual orientation means heterosexuality, homosexuality, or bisexuality.

**Victim** - Victim includes but is not limited to:

- Community center
- Educational facility
- Entity
- Family
- Group
- Individual
- Office
- Meeting hall
- Person
- Place of worship
- Private institution
- Public agency
- Library
- Other victim or intended victim of the offense

## 319.4 POLICY

It is the policy of this department to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This department will employ reasonably available resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this department should take all reasonable steps to attend to the security and related concerns of the immediate victims and their families as feasible.

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All officers are required to be familiar with the policy and use reasonable diligence to carry out the policy unless directed by the Chief of Police or other command-level officer to whom the Chief of Police formally delegates this responsibility.

## 319.5 PLANNING AND PREVENTION

In order to facilitate the guidelines contained within this policy, department members will continuously work to build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Department personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Hate incidents should be investigated and documented as part of an overall strategy to prevent hate crimes.

### 319.5.1 HATE CRIMES COORDINATOR

A department member appointed by the Chief of Police or the authorized designee will serve as the Hate Crimes Coordinator. The responsibilities of the Hate Crimes Coordinator should include but not be limited to (Penal Code § 422.87):

(a) Meeting with residents in target communities to allay fears; emphasizing the department's concern over hate crimes and related incidents; reducing the potential for counter-violence; and providing safety, security, and crime-prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.

(b) Finding, evaluating, and monitoring public social media sources to identify possible suspects in reported hate crimes; to identify suspects or suspect groups in future hate crimes or hate incidents affecting individuals, groups, or communities that may be victimized; and to predict future hate-based events.

(c) Providing direct and referral assistance to the victim and the victim's family.

(d) Conducting public meetings on hate crime threats and violence in general.

(e) Establishing relationships with formal community-based organizations and leaders.

(f) Expanding, where appropriate, preventive programs such as hate, bias, and crime-reduction seminars for students.

(g) Reviewing the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Muslim communities (Penal Code § 13519.6(b)(8)).

(h) Providing orientation of and with communities of specific targeted victims such as immigrant, Muslim, Arab, LGBTQ, Black or African-American, Jewish, and Sikh persons and persons with disabilities.

(i) Coordinating with the Training Manager to develop a schedule of required hate-crime training and include in a training plan recognition of hate crime bias characteristics, including information on general underreporting of hate crimes.

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(j) Verifying a process is in place to provide this policy and related orders to officers in the field and taking reasonable steps to rectify the situation if such a process is not in place.

(k) Taking reasonable steps to ensure hate crime data is provided to the Records Unit for mandated reporting to the Department of Justice.

1. Ensure the California Department of Justice crime data is posted monthly on the department website (Penal Code § 13023).

(l) Reporting any suspected multi-mission extremist crimes to the department Terrorism Liaison Officer, the assigned designee, or other appropriate resource; and verifying that such data is transmitted to the Joint Regional Information Exchange System in accordance with the protocols of the Records Unit Policy.

(m) Maintaining the department's supply of up-to-date hate crimes brochures (Penal Code § 422.92; Penal Code § 422.87).

(n) Submitting required hate crime materials to the California Department of Justice in accordance with the timeline established by state law (Penal Code § 13023).

(o) Annually assessing this policy, including:

1. Keeping abreast of POST model policy framework for hate crimes for revisions or additions, including definitions, responsibilities, training resources, the supplemental hate crime report, and planning and prevention methods.

2. Analysis of the department's data collection as well as the available outside data (e.g., annual California Attorney General's report on hate crime) in preparation for and response to future hate crimes.

### 319.5.2 RELEASE OF INFORMATION

Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure often assists greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

(a) Dissemination of correct information.

(b) Assurance to affected communities or groups that the matter is being properly and promptly investigated.

(c) The ability to request information regarding the commission of the crimes from the victimized community.

Information or records relating to hate crimes subject to public disclosure shall be released as provided by the Records Maintenance and Release Policy or as allowed by law. In accordance with the Media Relations Policy, the supervisor, public information officer, or the authorized designee should be provided with information that can be responsibly reported to the media. When appropriate, the department spokesperson should reiterate that hate crimes will not be tolerated, will be investigated seriously, and will be prosecuted to the fullest extent of the law.

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The Department should consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

- Inform community organizations in a timely manner when a community group has been the target of a hate crime.
- Inform the community of the impact of these crimes on the victim, the victim's family, and the community, and of the assistance and compensation available to victims.
- Inform the community regarding hate crime law and the legal rights of, and remedies available to, victims of hate crimes.
- Provide the community with ongoing information regarding hate crimes and/or hate incidents.

## 319.6 RESPONSE, VICTIM ASSISTANCE, AND FOLLOW-UP

### 319.6.1 INITIAL RESPONSE

First responding officers should know the role of all department personnel as they relate to the department's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance and, working with supervision and/or investigations, access needed assistance if applicable.

At the scene of a suspected hate or bias crime, officers should take preliminary actions reasonably deemed necessary, including but not limited to the following:

(a) Use agency checklist (per Penal Code § 422.87) to assist in the investigation of any hate crime (see Appendix).

(b) Stabilize the victims and request medical attention when necessary.

(c) Properly protect the safety of victims, witnesses, and perpetrators.

1. Assist victims in seeking a Temporary Restraining Order (if applicable).

(d) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(e) Properly protect, preserve, and process the crime scene, and remove all physical evidence of the incident as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to facilitate removal or covering as soon as reasonably possible. Department personnel should follow up with the property owner to determine if this was accomplished in a timely manner.

(f) Collect and photograph physical evidence or indicators of hate crimes such as:

1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.

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(g) Identify criminal evidence on the victim.

(h) Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.

(i) Conduct a preliminary investigation and record pertinent information including but not limited to:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. The offer of victim confidentiality per Government Code § 7923.615.
4. Prior occurrences in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. The victim's protected characteristics and determine if bias was a motivation "in whole or in part" in the commission of the crime.

(j) Adhere to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.

(k) Provide information regarding immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(l) Provide the department's Hate Crimes Brochure (per Penal Code § 422.92) if asked, if necessary, or per policy.

(m) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(n) Document any suspected multi-mission extremist crimes.

### 319.6.2 INVESTIGATION

Investigators at the scene of, or performing follow-up investigation on, a suspected hate or bias crime or hate incident should take all actions deemed reasonably necessary, including but not limited to the following:

(a) Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).

(b) Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.

(c) Utilize proper techniques for interviewing people with disabilities and be aware of and provide appropriate accommodations (e.g., ADA standards, Braille, visuals, translators for the deaf or hard of hearing).

(d) Properly investigate any report of a hate crime committed under the color of authority per Penal Code § 422.6 and Penal Code § 13519.6.

(e) Document physical evidence or indicators of hate crimes, in accordance with the provisions of the Property and Evidence Policy, such as:

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1. Hate literature.
2. Spray paint cans.
3. Threatening letters.
4. Symbols used by hate groups.
5. Desecration of religious symbols, objects, or buildings.

(f) Request the assistance of translators or interpreters when needed to establish effective communication.

(g) Conduct a preliminary investigation and record information regarding:

1. Identity of suspected perpetrators.
2. Identity of witnesses, including those no longer at the scene.
3. Offer of victim confidentiality per Government Code § 7923.615.
4. Prior occurrences, in this area or with this victim.
5. Statements made by suspects; exact wording is critical.
6. Document the victim's protected characteristics.

(h) Provide victim assistance and follow-up.

(i) Canvass the area for additional witnesses.

(j) Examine suspect's social media activity for potential evidence of bias motivation.

(k) Coordinate the investigation with department, state, and regional intelligence operations. These sources can provide the investigator with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.

(l) Coordinate the investigation with the crime scene investigation unit (if applicable) or other appropriate units of the Department.

(m) Determine if the incident should be classified as a hate crime.

(n) Take reasonable steps to provide appropriate assistance to hate crime victims, including the following measures:

1. Contact victims periodically to determine whether they are receiving adequate and appropriate assistance.
2. Provide ongoing information to victims about the status of the criminal investigation.
3. Provide victims and any other interested persons the brochure on hate crimes per Penal Code § 422.92 and information on any local advocacy groups (if asked).

(o) Document any suspected multi-mission extremist crimes.

(p) Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents, and determine if organized hate groups are involved.

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### 319.6.3 SUPERVISION

The supervisor shall confer with the initial responding officer and take reasonable steps to ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

(a) Provide immediate assistance to the crime victim by:

1. Expressing the department's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
2. Expressing the department's interest in protecting victims' anonymity (confidentiality forms, Government Code § 7923.615) to the extent reasonably possible. Allow the victims to convey their immediate concerns and feelings.
3. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy, or a department chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per Penal Code § 422.92).

(b) Take reasonable steps to ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.

(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.

(d) In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer to specific locations that could become targets).

(e) Verify hate crimes are being properly reported, including reporting to the Department of Justice, pursuant to Penal Code § 13023.

(f) Verify adherence to Penal Code § 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime (e.g., U-Visa, T-Visa, S-Visa).

(g) Respond to and properly initiate an investigation of any reports of hate crimes committed under the color of authority.

(h) Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For additional information refer to the California Department of Justice website.

(i) Verify reporting of any suspected multi-mission extremist crimes to the agency Hate Crimes Coordinator.

(j) Make a final determination as to whether the incident should be classified as a hate crime and forward to the Chief of Police for approval.

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### 319.7 TRAINING

All members of this department will receive POST-approved training on hate crime recognition and investigation as provided by Penal Code § 13519.6. Training should include (Penal Code § 422.87):

(a) Recognition of bias motivators such as ranges of attitudes and perceptions toward a specific characteristic or group, including disability bias, gender bias, and religion bias.

(b) Accurate reporting by officers, including information on the general underreporting of hate crimes.

(c) Distribution of hate crime brochures.

### 319.8 APPENDIX

See attachments:

Statutes and Legal Requirements.pdf

Hate Crime Checklist.pdf

Supplemental Hate Crime Report.pdf

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# Standards of Conduct

## 320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the Tracy Police Department and are expected of all department members. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, members are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this department or a member's supervisors.

## 320.2 POLICY

The continued employment or appointment of every member of the Tracy Police Department shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether on- or off-duty, may be cause for disciplinary action.

## 320.3 DIRECTIVES AND ORDERS

Members shall comply with lawful directives and orders from any department supervisor or person in a position of authority, absent a reasonable and bona fide justification.

### 320.3.1 UNLAWFUL OR CONFLICTING ORDERS

Supervisors shall not knowingly issue orders or directives that, if carried out, would result in a violation of any law or department policy. Supervisors should not issue orders that conflict with any previous order without making reasonable clarification that the new order is intended to countermand the earlier order.

No member is required to obey any order that appears to be in direct conflict with any federal law, state law or local ordinance. Following a known unlawful order is not a defense and does not relieve the member from criminal or civil prosecution or administrative discipline. If the legality of an order is in doubt, the affected member shall ask the issuing supervisor to clarify the order or shall confer with a higher authority. The responsibility for refusal to obey rests with the member, who shall subsequently be required to justify the refusal.

Unless it would jeopardize the safety of any individual, members who are presented with a lawful order that is in conflict with a previous lawful order, department policy or other directive shall respectfully inform the issuing supervisor of the conflict. The issuing supervisor is responsible for either resolving the conflict or clarifying that the lawful order is intended to countermand the previous lawful order or directive, in which case the member is obliged to comply. Members who are compelled to follow a conflicting lawful order after having given the issuing supervisor the opportunity to correct the conflict, will not be held accountable for disobedience of the lawful order or directive that was initially issued.

The person countermanding the original order shall notify, in writing, the person issuing the original order, indicating the action taken and the reason.

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### 320.3.2 SUPERVISOR RESPONSIBILITIES

Supervisors and managers are required to follow all policies and procedures and may be subject to discipline for:

(a) Failure to be reasonably aware of the performance of their subordinates or to provide appropriate guidance and control.

(b) Failure to promptly and fully report any known misconduct of a member to his/her immediate supervisor or to document such misconduct appropriately or as required by policy.

(c) Directing a subordinate to violate a policy or directive, acquiesce to such a violation, or are indifferent to any such violation by a subordinate.

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

## 320.4 GENERAL STANDARDS

Members shall conduct themselves, whether on- or off-duty, in accordance with the United States and California constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Members shall familiarize themselves with policies and procedures and are responsible for compliance with each. Members should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

## 320.5 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, ethics and specific action or inaction that is detrimental to efficient department service:

### 320.5.1 LAWS, RULES AND ORDERS

(a) Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in department or City manuals.

(b) Disobedience of any legal directive or order issued by any department member of a higher rank.

(c) Violation of federal, state, local or administrative laws, rules or regulations.

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### 320.5.2 ETHICS

(a) Using or disclosing one's status as a member of the Tracy Police Department in any way that could reasonably be perceived as an attempt to gain influence or authority for nondepartment business or activity.

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

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

(d) Acceptance of fees, gifts or money contrary to the rules of this department and/or laws of the state.

(e) Offer or acceptance of a bribe or gratuity.

(f) Misappropriation or misuse of public funds, property, personnel or services.

(g) Any other failure to abide by the standards of ethical conduct.

### 320.5.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

### 320.5.4 RELATIONSHIPS

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

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

(c) Establishing or maintaining an inappropriate personal or financial relationship, as a result of an investigation, with a known victim, witness, suspect, or defendant while a case is being investigated or prosecuted, or as a direct result of any official contact.

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

(e) Engaging in membership in a hate group, participation in any hate group activity or advocacy of any public expressions of hate as defined by Penal Code § 13680. Any sustained finding is grounds for termination (Penal Code § 13682).

(f) Associating on a personal, rather than official basis with persons who demonstrate recurring involvement in serious violations of state or federal laws after the member

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knows, or reasonably should know of such criminal activities, except as specifically directed and authorized by this department.

(g) Participation in a law enforcement gang as defined by Penal Code § 13670. Participation is grounds for termination (Penal Code § 13670).

### 320.5.5 ATTENDANCE

(a) Leaving the job to which the member is assigned during duty hours without reasonable excuse and proper permission and approval.

(b) Unexcused or unauthorized absence or tardiness.

(c) Excessive absenteeism or abuse of leave privileges.

(d) Failure to report to work or to the place of assignment at the time specified and fully prepared to perform duties without reasonable excuse.

### 320.5.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

(a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the member's position with this department.

  (a) Members of this department shall not disclose the name, address, or image of any victim of human trafficking except as authorized by law (Penal Code § 293).

(b) Disclosing to any unauthorized person any active investigation information.

(c) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this department for personal or financial gain or without the express authorization of the Chief of Police or the authorized designee.

(d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any department property for personal use, personal gain, or any other improper or unauthorized use or purpose.

(e) Using department resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and nonsubpoenaed records.

### 320.5.7 EFFICIENCY

(a) Neglect of duty.

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

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

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

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(e) Failure to notify the Department within 24 hours of any change in residence address or contact numbers.

(f) Failure to notify the Department of Human Resources of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

320.5.8 PERFORMANCE

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

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

(c) Failure to participate in, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any department related business.

(d) Being untruthful or knowingly making false, misleading or malicious statements that are reasonably calculated to harm the reputation, authority or official standing of this department or its members.

(e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this department or subverts the good order, efficiency and discipline of this department or that would tend to discredit any of its members.

(f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:

1. While on department premises.
2. At any work site, while onduty or while in uniform, or while using any department equipment or system.
3. Gambling activity undertaken as part of an officer official duties and with the express knowledge and permission of a direct supervisor is exempt from this prohibition.

(g) Improper political activity including:

1. Unauthorized attendance while onduty at official legislative or political sessions.
2. Solicitations, speeches or distribution of campaign literature for or against any political candidate or position while onduty or, on department property except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

(h) Engaging in political activities during assigned working hours except as expressly authorized by City policy, the memorandum of understanding, or the Chief of Police.

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(i) Any act on or offduty that brings discredit to this department.

320.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

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

(g) Use of obscene, indecent, profane or derogatory language while onduty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on- or off-duty, that adversely affects the member's relationship with this department.

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

(j) Attempted or actual theft of department property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of department property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law or that violates a provision of any memorandum of understanding or contract to include fraud in securing the appointment or hire.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Chief of Police of such action.

(m) Any other on or offduty conduct which any member knows or reasonably should know is unbecoming a member of this department, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this department or its members.

320.5.10 SAFETY

(a) Failure to observe or violating department safety standards or safe working practices.

(b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver license, first aid).

(c) Failure to maintain good physical condition sufficient to adequately and safely perform law enforcement duties.

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(d) Unsafe firearm or other dangerous weapon handling to include loading or unloading firearms in an unsafe manner, either on- or off- duty.

(e) Carrying, while on the premises of the work place, any firearm or other lethal weapon that is not authorized by the member's appointing authority.

(f) Unsafe or improper driving habits or actions in the course of employment or appointment.

(g) Any personal action contributing to a preventable traffic collision.

(h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

### 320.5.11 INTOXICANTS

(a) Reporting for work or being at work while intoxicated or when the member's ability to perform assigned duties is impaired due to the use of alcohol, medication or drugs, whether legal, prescribed or illegal.

(b) Possession or use of alcohol at any work site or while on-duty, except as authorized in the performance of an official assignment. A member who is authorized to consume alcohol is not permitted to do so to such a degree that it may impair on-duty performance.

(c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug or non-prescribed medication to any work site.

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# Information Technology Use

## 321.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper use of department information technology resources, including computers, electronic devices, hardware, software and systems.

### 321.1.1 DEFINITIONS

Definitions related to this policy include:

**Computer system** - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the Tracy Police Department that are provided for official use by its members. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the Department or department funding.

**Hardware** - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), modems, or any other tangible computer device generally understood to comprise hardware.

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

**Temporary file, permanent file, or file** - Any electronic document, information, or data residing or located, in whole or in part, on the system including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

## 321.2 POLICY

It is the policy of the Tracy Police Department that members shall use information technology resources, including computers, software and systems, that are issued or maintained by the Department in a professional manner and in accordance with this policy.

## 321.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any department computer system.

The Department reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the Department, including the department email system, computer network, and/or any information placed into storage on any department system or device. This includes records of all keystrokes or Web-browsing history made at any department computer or over any department network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through department computers, electronic devices, or networks.

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The Department shall not require a member to disclose a personal username or password for accessing personal social media or to open a personal social website; however, the Department may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

## 321.4 RESTRICTED USE

Members shall not access computers, devices, software or systems for which they have not received prior authorization or the required training. Members shall immediately report unauthorized access or use of computers, devices, software or systems by another member to their supervisors or Watch Commanders.

Members shall not use another person's access passwords, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

### 321.4.1 SOFTWARE

Members shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, members shall not install any unlicensed or unauthorized software on any department computer. Members shall not install personal copies of any software onto any department computer.

When related to criminal investigations, software program files may be downloaded only with the approval of the information systems technology (IT) staff and with the authorization of the Chief of Police or the authorized designee.

No member shall knowingly make, acquire or use unauthorized copies of computer software that is not licensed to the Department while on department premises, computer systems or electronic devices. Such unauthorized use of software exposes the Department and involved members to severe civil and criminal penalties.

Introduction of software by members should only occur as part of the automated maintenance or update process of department- or City-approved or installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT staff and a full scan for malicious attachments.

### 321.4.2 HARDWARE

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

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### 321.4.3 INTERNET USE

Internet access provided by or through the Department shall be strictly limited to department-related activities. Internet sites containing information that is not appropriate or applicable to department use and which shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of a member's assignment.

Downloaded information from the internet shall be limited to messages, mail, and data files.

## 321.5 PROTECTION OF SYSTEMS AND FILES

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

Members shall ensure department computers and access terminals are not viewable by persons who are not authorized users. Computers and terminals should be secured, users logged off and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed by IT staff or a supervisor. Passwords for accounts that access CJI are governed by the CJIS Access, Maintenance, and Security Policy.

It is prohibited for a member to allow an unauthorized user to access the computer system at any time or for any reason. Members shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

## 321.6 INSPECTION OR REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of his/her supervisory duties or based on cause.

Reasons for inspection or review may include, but are not limited to, computer system malfunctions, problems or general computer system failure, a lawsuit against the Department involving one of its members or a member’s duties, an alleged or suspected violation of any department policy, a request for disclosure of data, or a need to perform or provide a service.

The IT staff may extract, download or otherwise obtain any and all temporary or permanent files residing or located in or on the department computer system when requested by a supervisor or during the course of regular duties that require such information.

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# Report Preparation

## 322.1 PURPOSE AND SCOPE

Report preparation is a major part of each officer's job. The purpose of reports is to document sufficient information to refresh the officer's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formalized training and on-the-job training.

### 322.1.1 REPORT PREPARATION

Employees should ensure that reports are sufficiently detailed for their purpose and free from errors prior to submission. It is the responsibility of the assigned employee to complete and submit all reports taken during the shift before going off-duty unless permission to hold the report has been approved by a supervisor. Generally, reports requiring prompt follow-up action on active leads, or arrest reports where the suspect remains in custody should not be held.

Handwritten reports must be prepared legibly. If the report is not legible, the submitting employee will be required by the reviewing supervisor to promptly make corrections and resubmit the report. Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the typist. Employees who generate reports on computers are subject to all requirements of this policy.

All reports shall accurately reflect the identity of the persons involved, all pertinent information seen, heard or assimilated by any other sense, and any actions taken. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. Generally, the reporting employee's opinions should not be included in reports unless specifically identified as such.

## 322.2 REQUIRED REPORTING

Written reports are required in all of the following situations on the appropriate department approved form unless otherwise approved by a supervisor.

### 322.2.1 CRIMINAL ACTIVITY

When a member responds to a call for service, or as a result of self-initiated activity becomes aware of any activity where a crime has occurred, the member shall document the incident regardless of whether a victim desires prosecution. Activity to be documented in a written report includes:

(a) All arrests

(b) All felony crimes

(c) Non-Felony incidents involving threats or stalking behavior

(d) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Violence Policy

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3. Child Abuse Policy
4. Senior and Disability Victimization Policy
5. Hate Crimes Policy
6. Suspicious Activity Reporting Policy

(e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the department-approved alternative reporting method (e.g., dispatch log).

### 322.2.2 NON-CRIMINAL ACTIVITY

The following incidents shall be documented using the appropriate approved report:

(a) Any use of force against any person by a member of this department (see the Use of Force Policy)

(b) Any firearm discharge (see the Firearms Policy)

(c) Anytime a person is reported missing, regardless of jurisdiction (see the Missing Persons Policy)

(d) Any found property or found evidence

(e) Any traffic collisions above the minimum reporting level (see Traffic Collision Reporting Policy)

(f) Suspicious incidents that may indicate a potential for crimes against children or that a child's safety is in jeopardy

(g) All protective custody detentions

(h) Suspicious incidents that may place the public or others at risk

(i) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor

### 322.2.3 DEATH CASES

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the Death Investigations Policy. The handling officer should notify and apprise a supervisor of the circumstances surrounding the incident to determine how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths.

(b) Suicides.

(c) Homicide or suspected homicide.

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(d) Unattended deaths (No physician or qualified hospice care in the 20 days preceding death).

(e) Found dead bodies or body parts.

322.2.4 INJURY OR DAMAGE BY CITY PERSONNEL
Reports shall be taken if an injury occurs that is a result of an act of a City employee. Additionally, reports shall be taken involving damage to City property or City equipment.

322.2.5 MISCELLANEOUS INJURIES
Any injury that is reported to this department shall require a report when:

(a) The injury is a result of drug overdose

(b) Attempted suicide

(c) The injury is major/serious, whereas death could result

(d) The circumstances surrounding the incident are suspicious in nature and it is desirable to record the event

The above reporting requirements are not intended to be all-inclusive. A supervisor may direct an employee to document any incident he/she deems necessary.

322.2.6 MANDATORY REPORTING OF JUVENILE GUNSHOT INJURIES
A report shall be taken when any incident in which a child 18 years or younger suffered an unintentional or self-inflicted gunshot wound. The Records Unit shall notify the California Department of Public Health (CDPH) of the incident as required by CDPH (Penal Code § 23685).

## 322.3 GENERAL POLICY OF EXPEDITIOUS REPORTING
In general, all officers and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

322.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS
Some incidents and report forms lend themselves to block print rather than typing. In general, the narrative portion of those reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports of any nature for department consistency.

322.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS
County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

## 322.4 REPORT CORRECTIONS

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Supervisors shall review reports for content and accuracy. If a correction is necessary, the reviewing supervisor should note the reasons for rejection. The original report and the correction notes should be returned to the reporting employee for correction as soon as practical. It shall be the responsibility of the originating officer to ensure that any report returned for correction is processed in a timely manner.

## 322.5 REPORT CHANGES OR ALTERATIONS

Reports that have been approved by a supervisor and submitted to the Records Unit for filing and distribution shall not be modified or altered except by way of a supplemental report. Reviewed reports that have not yet been submitted to the Records Unit may be corrected or modified by the authoring officer only with the knowledge and authorization of the reviewing supervisor.

## 322.6 USE OF ARTIFICIAL INTELLIGENCE IN PREPARATION OF REPORTS

Official reports that are generated using artificial intelligence (AI) either fully or partially shall contain the following (Penal Code § 13663)

(a) On each page of an official report, or within the body of the text, identify every specific AI program used in a manner that makes such identification readily apparent to the reader and prominently state the following: "This report was written either fully or in part using artificial intelligence."

(b) The signature of the member who is preparing the official report, either in physical or electronic form, verifying that they reviewed the contents of the report and that the facts contained in the official report are true and correct. Except for the official report, a draft of any report created with the use of AI shall not constitute a member's statement.

For purposes of this section artificial intelligence means an engineered or machine-based system that varies in its level of autonomy and that can, for explicit or implicit objectives, infer from the input it receives how to generate outputs that can influence physical or virtual environments. AI as used in this section applies to AI systems that automatically draft police report narratives based upon an analysis of in-car or dash-mounted cameras, or body-worn camera audio or video, and AI systems that analyze a law enforcement officer's dictated report to generate a police report narrative automatically enhanced by generative AI (Penal Code § 13663).

See the Generative Artificial Intelligence Use policy for additional guidance on generative AI.

### 322.6.1 ARTIFICIAL INTELLIGENCE AUDIT TRAIL

The Department shall maintain an audit trail for AI generated first drafts or official reports for as long as the official report is retained that, at a minimum, identifies both of the following (Penal Code § 13663):

(a) The name of the person who used AI to create the report.

(b) The video and audio footage that is used to create a report, if any.

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# Media Relations

## 323.1 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.

## 323.2 POLICY

It is the policy of the Tracy Police Department to protect the privacy rights of individuals, while releasing non-confidential information to the media regarding topics of public concern. Information that has the potential to negatively affect investigations will not be released.

## 323.3 RESPONSIBILITIES

The ultimate authority and responsibility for the release of information to the media shall remain with the Chief of Police. In situations not warranting immediate notice to the Chief of Police and in situations where the Chief of Police has given prior approval, Bureau Commanders, Watch Commanders, and designated Public Information Officers (PIOs) may prepare and release information to the media in accordance with this policy and the applicable laws regarding confidentiality.

## 323.4 PROVIDING ADVANCE INFORMATION

To protect the safety and rights of department members and other persons, advance information about planned actions by law enforcement personnel, such as movement of persons in custody or the execution of an arrest or search warrant, should not be disclosed to the media, nor should media representatives be invited to be present at such actions except with the prior approval of the Chief of Police.

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

## 323.5 MEDIA REQUESTS

Any media request for information or access to a law enforcement incident shall be referred to the PIO, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, members shall consider the following:

(a) At no time shall any member of this department make any comment or release any official information to the media without prior approval from a supervisor or the PIO.

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

(c) Under no circumstance should any member of this department make any comments to the media regarding any law enforcement incident not involving this department

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without prior approval of the Chief of Police. Under these circumstances the member should direct the media to the agency handling the incident.

## 323.6 ACCESS

Authorized media representatives shall be provided access to scenes of disasters, criminal investigations, emergencies, and other law enforcement activities as required by law.

Access by the media is subject to the following conditions (Penal Code § 409.5(d)):

(a) The media representative shall produce valid press credentials that shall be prominently displayed at all times while in areas otherwise closed to the public. Media representatives may not bring or facilitate the transport of an unauthorized person into a closed area unless it is for the safety of the person.

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

1. Based upon available resources, reasonable effort should be made to provide a safe staging area for the media that is near the incident and that will not interfere with emergency or criminal investigation operations. All information released to the media should be coordinated through the PIO or other designated spokesperson.

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

(d) Media interviews with individuals who are in custody should not be permitted without the approval of the Chief of Police and the express consent of the person in custody.

### 323.6.1 CRITICAL OPERATIONS

A critical incident or tactical operation should be handled in the same manner as a crime scene, except the media should not be permitted within the inner perimeter of the incident, subject to any restrictions as determined by the supervisor in charge. Department members shall not jeopardize a critical incident or tactical operation in order to accommodate the media. All comments to the media shall be coordinated through a supervisor or the PIO.

### 323.6.2 TEMPORARY FLIGHT RESTRICTIONS

Whenever the presence of media or other aircraft pose a threat to public or member safety or significantly hamper incident operations, the field supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through the Watch Commander. The TFR request should include specific information regarding the perimeter and altitude necessary for the incident and should be requested through the appropriate control tower. If the control tower is not known, the Federal Aviation Administration (FAA) should be contacted (14 CFR 91.137).

## 323.7 CONFIDENTIAL OR RESTRICTED INFORMATION

It shall be the responsibility of the PIO to ensure that confidential or restricted information is not inappropriately released to the media (see the Records Maintenance and Release and Personnel

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Records policies). When in doubt, authorized and available legal counsel should be consulted prior to releasing any information.

#### 323.7.1 EMPLOYEE INFORMATION

The identities of officers involved in shootings or other critical incidents may only be released to the media upon the consent of the involved officer or upon a formal request filed.

Any requests for copies of related reports or additional information not contained in the information log (see the Information Log section in this policy), including the identity of officers involved in shootings or other critical incidents, shall be referred to the PIO.

Requests should be reviewed and fulfilled by the Custodian of Records, or if unavailable, the Watch Commander or the authorized designee. Such requests will be processed in accordance with the provisions of the Records Maintenance and Release Policy and public records laws.

## 323.8 RELEASE OF INFORMATION

The Department may routinely release information to the media without receiving a specific request. This may include media releases regarding critical incidents, information of public concern, updates regarding significant incidents, or requests for public assistance in solving crimes or identifying suspects. This information may also be released through the department website or other electronic data sources.

#### 323.8.1 INFORMATION LOG

The Department will maintain a daily information log of significant law enforcement activities. Log entries shall only contain information that is deemed public information and not restricted or confidential by this policy or applicable law. Upon request, the log entries shall be made available to media representatives through the Watch Commander.

The daily information log will generally include:

(a) The date, time, location, case number, type of crime, extent of injury or loss, and names of individuals involved in crimes occurring within this jurisdiction, unless the release of such information would endanger the safety of any individual or jeopardize the successful completion of any ongoing investigation, or the information is confidential (e.g., juveniles or certain victims).

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

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

At no time shall identifying information pertaining to a juvenile arrestee (13 years of age and under), victim, or witness be publicly released without prior approval of a competent court. The identity of a minor 14 years of age or older shall not be publicly disclosed unless the minor has

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been arrested for a serious felony and the release of such information has been approved by the Watch Commander (Welfare and Institutions Code § 827.5).

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

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

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# Subpoenas and Court Appearances

## 324.1 PURPOSE AND SCOPE

This policy establishes the guidelines for department members who must appear in court. It will allow the Tracy Police Department to cover any related work absences and keep the Department informed about relevant legal matters.

## 324.2 POLICY

Tracy Police Department members will respond appropriately to all subpoenas and any other court-ordered appearances.

## 324.3 SUBPOENAS

Only department members authorized to receive a subpoena on behalf of this department or any of its members may do so. This may be accomplished by personal service to the officer or by delivery of two copies of the subpoena to the officer's supervisor or other authorized departmental agent (Government Code § 68097.1; Penal Code § 1328(c)).

The party that issues a civil subpoena to an officer to testify as a witness must tender the statutory fee of $275 with the subpoena for each day that an appearance is required before service is accepted of the subpoena (Government Code § 68097.2).

An immediate supervisor or authorized individual may refuse to accept service for a criminal subpoena if (Penal Code § 1328(d)(e)):

(a) He/she knows that he/she will be unable to deliver a copy of the subpoena to the named officer within sufficient time for the named officer to comply with the subpoena.

(b) It is less than five working days prior to the date listed for an appearance and he/she is not reasonably certain that service can be completed.

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

### 324.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any member who is subpoenaed to testify, agrees to testify or provides information on behalf of or at the request of any party other than the City Attorney or the prosecutor shall notify his/her immediate supervisor without delay regarding:

(a) Any civil case where the City or one of its members, as a result of his/her official capacity, is a party.

(b) Any civil case where any other city, county, state or federal unit of government or a member of any such unit of government, as a result of his/her official capacity, is a party.

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(c) Any criminal proceeding where the member is called to testify or provide information on behalf of the defense.

(d) Any civil action stemming from the member's on-duty activity or because of his/her association with the Tracy Police Department.

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Tracy Police Department.

The supervisor will then notify the Chief of Police and the appropriate prosecuting attorney as may be indicated by the case. The Chief of Police should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

#### 324.3.2 CIVIL SUBPOENA

The Department will compensate members who appear in their official capacities on civil matters arising out of their official duties, as directed by the current memorandum of understanding or collective bargaining agreement.

The Department should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

#### 324.3.3 OFF-DUTY RELATED SUBPOENAS

Members receiving valid subpoenas for off-duty actions not related to their employment or appointment will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

### 324.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

When a member has received a subpoena and is unable to attend because of pre-scheduled vacation or other authorized leave, they shall submit a memo within 3 days of accepting the subpoena, via Records to the District Attorney's Office or Court which issued the subpoena.

### 324.5 STANDBY

To facilitate standby agreements, members are required to provide and maintain current information on their addresses and contact telephone numbers with the Department.

If a member on standby changes his/her location during the day, the member shall notify the designated department member of how he/she can be reached. Members are required to remain on standby until released by the court or the party that issued the subpoena.

### 324.6 COURTROOM PROTOCOL

When appearing in court, members shall:

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(a) Be punctual and prepared to proceed immediately with the case for which they are scheduled to appear.

(b) For traffic hearings or preliminary hearings, officers may wear business attire or their daily work uniform.

(c) For jury trials or grand jury appearances, officers shall wear business attire or a Class B uniform (no external body armor carriers).

(d) Observe all rules of the court in which they are appearing and remain alert to changes in the assigned courtroom where their matter is to be heard.

#### 324.6.1 TESTIMONY

Before the date of testifying, the subpoenaed member shall request a copy of relevant reports and become familiar with the content in order to be prepared for court.

## 324.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current memorandum of understanding or collective bargaining agreement.

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# Reserve Officers

## 325.1 PURPOSE AND SCOPE

The Tracy Police Department Reserve Unit was established to supplement and assist regular sworn police officers in their duties. This unit provides professional, sworn reserve officers who can augment regular staffing levels.

## 325.2 SELECTION AND APPOINTMENT OF POLICE RESERVE OFFICERS

The Tracy Police Department shall endeavor to recruit and appoint to the Reserve Unit only those applicants who meet the high ethical, moral and professional standards set forth by this department.

### 325.2.1 PROCEDURE

All applicants shall be required to meet and pass the same pre-employment procedures as regular police officers before appointment.

Before appointment to the Police Reserve Unit, an applicant must possess a valid California POST Basic Certificate upon appointment, have a least one year experience as a full-time sworn Police Officer or Deputy Sheriff and have passed a probationary period at a prior agency.

### 325.2.2 APPOINTMENT

Applicants who are selected for appointment to the Police Reserve Unit shall, on the recommendation of the Chief of Police, be sworn in by the Chief of Police and take a loyalty oath to observe and obey all of the laws of the land and to carry out their duties to the best of their ability.

### 325.2.3 COMPENSATION FOR POLICE RESERVE OFFICERS

Compensation for reserve officers is provided as follows:

All reserve officer appointees will receive an hourly wage as listed in the City of Tracy Salary Schedule. Reserve Officers shall be reimbursed for designated uniforms and all designated attire and safety equipment purchased beyond their existing uniforms and safety equipment. The amount of uniforms to be reimbursed by the department should be no more than one per year and will be done so on an as needed basis or as directed by the Chief of Police.

### 325.2.4 EMPLOYEES WORKING AS RESERVE OFFICERS

Qualified employees of this department, when authorized, may also serve as reserve officers. However, the Department must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (e.g., a detention officer working as a reserve officer for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve or volunteer capacity (29 CFR 553.30).

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## 325.3 CORE DUTIES OF RESERVE OFFICERS

Reserve officers assist regular officers in the enforcement of laws and in maintaining peace and order within the community. Assignments of reserve officers will usually be to augment the Field Operations Bureau. Reserve officers may be assigned to other areas within the Department as needed. Reserve officers are required to work a minimum of 16 hours per month.

Typical duties of a Reserve Officer are:

- Prisoner pick up and transport to or from another county outside of San Joaquin.
- Security while working at a Tracy Unified School District Sporting Events of which is being funded by the Tracy Unified School District.
- All community events (parades, fairs, concerts, fun runs, etc) regardless of sponsor.
- Completing pre-employment background investigations assigned by Chief of Police.
- Assisting with special projects and departmental initiatives, including those related to technology, as assigned.

Any activation or assignment that is deemed a public safety or quality of life need as determined by the Chief of Police.

### 325.3.1 POLICY COMPLIANCE

Police reserve officers shall be required to adhere to all departmental policies and procedures. A copy of the policies and procedures will be made available to each reserve officer upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this manual refers to a sworn regular full-time officer, it shall also apply to a sworn reserve officer unless by its nature it is inapplicable.

### 325.3.2 RESERVE OFFICER ASSIGNMENTS

All reserve officers will be assigned to duties by the Reserve Coordinator or his/her designee.

### 325.3.3 RESERVE COORDINATOR

The Chief of Police shall delegate the responsibility for administering the Reserve Officer Program to a Reserve Coordinator.

The Reserve Coordinator shall have the responsibility of, but not be limited to:

(a) Assignment of reserve personnel

(b) Conducting reserve meetings

(c) Establishing and maintaining a reserve call-out roster

(d) Maintaining and ensuring performance evaluations are completed

(e) Monitoring individual reserve officer performance

(f) Monitoring overall Reserve Program

(g) Maintaining liaison with other agency Reserve Coordinators

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## 325.4 FIELD TRAINING

Penal Code § 832.6 requires Level II reserve officers, who have not been released from the immediate supervision requirement per the Completion of the Formal Training Process subsection, to work under the immediate supervision of a peace officer who possesses a Basic POST Certificate.

### 325.4.1 TRAINING OFFICERS

Officers of this department, who demonstrate a desire and ability to train reserve officers, may train the reserves, subject to Watch Commander approval.

### 325.4.2 FIELD TRAINING MANUAL

Each new reserve officer will be issued a Field Training Manual at the beginning of his/her Field Orientation Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Tracy Police Department. The reserve officer shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

### 325.4.3 COMPLETION OF THE TRAINING PROGRAM

At the completion of field training, the training officer will meet with the Reserve Coordinator. Based upon the reserve officer's evaluations, plus input from the training officer, the Reserve Coordinator shall decide if the reserve officer has satisfactorily completed his/her formal training. If the reserve officer has progressed satisfactorily, he/she will then graduate from the formal training process. If his/her progress is not satisfactory, the Reserve Coordinator will decide upon the appropriate action to be taken.

### 325.4.4 COMPLETION OF THE FORMAL TRAINING PROCESS

When a reserve officer has satisfactorily completed formal training, and demonstrated the ability to work as a solo officer he/she will no longer be required to ride with a reserve training officer.

## 325.5 SPECIAL AUTHORIZATION REQUIREMENTS

Once the Field Training Program is completed, the Reserve Officer will be certified as a Level I Reserve Officer. With prior authorization of the Reserve Coordinator and on approval of the Division Commander, the Reserve Officer will be relieved of the "immediate supervision" requirement. Level I reserve officers may function under the authority of Penal Code Section 832.6(a)(1) only for the duration of the assignment or purpose for which the authorization was granted. In the absence of the Reserve Coordinator and the BureauCommander, the Patrol Sergeant may assign a certified Level I reserve officer to function under the authority of Penal Code Section 832.6(a)

## 325.6 RESERVE OFFICER MEETINGS

All reserve officer meetings will be scheduled and conducted by the Reserve Coordinator. All reserve officers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the Reserve Coordinator.

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### 325.7 IDENTIFICATION OF RESERVE OFFICERS

All reserve officers will be issued a uniform badge and a Department identification card. The uniform badge shall be the same as that worn by a regular full-time officer. The identification card will be the standard identification card with the exception that "Reserve" will be indicated on the card.

### 325.8 UNIFORM

Reserve officers shall conform to all uniform regulation and appearance standards of this department.

### 325.9 FIREARMS REQUIREMENTS

Penal Code § 830.6(a)(1) designates a reserve officer as having peace officer powers during his/her assigned tour of duty, provided the reserve officer qualifies or falls within the provisions of Penal Code § 832.6.

#### 325.9.1 CARRYING WEAPON ON DUTY

Penal Code § 830.6(a)(1) permits qualified reserve officers to carry a loaded firearm while on-duty. It is the policy of this department to allow reserves to carry firearms only while on-duty or to and from duty.

#### 325.9.2 CONCEALED FIREARMS PROHIBITED

No reserve officer will be permitted to carry a concealed firearm while in an off-duty capacity, other than to and from work, except those reserve officers who possess a valid CCW permit. An instance may arise where a reserve officer is assigned to a plainclothes detail for his/her assigned tour of duty. Under these circumstances, the reserve officer may be permitted to carry a weapon more suited to the assignment with the knowledge and approval of the supervisor in charge of the detail.

Any reserve officer who is permitted to carry a firearm other than the assigned duty weapon may do so only after verifying that the weapon conforms to departmental standards. The weapon must be registered by the reserve officer and be inspected and certified as fit for service by a departmental armorer.

Before being allowed to carry any optional firearm during an assigned tour of duty, the reserve officer shall have demonstrated his/her proficiency with said weapon.

When a reserve officer has satisfactorily completed training (as outlined in the Field Training section), he/she may be issued a permit to carry a concealed weapon. The decision to issue a concealed weapon permit will be made by the Chief of Police with input from the Reserve Program Coordinator and administrative staff. In issuing a concealed weapon permit a reserve officer's qualification will be individually judged. A reserve officer's dedication to the program and demonstrated maturity, among other factors, will be considered before a concealed weapon permit will be issued. Once issued, the concealed weapon permit will be valid only for as long as the reserve officer remains in good standing as a Reserve Officer with the Tracy Police Department.

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### 325.9.3 RESERVE OFFICER FIREARM TRAINING

All reserve officers are required to maintain proficiency with firearms used in the course of their assignments. Reserve officers shall comply with all areas of the firearms training section of the Policy Manual, with the following exceptions:

(a) All reserve officers are required to qualify at the same intervals as a full-time officer.

(b) Reserve officers may fire at the department approved range at least once each month and more often with the approval of the Reserve Coordinator

(c) Should a reserve officer fail to qualify, that reserve officer will not be allowed to carry a firearm until he/she has reestablished his/her proficiency

## 325.10 INVESTIGATIONS AND COMPLAINTS

If a reserve officer has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation may be investigated by the Reserve Coordinator or the Professional Standards Division.This will beat the discretion of the Field Operations Bureau Commander.

Reserve officers are considered at-will employees. Government Code § 3300 et seq. applies to reserve officers with the exception that the right to hearing is limited to the opportunity to clear their name.

Any disciplinary action that may have to be administered to a reserve officer shall be accomplished as outlined in the Policy Manual.

## 325.11 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The Reserve Coordinator shall develop a plan outlining an emergency call-out procedure for reserve personnel.

## 325.12 RESERVE OFFICER EVALUATIONS

While in training reserves will be continuously evaluated using standardized daily and weekly observation reports. The reserve will be considered a trainee until the training program has been completed. Reserves having completed their field training will be evaluated annually using performance dimensions applicable to the duties and authorities granted to that reserve.

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# Outside Agency Assistance

## 326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

## 326.2 POLICY

It is the policy of the Tracy Police Department to promptly respond to requests for assistance by other law enforcement agencies, subject to available resources and consistent with the applicable laws and policies of this department.

## 326.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the Watch Commander's office for approval. In some instances, a memorandum of understanding or other established protocol may exist that eliminates the need for approval of individual requests.

When another law enforcement agency requests assistance from this department, the Watch Commander may authorize, if available, an appropriate number of personnel to assist. Members are reminded that their actions when rendering assistance must conform with applicable laws and be consistent with the policies of this department.

Officers may respond to a request for emergency assistance, however, they shall notify a supervisor of their activity as soon as practicable.

Arrestees may be temporarily detained by this department until arrangements for transportation are made by the outside agency. Probation violators who are temporarily detained by this department will not ordinarily be booked at this department. Only in exceptional circumstances, and subject to supervisor approval, will this department provide transportation of arrestees to other facilities on behalf of another agency.

When transportation assistance is rendered, a report shall be prepared and submitted by the handling member unless otherwise directed by a supervisor.

### 326.3.1 INITIATED ACTIVITY

Any on-duty officer who engages in law enforcement activities of any type that are not part of a mutual aid request and takes place outside the jurisdiction of the Tracy Police Department shall notify his/her supervisor or the Watch Commander and Dispatch as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

## 326.4 REQUESTING OUTSIDE ASSISTANCE

If assistance is needed from another agency, the member requesting assistance should, if practicable, first notify a supervisor. The handling member or supervisor should direct assisting personnel to where they are needed and to whom they should report when they arrive.

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The requesting member should arrange for appropriate radio communication capabilities, if necessary and available, so that communication can be coordinated between assisting personnel.

### 326.5 REPORTING REQUIREMENTS

Incidents of outside assistance or law enforcement activities that are not documented in a crime report shall be documented in a general case report or as directed by the Watch Commander.

### 326.6 MANDATORY SHARING

Equipment and supplies purchased with federal funds or grants that require such equipment and supplies be shared with other agencies should be documented and updated as necessary by the Support Operations Division Manager or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(b) The training requirements for:

1. The use of the supplies and equipment.
2. The members trained in the use of the supplies and equipment.

(c) Any other requirements for use of the equipment and supplies.

Copies of the documentation should be provided to Dispatch and the Watch Commander to ensure use of the equipment and supplies is in compliance with the applicable sharing agreements.

The Professional Standards and Training Division should maintain documentation that the appropriate members have received the required training.

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# Registered Offender Information

## 327.1 PURPOSE AND SCOPE

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

## 327.2 POLICY

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

## 327.3 REGISTRATION

The General Investigations supervisor shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome, or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Those assigned to register offenders should receive appropriate training regarding the registration process.

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

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

### 327.3.1 CONTENTS OF REGISTRATION

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

## 327.4 MONITORING OF REGISTERED OFFENDERS

The General Investigations supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

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

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

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

Any discrepancies should be reported to the California DOJ.

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The General Investigations supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Tracy Police Department personnel, including timely updates regarding new or relocated registrants.

## 327.5 DISSEMINATION OF PUBLIC INFORMATION

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

Members of the public requesting information on sex registrants should be provided the Megan's Law website or the Tracy Police Department's website. Information on sex registrants placed on the Tracy Police Department's website shall comply with the requirements of Penal Code § 290.46.

The Records Supervisor may release local registered offender information to residents only in accordance with applicable law and in compliance with a California Public Records Act request (Government Code § 7920.000 et seq.; Penal Code § 290.45; Penal Code § 290.46; Penal Code § 457.1).

### 327.5.1 LIMITED RELEASE WITHIN COLLEGE CAMPUS COMMUNITY

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

(a) The offender’s full name

(b) The offender’s known aliases

(c) The offender’s sex

(d) The offender’s race

(e) The offender’s physical description

(f) The offender’s photograph

(g) The offender’s date of birth

(h) Crimes resulting in the registration of the offender under Penal Code § 290

(i) The date of last registration

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

### 327.5.2 RELEASE NOTIFICATIONS

Registrant information that is released should include notification that:

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(a) The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.

(b) The information is provided as a public service and may not be current or accurate.

(c) Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.

(d) The crime for which a person is convicted may not accurately reflect the level of risk.

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

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

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# Major Incident Notification

## 328.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of this department in determining when, how and to whom notification of major incidents should be made.

## 328.2 POLICY

The Tracy Police Department recognizes that certain incidents should be brought to the attention of supervisors or other specified personnel of this department to facilitate the coordination of activities and ensure that inquiries from the media and the public may be properly addressed.

## 328.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Chief of Police and the affected Bureau Commander. The following list of incident types is provided as a guide for notification and is not intended to be all inclusive:

- Officer involved shootings
- Officer involved injuries with hospital admission
- Any arrest(s) involving major use of force
- In custody deaths
- Major criminal cases (e.g. kidnappings, Home Invasions, Homicides)
- Major gang shootings or incidents
- Major civil disturbance or crowd control problem
- Fatal traffic accidents
- Significant damage to city vehicles as a result of a police pursuit
- Any aircraft crash with major damage, injury or death
- Hate crimes
- Case where a school is the target of major vandalism, arson, or hate crime graffiti
- Any lockdown of a school as a result of searching for a wanted outstanding suspect(s)
- Any case involving political figures or community leaders
- Any arrest of an officer within the department or from an outside agency
- Allegations of major misconduct by officers within the department or from an outside agency
- Death or life threatening injuries to a child
- Major incident involving a high risk sex offender

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## 328.4 WATCH COMMANDER RESPONSIBILITY

The Watch Commander is responsible for making the appropriate notifications. The Watch Commander shall make reasonable attempts to obtain as much information on the incident as possible before notification. The Watch Commander shall attempt to make the notifications as soon as practicable. The Watch Commander notified may chose to make the rest of the notifications. Notification should be made by calling all available contact numbers.

### 328.4.1 STAFF NOTIFICATION

In the event an incident occurs described in Policy Manual § 328.3, the Chief of Police shall be notified along with the affected Bureau Commander.

### 328.4.2 DETECTIVE UNIT NOTIFICATION

If the incident requires that a detective respond from home, the immediate supervisor of the appropriate detail shall be contacted who will then contact the appropriate detective. The supervisor will notify the Bureau Commander.

### 328.4.3 TRAFFIC UNIT NOTIFICATION

In the event of a traffic fatality or major injury, the Traffic Sergeant shall be notified who will then contact the appropriate accident investigator. The Traffic Sergeant will notify the Community Preservation Division Lieutenant.

### 328.4.4 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer shall be called after members of staff have been notified that it appears the media may have a significant interest in the incident.

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# Death Investigation

## 329.1 PURPOSE AND SCOPE

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

## 329.2 INVESTIGATION CONSIDERATIONS

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

### 329.2.1 CORONER REQUEST

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

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

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

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

(d) Known or suspected homicide.

(e) Known or suspected suicide.

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

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

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

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

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

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

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(l) Occupational diseases or occupational hazards.

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

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

(o) In prison or while under sentence. Includes all in-custody and police involved deaths.

(p) All deaths of unidentified persons.

(q) All deaths of state hospital patients.

(r) Suspected Sudden Infant Death Syndrome (SIDS) deaths.

(s) All deaths where the patient is comatose throughout the period of the physician's attendance. Includes patients admitted to hospitals unresponsive and expire without regaining consciousness.

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

### 329.2.2 SEARCHING DEAD BODIES

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

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

### 329.2.3 DEATH NOTIFICATION

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

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### 329.2.4 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.

### 329.2.5 DEATH INVESTIGATION REPORTING

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

### 329.2.6 SUSPECTED HOMICIDE

If the initially assigned officer suspects that the death involves a homicide or other suspicious circumstances, the Investigations Bureau shall be notified to determine the possible need for a detective to respond to the scene for further immediate investigation.

### 329.2.7 EMPLOYMENT RELATED DEATHS OR INJURIES

Any member of this agency who responds to and determines that a death, serious illness, or serious injury has occurred as a result of an accident at or in connection with the victim's employment shall ensure that the nearest office of Cal-OSHA is notified by telephone immediately or as soon as practicable with all pertinent information (8 CCR 342(b)).

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# Identity Theft

## 330.1 PURPOSE AND SCOPE

Identity theft is a growing trend that frequently involves related crimes in multiple jurisdictions. This policy is intended to provide guidelines for the reporting and investigation of such crimes.

## 330.2 REPORTING

(a) In an effort to maintain uniformity in reporting, officers presented with the crime of identity theft (Penal Code § 530.6) shall initiate a report for victims residing within the jurisdiction of this department when the crime occurred. For incidents of identity theft occurring outside this jurisdiction, officers should observe the following:

1. For any victim not residing within this jurisdiction, the officer may either take a courtesy report to be forwarded to the victim's residence agency or the victim should be encouraged to promptly report the identity theft to the law enforcement agency where he or she resides.

(b) While the crime of identity theft should be reported to the law enforcement agency where the victim resides, officers of this department should investigate and report crimes occurring within this jurisdiction which have resulted from the original identity theft (e.g., the identity theft occurred elsewhere, but the credit card fraud occurred and is reported in this jurisdiction).

(c) Officers should include all known incidents of fraudulent activity (e.g., credit card number applied for in victim's name when the victim has never made such an application).

(d) Officers should also cross-reference all known reports made by the victim (e.g., U.S. Secret Service, credit reporting bureaus, U.S. Postal Service and DMV) with all known report numbers.

(e) The reporting officer should inform victims of identity theft that the California Identity Theft Registry is available to help those who are wrongly linked to crimes. The registry can be checked by law enforcement and other authorized persons to investigate whether a criminal history or want was created in the victim's name (Penal Code § 530.7). Information regarding the California Identity Theft Registry can be obtained by calling toll free (888) 880-0240.

(f) Following supervisory review and departmental processing, the initial report should be forwarded to the appropriate detective for follow up investigation, coordination with other agencies and prosecution as circumstances dictate.

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# Private Persons Arrests

## 331.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the handling of private person's arrests made pursuant to Penal Code § 837.

## 331.2 ADVISING PRIVATE PERSONS OF THE ARREST PROCESS

Penal Code § 836(b) expressly mandates that all officers shall advise victims of domestic violence of the right to make a private person's arrest, including advice on how to safely execute such an arrest. In all other situations, officers should use sound discretion in determining whether or not to advise an individual of the arrest process.

(a) When advising any individual regarding the right to make a private person's arrest, officers should refrain from encouraging or dissuading any individual from making such an arrest and should instead limit advice to the legal requirements for such an arrest as listed below.

(b) Private individuals should be discouraged from using force to effect a private person's arrest, and absent immediate threat to their own safety or the safety of others, private individuals should be encouraged to refer matters to law enforcement officials for further investigation or arrest.

## 331.3 ARRESTS BY PRIVATE PERSONS

Penal Code § 837 provides that a private person may arrest another:

(a) For a public offense committed or attempted in his or her presence;

(b) When the person arrested has committed a felony, although not in his or her presence;

(c) When a felony has been in fact committed, and he or she has reasonable cause for believing the person arrested has committed it.

Unlike peace officers, private persons may not make an arrest on suspicion that a felony has been committed - the felony must in fact have taken place.

## 331.4 OFFICER RESPONSIBILITIES

Any officer presented with a private person wishing to make an arrest must determine whether or not there is reasonable cause to believe that such an arrest would be lawful (Penal Code § 847).

(a) Should any officer determine that there is no reasonable cause to believe that a private person's arrest is lawful, the officer should take no action to further detain or restrain the individual beyond that which reasonably appears necessary to investigate the matter, determine the lawfulness of the arrest and protect the public safety.

1. Any officer who determines that a private person's arrest appears to be unlawful should promptly release the arrested individual pursuant to Penal Code § 849(b)(1). The officer must include the basis of such a determination in a related report.

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2. Absent reasonable cause to support a private person's arrest or other lawful grounds to support an independent arrest by the officer, the officer should advise the parties that no arrest will be made and that the circumstances will be documented in a related report.

(b) Whenever an officer determines that there is reasonable cause to believe that a private person's arrest is lawful, the officer may exercise any of the following options:

1. Take the individual into physical custody for booking
2. Release the individual pursuant to a Notice to Appear
3. Release the individual pursuant to Penal Code § 849

## 331.5 REPORTING REQUIREMENTS

In all circumstances in which a private person is claiming to have made an arrest, the arresting officer shall record the private person's desire to make an arrest in a report. The officer shall also include the circumstances and disposition of the incident.

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# Limited English Proficiency Services

## 333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

### 333.1.1 DEFINITIONS

Definitions related to this policy include:

**Authorized interpreter** - A person who has been screened and authorized by the Department to act as an interpreter and/or translator for others.

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

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

**Qualified bilingual member** - A member of the Tracy Police Department, designated by the Department, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

**Translate or translation** - The replacement of written text from one language (source language) into an equivalent written text (target language).

## 333.2 POLICY

It is the policy of the Tracy Police Department to reasonably ensure that LEP individuals have meaningful access to law enforcement services, programs and activities, while not imposing undue burdens on its members.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon national origin or any other protected interest or right.

## 333.3 LEP COORDINATOR

The Chief of Police shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, the Field Operations Bureau Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

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(a) Coordinating and implementing all aspects of the Tracy Police Department's LEP services to LEP individuals.

(b) Developing procedures that will enable members to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all members.

(c) Ensuring that a list of all qualified bilingual members and authorized interpreters is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:

1. Languages spoken
2. Contact information
3. Availability

(d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.

(e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.

(f) Annually assessing demographic data and other resources, including contracted language services utilization data and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.

(g) Identifying standards and assessments to be used by the Department to qualify individuals as qualified bilingual members or authorized interpreters.

(h) Periodically reviewing efforts of the Department in providing meaningful access to LEP individuals, and, as appropriate, developing reports, new procedures or recommending modifications to this policy.

(i) Receiving and responding to complaints regarding department LEP services.

(j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

## 333.4 FOUR-FACTOR ANALYSIS

Since there are many different languages that members could encounter, the Department will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that law enforcement contacts and circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of four factors, which are:

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(a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by department members, or who may benefit from programs or services within the jurisdiction of the Department or a particular geographic area.

(b) The frequency with which LEP individuals are likely to come in contact with department members, programs or services.

(c) The nature and importance of the contact, program, information or service provided.

(d) The cost of providing LEP assistance and the resources available.

## 333.5 TYPES OF LEP ASSISTANCE AVAILABLE

Tracy Police Department members should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The Department will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The Department will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept department-provided LEP services at no cost or they may choose to provide their own.

Department-provided LEP services may include, but are not limited to, the assistance methods described in this policy.

## 333.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. The LEP Coordinator will arrange to make these translated documents available to members and other appropriate individuals, as necessary.

## 333.7 AUDIO RECORDINGS

The Department may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

## 333.8 QUALIFIED BILINGUAL MEMBERS

Bilingual members may be qualified to provide LEP services when they have demonstrated through established department procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Members utilized for LEP services must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit. Additionally, bilingual members must be able to communicate technical and law enforcement terminology, and be sufficiently proficient in the non-English language to perform complicated tasks, such as conducting interrogations, taking statements, collecting evidence or conveying rights or responsibilities.

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When a qualified bilingual member from this department is not available, personnel from other City departments, who have been identified by the Department as having the requisite skills and competence, may be requested.

## 333.9 AUTHORIZED INTERPRETERS

Any person designated by the Department to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the department case or investigation involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a court proceeding.

Authorized interpreters must pass a screening process established by the LEP Coordinator which demonstrates that their skills and abilities include:

(a) The competence and ability to communicate information accurately in both English and in the target language.

(b) Knowledge, in both languages, of any specialized terms or concepts peculiar to this department and of any particularized vocabulary or phraseology used by the LEP individual.

(c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(d) Knowledge of the ethical issues involved when acting as a language conduit.

### 333.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The Department may contract with authorized interpreters who are available over the telephone. Members may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual members of this department or personnel from other City departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters by this department, and with whom the Department has a resource-sharing or other arrangement that they will interpret according to department guidelines.

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### 333.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the Department to communicate with LEP individuals.

Where qualified bilingual members or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, members should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

## 333.10 CONTACT AND REPORTING

While all law enforcement contacts, services and individual rights are important, this department will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular law enforcement activity involved.

Whenever any member of this department is required to complete a report or other documentation, and interpretation services are provided to any involved LEP individual, such services should be noted in the related report. Members should document the type of interpretation services utilized and whether the individual elected to use services provided by the Department or some other identified source.

## 333.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Tracy Police Department will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by hiring or appointing qualified members proficient in languages representative of the community being served.

### 333.11.1 EMERGENCY CALLS TO 9-1-1

Department members will make every reasonable effort to promptly accommodate LEP individuals utilizing 9-1-1 lines. When a 9-1-1 call-taker receives a call and determines that the caller is an LEP individual, the call-taker shall quickly determine whether sufficient information can be obtained to initiate an appropriate emergency response. If language assistance is still needed, the language is known and a qualified bilingual member is available in Dispatch, the call shall immediately be handled by the qualified bilingual member.

If a qualified bilingual member is not available or the call-taker is unable to identify the caller's language, the call-taker will contact the contracted telephone interpretation service and establish a three-way call between the call-taker, the LEP individual and the interpreter.

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Dispatchers will make every reasonable effort to dispatch a qualified bilingual member to the assignment, if available and appropriate.

While 9-1-1 calls shall receive top priority, reasonable efforts should also be made to accommodate LEP individuals seeking routine access to services and information by utilizing the resources listed in this policy.

### 333.12 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve LEP individuals. The scope and nature of these activities and contacts will inevitably vary. Members and/or supervisors must assess each situation to determine the need and availability of language assistance to all involved LEP individuals and utilize the methods outlined in this policy to provide such assistance.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to request consent to search if the officer is unable to effectively communicate with an LEP individual.

If available, officers should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

### 333.13 INVESTIGATIVE FIELD INTERVIEWS

In any situation where an interview may reveal information that could be used as the basis for arrest or prosecution of an LEP individual and a qualified bilingual member is unavailable or lacks the skills to directly communicate with the LEP individual, an authorized interpreter should be used. This includes interviews conducted during an investigation with victims, witnesses and suspects. In such situations, audio recordings of the interviews should be made when reasonably possible. Identification and contact information for the interpreter (e.g., name, address) should be documented so that the person can be subpoenaed for trial if necessary.

If an authorized interpreter is needed, officers should consider calling for an authorized interpreter in the following order:

- An authorized department member or allied agency interpreter
- An authorized telephone interpreter
- Any other authorized interpreter

Any *Miranda* warnings shall be provided to suspects in their primary language by an authorized interpreter or, if the suspect is literate, by providing a translated *Miranda* warning card.

The use of an LEP individual's bilingual friends, family members, children, neighbors or bystanders may be used only when a qualified bilingual member or authorized interpreter is unavailable and there is an immediate need to interview an LEP individual.

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### 333.14 CUSTODIAL INTERROGATIONS

Miscommunication during custodial interrogations may have a substantial impact on the evidence presented in a criminal prosecution. Only qualified bilingual members or, if none is available or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

### 333.15 BOOKINGS

When gathering information during the booking process, members should remain alert to the impediments that language barriers can create. In the interest of the arrestee's health and welfare, the safety and security of the facility, and to protect individual rights, it is important that accurate medical screening and booking information be obtained. Members should seek the assistance of a qualified bilingual member whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by an LEP individual.

### 333.16 COMPLAINTS

The Department shall ensure that LEP individuals who wish to file a complaint regarding members of this department are able to do so. The Department may provide an authorized interpreter or translated forms, as appropriate. Complaints will be referred to the LEP Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Authorized interpreters used for any interview with an LEP individual during an investigation should not be members of this department.

Any notice required to be sent to an LEP individual as a complaining party pursuant to the Personnel Complaints Policy should be translated or otherwise communicated in a language-accessible manner.

### 333.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

### 333.18 TRAINING

To ensure that all members who may have contact with LEP individuals are properly trained, the Department will provide periodic training on this policy and related procedures, including how to access department-authorized telephonic and in-person interpreters and other available resources.

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The Training Manager shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all LEP training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

### 333.18.1 TRAINING FOR AUTHORIZED INTERPRETERS

All members on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Members on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

The Training Manager shall be responsible for coordinating the annual refresher training and will maintain a record of all training the interpreters have received.

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# Communications with Persons with Disabilities

## 334.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

### 334.1.1 DEFINITIONS

Definitions related to this policy include:

**Auxiliary aids** - Tools used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

**Disability or impairment** - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102).

**Qualified interpreter** - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, translators, sign language interpreters and intermediary interpreters.

## 334.2 POLICY

It is the policy of the Tracy Police Department to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Department will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

## 334.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Chief of Police shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107). The ADA Coordinator shall be appointed by, and directly responsible, to the Field Operations Bureau Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

(a) Working with the City ADA coordinator regarding the Tracy Police Department's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

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(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to department services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to each Watch Commander and Communications Supervisor. The list should include information regarding the following:

1. Contact information
2. Availability

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to department services, programs and activities.

## 334.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this department should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

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

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

## 334.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

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Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Tracy Police Department, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

## 334.6 TYPES OF ASSISTANCE AVAILABLE

Tracy Police Department members shall never refuse to assist an individual with disabilities who is requesting assistance. The Department will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Department will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept department-provided auxiliary aids or services or they may choose to provide their own.

Department-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

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### 334.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Department may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

### 334.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or investigation involving the disabled individual. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use department-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

### 334.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Department will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

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### 334.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Department to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, department members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

### 334.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

### 334.12 REPORTING

Whenever any member of this department is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Department or some other identified source. If the individual's express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

### 334.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

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The Department recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this department. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the officer is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, officers should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

### 334.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

## 334.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this department will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

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In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible. See guidance on recording custodial interrogations in the Investigation and Prosecution Policy.

### 334.15 ARREST AND BOOKINGS

If an individual with speech or hearing disabilities is arrested, the arresting officer shall use department-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the officer reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. In the interest of the arrestee's health and welfare, the safety and security of the facility and to protect individual rights, it is important that accurate medical screening and booking information be obtained. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

### 334.16 COMPLAINTS

The Department shall ensure that individuals with disabilities who wish to file a complaint regarding members of this department are able to do so. The Department may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to the department ADA Coordinator.

Investigations into such complaints shall be handled in accordance with the Personnel Complaints Policy. Qualified interpreters used during the investigation of a complaint should not be members of this Department.

### 334.17 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this department are important to the ultimate success of more traditional law enforcement duties. This department will continue to work with community groups, local businesses and neighborhoods to provide equal access to such programs and services.

### 334.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Department will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

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(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Manager shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every two years thereafter. The Training Manager shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

### 334.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. Such training and information should include:

(a) The requirements of the ADA and Section 504 of the Rehabilitation Act for telephone emergency service providers.

(b) ASL syntax and accepted abbreviations.

(c) Practical instruction on identifying and processing TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Dispatch members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech. Refresher training should occur every six months.

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# Mandatory Employer Notification

## 335.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the requirements and procedures to follow when a public or private school employee (teacher and non-teacher) has been arrested under certain circumstances.

## 335.2 MANDATORY SCHOOL EMPLOYEE ARREST REPORTING

In the event a school employee is arrested for any offense enumerated below, the Chief of Police or his/her designee is required to report the arrest as follows.

### 335.2.1 ARREST OF PUBLIC SCHOOL TEACHER

In the event a public school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the teacher and to immediately give written notice of the arrest to the Commission on Teacher Credentialing and to the superintendent of schools in the county where the person is employed (Health and Safety Code § 11591; Penal Code § 291).

### 335.2.2 ARREST OF PUBLIC SCHOOL NON-TEACHER EMPLOYEE

In the event a public school non-teacher employee is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290, Penal Code § 261(a), or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the superintendent of the school district employing the non-teacher and to immediately give written notice of the arrest to the governing board of the school district employing the person (Health and Safety Code § 11591; Penal Code § 291).

### 335.2.3 ARREST OF PRIVATE SCHOOL TEACHER

In the event a private school teacher is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591 or Health and Safety Code § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(12), or for any of the offenses enumerated in Penal Code § 290 or Education Code § 44010, the Chief of Police or his/her designee is mandated to immediately notify by telephone the private school authority employing the teacher and to immediately give written notice of the arrest to the private school authority employing the teacher (Health and Safety Code § 11591; Penal Code § 291.1).

### 335.2.4 ARREST OF COMMUNITY COLLEGE INSTRUCTOR

In the event a teacher or instructor employed in a community college district school is arrested for any controlled substance offense enumerated in Health and Safety Code § 11591.5 or Health

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and Safety § 11364, in so far as that section relates to Health and Safety Code § 11054(d)(9), or for any of the offenses enumerated in Penal Code § 290 or in Penal Code § 261(a)(1), the Chief of Police or the authorized designee is mandated to immediately notify by telephone the superintendent of the community college district employing the person, and shall immediately give written notice of the arrest to the California Community Colleges Chancellor's Office (Health and Safety Code § 11591.5; Penal Code § 291.5).

### 335.3 POLICY

The Tracy Police Department will meet the reporting requirements of California law to minimize the risks to children and others.

### 335.4 ARREST OF PERSONS EMPLOYED IN COMMUNITY CARE FACILITIES

In the event an employee of a community treatment facility, a day treatment facility, a group home, a short-term residential therapeutic program or a foster family agency is arrested for child abuse (as defined in Penal Code § 11165.6) and the employee is free to return to work where children are present, the investigating member shall notify the licensee of the charge of abuse (Health and Safety Code § 1522.2).

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# Biological Samples

## 336.1 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.

## 336.2 POLICY

The Tracy 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.

## 336.3 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.

## 336.4 PROCEDURE

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

### 336.4.1 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.

## 336.5 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

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with the approval of a supervisor. Methods to consider when seeking voluntary compliance include contacting:

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

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

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

(d) The person's attorney.

(e) A chaplain.

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

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

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

### 336.5.1 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).

### 336.5.2 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).

## 336.6 LEGAL MANDATES AND RELEVANT LAWS

California law provides for the following:

### 336.6.1 DOCUMENTATION RELATED TO FORCE

The Watch Commander or the on-duty authorized designee shall prepare prior written authorization for the use of any force (15 CCR 1059). The written authorization shall include information that the subject was asked to provide the requisite specimen, sample, or impression and refused, as well as the related court order authorizing the force.

### 336.6.2 BLOOD SAMPLES

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

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

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

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The withdrawal of blood may only be performed in a medically approved manner by health care providers trained and qualified to draw blood. A California DOJ collection kit shall be used for this purpose (Penal Code § 298(a); Penal Code § 298(b)(2)).

### 336.6.3 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.

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# Chaplains

## 337.1 PURPOSE AND SCOPE

The Tracy Police Department Counseling/Chaplaincy Program is established for the purposes of providing counseling, guidance and emotional support to all members of the Department, their families and members of the public.

## 337.2 POLICY

It is the policy of this department that the Program shall be a non-religious, non-denominational, counseling/chaplaincy program provided by volunteer counselors/chaplains without financial compensation.

## 337.3 GOALS

Members of the Program shall fulfill the Program's purpose in the following manner:

(a) By serving as a resource for Department personnel and the piblic when dealing with 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 communiuty and the Department.

(c) By providing counseling, emotional support and insight for Department personnel and their families.

(d) By familiarizing themselves with the role of law enforcement in the community.

## 337.4 REQUIREMENTS

Candidates for the Program shall meet the following requirements. Candidates must:

(a) 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;

(b) manage their household, family, and personal affairs well;

(c) have relevant education, training, and experience;

(c) successfully complete an appropriate level background investigation; and

(d) have a valid California Drivers License.

## 337.5 SELECTION PROCESS

Counselor/Chaplain candidates are encouraged to participate in the ride-along program before and during the selection priocess. Counselor/Chaplain candidates shall successfully complete the following process prior to deployment:

(a.) Appropriate written application.

(b.) Interview with the Chief of Police & Counseling/Chaplain Commander.

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(C.) Successfully complete an appropriate level background investigation.

(d.) Complete an appropriate probationary period as designated by the Chief of Police.

### 337.6 CHAPLAIN COORDINATOR

The Chief of Police shall delegate certain responsibilities to a chaplain coordinator. The coordinator is the Community Services Division commander or designee.

The chaplain coordinator shall serve as the liaison between the chaplains and the Chief of Police. The function of the coordinator is to provide a central coordinating point for effective chaplain management within the Department, and to direct and assist efforts to jointly provide more productive chaplain services. Under the general direction of the Chief of Police or the authorized designee, chaplains shall report to the chaplain coordinator and/or Watch Commander.

The chaplain coordinator may appoint a senior chaplain or other designee to assist in the coordination of chaplains and their activities.

The responsibilities of the coordinator or the authorized designee include, but are not limited to:

(a) Recruiting, selecting and training qualified chaplains.

(b) Conducting chaplain meetings.

(c) Establishing and maintaining a chaplain callout roster.

(d) Maintaining records for each chaplain.

(e) Tracking and evaluating the contribution of chaplains.

(f) Maintaining a record of chaplain schedules and work hours.

(g) Completing and disseminating, as appropriate, all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Maintaining liaison with other agency chaplain coordinators.

An evaluation of the overall use of chaplains will be conducted on an annual basis by the coordinator.

### 337.7 DUTIES AND RESPONSIBILITIES

The duties of a Counselor/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) Upon request, attending funerals of active or retired members of the Department.

(e) Assisting sworn personnel in the diffusion of a conflict or incident, when requested.

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(f) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgmentn of the Patrol Sergeant 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 problems, when requested.

(i) Attending department and academy graduations, ceremonies and social events.

(j) Responding to all major disasters such as earthquakes, bombings and similar critical incidents.

(k) Providing liasion with various religious leaders of the community.

(l) Assisting public safety personnel and the community in any other function of the counseling/chaplain profession, as requested.

(m) Participating in in-service training classes.

(n) Willing to train to enhance effectiveness.

(o) Promptly facilitating requests for representatives or ministers of various denominations, or for other counselors/chaplains.

(p) Making referrals in cases where specialized attention is needed or in cases that are beyond the counselor's/chaplain's ability to assist. Police Department employees are also encouraged to use the City's Employee Assistance Program for confidential counseling.

(q) Counselors/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 ia any question as to the receiving person's intent, counselors/chaplains should verify that the person is desirous of spiritual counseling or guidance before engaging in such discussion. Counselors/Chaplains may not accept gratuities for any service or follow-up contacts that was provided while functioning as a Counselor/Chaplain for the Tracy Police Department.

### 337.7.1 COMPLIANCE

Chaplains are volunteer members of this department, and except as otherwise specified within this policy, are required to comply with the Volunteer Program Policy and other applicable policies.

### 337.7.2 OPERATIONAL GUIDELINES

(a) Chaplains will be scheduled to be on-call for a period of seven consecutive days during each month, beginning on Monday and ending on the following Sunday.

(b) Generally, each chaplain will serve with Tracy Police Department personnel a minimum of eight hours per month.

(c) At the end of each watch the chaplain will complete a chaplain shift report and submit it to the Chief of Police or the authorized designee.

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(d) Chaplains shall be permitted to ride with officers during any shift and observe Tracy Police Department operations, provided the Watch Commander has been notified and has approved the activity.

(e) Chaplains shall not be evaluators of members of the Department.

(f) In responding to incidents, a chaplain shall never function as an officer.

(g) When responding to in-progress calls for service, chaplains may be required to stand-by in a secure area until the situation has been deemed safe.

(h) Chaplains shall serve only within the jurisdiction of the Tracy Police Department unless otherwise authorized by the Chief of Police or the authorized designee.

(i) Each chaplain shall have access to current department member rosters, addresses, telephone numbers, duty assignments and other information that may assist in his/her duties. Such information will be considered confidential and each chaplain will exercise appropriate security measures to prevent distribution of the data.

### 337.7.3 ASSISTING DEPARTMENT MEMBERS

The responsibilities of a chaplain related to department members include, but are not limited to:

(a) Assisting in making notification to families of members who have been seriously injured or killed and, after notification, responding to the hospital or home of the member.

(b) Visiting sick or injured members in the hospital or at home.

(c) Attending and participating, when requested, in funerals of active or retired members.

(d) Serving as a resource for members when dealing with the public in incidents, such as accidental deaths, suicides, suicidal subjects, serious accidents, drug and alcohol abuse and other such situations that may arise.

(e) Providing counseling and support for members and their families.

(f) Being alert to the needs of members and their families.

### 337.7.4 ASSISTING THE DEPARTMENT

The responsibilities of a chaplain related to this department include, but are not limited to:

(a) Assisting members in the diffusion of a conflict or incident, when requested.

(b) Responding to natural and accidental deaths, suicides and attempted suicides, family disturbances and any other incident that in the judgment of the Watch Commander or supervisor aids in accomplishing the mission of the Department.

(c) Responding to all major disasters, such as natural disasters, bombings and similar critical incidents.

(d) Being on-call and, if possible, on-duty during major demonstrations or any public function that requires the presence of a large number of department members.

(e) Attending department and academy graduations, ceremonies and social events and offering invocations and benedictions, as requested.

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(f) Participating in in-service training classes.

(g) Willingness to train others to enhance the effectiveness of the Department.

337.7.5 ASSISTING THE COMMUNITY

The duties of a chaplain related to the community include, but are not limited to:

(a) Fostering familiarity with the role of law enforcement in the community.

(b) Providing an additional link between the community, other chaplain coordinators and the Department.

(c) Providing liaison with various civic, business and religious organizations.

(d) Promptly facilitating requests for representatives or leaders of various denominations.

(e) Assisting the community in any other function as needed or requested.

(f) Making referrals in cases where specialized attention is needed or in cases that are beyond the chaplain's ability to assist.

337.7.6 CHAPLAIN MEETINGS

All chaplains are required to attend scheduled meetings. Any absences must be satisfactorily explained to the chaplain coordinator.

## 337.8 PRIVILEGED COMMUNICATIONS

No person who provides chaplain services to members of the Department may work or volunteer for the Tracy Police Department in any capacity other than that of chaplain.

Department chaplains shall be familiar with state evidentiary laws and rules pertaining to the limits of the clergy-penitent, psychotherapist-patient and other potentially applicable privileges and shall inform members when it appears reasonably likely that the member is discussing matters that are not subject to privileged communications. In such cases, the chaplain should consider referring the member to a non-department counseling resource.

No chaplain shall provide counsel to or receive confidential communications from any Tracy Police Department member concerning an incident personally witnessed by the chaplain or concerning an incident involving the chaplain.

## 337.9 TRAINING

The Department will establish a minimum number of training hours and standards for department chaplains. The training, as approved by the Training Manager, may include:

- Stress management
- Death notifications
- Symptoms of post-traumatic stress
- Burnout for members of law enforcement and chaplains
- Legal liability and confidentiality

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- Ethics
- Responding to crisis situations
- The law enforcement family
- Substance abuse
- Suicide
- Officer injury or death
- Sensitivity and diversity

### 337.10 UNIFORMS AND BADGES

A distinct uniform, badge and necessary safety equipment will be provided for the Counselors/ Chaplain. This uniform may be similar to that worn by the personnel of this department.

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# Mentoring Program

## 338.1 PURPOSE AND SCOPE

The purpose of this Department Instruction is to provide guidance to Tracy Police personnel as to who may participate in the Tracy Police Mentoring Program, and the procedures for the program.

## 338.2 BACKGROUND

Participation in the Tracy Police Mentoring Program is voluntary and open to all members of the department, with the exception of trainees who will be assigned a Mentor upon being hired. All other employees who choose to participate will do so in accordance with this Department Instruction.

The Tracy Police Mentoring Program is managed by the Mentoring Program Coordinator and is designed to serve a variety of purposes.

(a) It pairs together in a working relationship an employee who enjoys assisting others with their personal and professional development with those seeking guidance and insight.

(b) It provides those who wish to participate, clear guidelines on how to establish a mentoring relationship and outlines specific relationship expectations.

(c) It provides the Mentor with advancement opportunities by enhancing their interpersonal relationship and problem solving skills and provides the Mentee with much needed guidance and career development.

(d) It assists the Tracy Police Department with carrying out a comprehensive Succession Plan by identifying and preparing suitable employees for advancement.

### 338.2.1 DEFINITIONS

(a) Mentor: A mentor oversees the career and development of another, usually a junior officer. He or she helps clarify career goals for the Mentee, and helps develop a plan for the Mentee to reach those goals by sharing the insights and knowledge they have gained through their experience with the department. The role of a mentor can include: teacher, motivator, counselor, guide, advisor, role model and sponsor.

(b) Mentee: Basically, there are two kinds of Mentees:

1. The novice officer who is new to the Department and has a need for a more experienced officer to pass on the organizational culture, politics, and personality of the Department. Not only does this knowledge help the Mentee succeed, but it also helps the Mentee feel included in the organization.

2. The other Mentee is a more seasoned officer who is seeking the professional guidance needed to enhance an already successful career.

(c) Mentoring Program Coordinator: The Mentoring Program Coordinator is responsible for the management of the program, ensuring that the list of participants is active and viable. The

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Coordinator may assist participants in evaluating their suitability for participation and in brokering a mentoring relationship.

(d) Mentoring Program: The Mentoring Program is a document outlining the program and contains definitions of participants, the expectations of the mentoring relationship, the elements of the mentoring relationship, and considerations prior to establishing a mentoring relationship.

## 338.3 PROCEDURES

### 338.3.1 MENTOR PARTICIPATION

(a) Those wishing to participate as a Mentor shall submit a memo of interest to the Mentoring Program Coordinator. The memo shall include a supervisor's recommendation of suitability.

(b) Upon acceptance by the Mentoring Program Coordinator, the Mentor will be scheduled for related training.

(c) Upon completion of training, the Mentor's contact information will be made available to potential Mentees on the Mentoring Program contact list.

(d) If contacted by a prospective Mentee, the Mentor will follow the Mentoring Program outline in establishing a mentoring relationship. All questions and concerns outlined in the program should be addressed by both parties prior to the initiation of a mentoring relationship.

(e) Once an agreement has been made as to the parameters of the mentoring relationship, both participants have the option of signing a "Mentoring Agreement" contract, which can help outline goals and set boundaries. This document will be forwarded to the Mentoring Program Coordinator for retention.

### 338.3.2 MENTEE PARTICIPATION

Potential Mentees shall contact the Mentoring Program Coordinator if they are interested in participating in the program. The Mentoring Program Coordinator will make every effort to find a suitable Mentor from the list of participants.

Trainee Officers will automatically be assigned a Mentor to assist in their transition from the academy to field training.

### 338.3.3 CONFIDENTIALITY

(a) In order to foster open and honest communication, the Mentee must be able to trust the Mentor not to disclose their discussions with others. However, if both agree that communication with the Mentee's supervisor would be beneficial, the Mentor and the supervisor may talk. Examples of this include helping to identify developmental activities and prevent problems associated with differing needs, perspectives, and priorities.

(b) Discussions related to an intent to harm oneself or others, break a law, or violate a policy or procedure can never be kept confidential.

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# Public Safety Video Observation System

## 339.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and intermittent observation of department public safety video observation systems, as well as the storage and release of the captured images.

This policy only applies to overt, marked public safety video observation systems operated by the Department. It does not apply to mobile audio/video systems, covert audio/video systems or any other image-capturing devices used by the Department.

## 339.2 POLICY

The Tracy Police Department operates a public safety video observation system to complement its anti-crime strategy, to effectively allocate and deploy personnel, and to enhance public safety and security in public areas. Cameras may be placed in strategic locations throughout the City to detect and deter crime, to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters and to assist City officials in providing services to the community.

Video observation in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

## 339.3 OPERATIONAL GUIDELINES

Only department-approved video observation equipment shall be utilized. Members authorized to conduct intermittent observation of public safety video equipment should observe only public areas and public activities where no reasonable expectation of privacy exists. The Chief of Police or the authorized designee shall approve all proposed locations for the use of video observation technology and should consult with and be guided by legal counsel as necessary in making such determinations.

### 339.3.1 PLACEMENT AND INTERMITTENT OBSERVATION

Camera placement will be guided by the underlying purpose or strategy associated with the overall video observation plan. As appropriate, the Chief of Police should confer with other affected City divisions and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, presence of vegetation, or other obstructions, should also be evaluated when determining placement.

The cameras shall only record video images and not sound. Recorded images may be used for a variety of purposes, including criminal investigations and an intermittent observation of activity around high-value or high-threat areas. The public video observation system may be useful for the following purposes:

(a) To prevent, deter, and identify criminal activity.

(b) To target identified areas of gang and narcotics complaints or activity.

(c) To respond to critical incidents.

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(d) To assist in identifying, apprehending, and prosecuting offenders.

(e) To document officer and offender conduct during interactions to safeguard the rights of the public and officers.

(f) To augment resources in a cost-effective manner.

(g) To conduct intermittent observation of pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. Images should be transmitted to monitors installed in the Real Time Information Center and Dispatch. When activity warranting further investigation is reported or detected at any camera location, the available information should be provided to responding officers in a timely manner. The Real Time Information Center personnelor trained personnel in Dispatch are authorized to adjust the cameras to more effectively view a particular area for any legitimate public safety purpose.

The Chief of Police may authorize video feeds from the public safety video observation system to be forwarded to a specified location for intermittent observation by persons other than police personnel, such as allied government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination, or retention is prohibited.

### 339.3.2 CAMERA MARKINGS

All public areas observed intermittently by public safety observation equipment shall be marked in a conspicuous manner with appropriate signs to inform the public that the area is under intermittent policeobservation. At least one sign should be placed in the general vicinity of the cameras, such as at a park or intersection. Signs placed appropriately and without obstruction to ensure visibility.

### 339.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The Department may elect to integrate its public safety video observation system with other technology to enhance available information. Systems such as gunshot detection, incident mapping, crime analysis, license plate recognition, facial recognition and other video-based analytical systems may be considered based upon availability and the nature of department strategy.

The Department should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems, such as pan-tilt-zoom systems and video enhancement or other analytical technology, requires additional safeguards.

## 339.4 VIDEO SUPERVISION

Supervisors should monitor video observation access and usage to ensure members are within department policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

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### 339.4.1 VIDEO LOG

A log is maintained within the video observation system. The log should be used to document all persons granted access to view or observe images from the video observation camera system. The logs maintain the following record:

(a) Timestamp.

(b) User.

(c) Entity Type.

(d) Entity Details.

(e) Event ID

### 339.4.2 PROHIBITED ACTIVITY

Public safety video observation systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video observation equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Video observation equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

## 339.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. A recording needed as evidence shall be copied to a suitable medium and booked into evidence in accordance with established evidence procedures. All actions taken with respect to retention of media shall be appropriately documented.

The type of video observation technology employed and the manner in which recordings are used and stored will affect retention periods. The evidentiary recordings should be stored and retained in accordance with the established records retention schedule and for a minimum of one year. Prior to destruction, written consent shall be obtained from the City Attorney. If recordings are evidence in any claim filed or any pending litigation, they shall be preserved until pending litigation is resolved (Government Code § 34090.6).

Any recordings needed as evidence in a criminal or civil proceeding shall be copied to a suitable medium and booked into evidence in accordance with current evidence procedures.

### 339.5.1 EVIDENTIARY INTEGRITY

All downloaded and retained media shall be treated in the same manner as other evidence. Media shall be accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, digital masking of innocent or uninvolved individuals to preserve anonymity, authenticity certificates and date and time stamping, shall be used as appropriate to preserve

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individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.

### 339.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video observation equipment are for the official use of the Tracy Police Department.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for department public records.

Requests for recorded images from other law enforcement agencies shall be referred to the Watch Commander for release in accordance with a specific and legitimate law enforcement purpose.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established department subpoena process.

### 339.7 VIDEO OBSERVATION AUDIT

The Chief of Police or the authorized designee will conduct an annual review of the public safety video observation system. The review should include an analysis of the cost, benefit and effectiveness of the system, including any public safety issues that were effectively addressed or any significant prosecutions that resulted, and any systemic operational or administrative issues that were identified, including those related to training, discipline or policy.

The results of each review shall be appropriately documented and maintained by the Chief of Police or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

### 339.8 TRAINING

All department members authorized to operate or access public video observation systems shall receive appropriate training. Training should include guidance on the use of cameras, interaction with dispatch and patrol operations and a review regarding relevant policies and procedures, including this policy. Training should also address state and federal law related to the use of video observation equipment and privacy.

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# Child and Dependent Adult Safety

## 340.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that children and dependent adults are not left without appropriate care in the event their caregiver or guardian is arrested or otherwise prevented from providing care due to actions taken by members of this department (Penal Code § 833.2(a)).

This policy does not address the actions to be taken during the course of a child abuse or dependent adult investigation. These are covered in the Child Abuse and Senior and Disability Victimization policies.

## 340.2 POLICY

It is the policy of this department to mitigate, to the extent reasonably possible, the stressful experience individuals may have when their parent or caregiver is arrested. The Tracy Police Department will endeavor to create a strong, cooperative relationship with local, state and community-based social services to ensure an effective, collaborative response that addresses the needs of those affected, including call-out availability and follow-up responsibilities.

## 340.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, officers should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases this may be obvious, such as when children or dependent adults are present. However, officers should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken (Penal Code § 13517.7(b)(1)):

(a) Inquire about and confirm the location of any children or dependent adults.

(b) Look for evidence of children and dependent adults. Officers should be mindful that some arrestees may conceal the fact that they have a dependent for fear the individual may be taken from them.

(c) Consider inquiring of witnesses, neighbors, friends and relatives of the arrestee as to whether the person is responsible for a child or dependent adult.

Whenever reasonably possible, officers should take reasonable steps to accomplish the arrest of a parent, guardian or caregiver out of the presence of his/her child or dependent adult. Removing children or dependent adults from the scene in advance of the arrest will generally ensure the best outcome for the individual.

Whenever it is safe to do so, officers should allow the parent or caregiver to assure children or dependent adults that they will be provided care. If this is not safe or if the demeanor of the parent or caregiver suggests this conversation would be non-productive, the officer at the scene should explain the reason for the arrest in age-appropriate language and offer reassurance to the child or dependent adult that he/she will receive appropriate care.

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### 340.3.1 AFTER AN ARREST

Whenever an arrest is made, the officer should take all reasonable steps to ensure the safety of the arrestee's disclosed or discovered children or dependent adults.

Officers should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be appropriate. However, any decision should give priority to a care solution that is in the best interest of the child or dependent adult. In such cases the following guidelines should be followed:

(a) Allow the person reasonable time to arrange for the care of children and dependent adults with a responsible party, as appropriate.

    1. Officers should consider allowing the person to use his/her cell phone to facilitate arrangements through access to contact phone numbers, and to lessen the likelihood of call screening by the recipients due to calls from unknown sources.

(b) Unless there is evidence to the contrary (e.g., signs of abuse, drug use, unsafe environment), officers should respect the parent or caregiver's judgment regarding arrangements for care. It is generally best if the child or dependent adult remains with relatives or family friends that he/she knows and trusts because familiarity with surroundings and consideration for comfort, emotional state and safety are important.

    1. Except when a court order exists limiting contact, the officer should attempt to locate and place children or dependent adults with the non-arrested parent, guardian or caregiver.

(c) Provide for the immediate supervision of children or dependent adults until an appropriate caregiver arrives.

(d) Notify Child Protective Services or the Division of Aging and Adult Services, if appropriate.

(e) Notify the field supervisor or Watch Commander of the disposition of children or dependent adults.

If children or dependent adults are at school or another known location outside the household at the time of arrest, the arresting officer should attempt to contact the school or other known location and inform the principal or appropriate responsible adult of the caregiver's arrest and of the arrangements being made for the care of the arrestee's dependent. The result of such actions should be documented in the associated report.

### 340.3.2 DURING THE BOOKING PROCESS

During the booking process the arrestee shall be allowed to make additional telephone calls to relatives or other responsible individuals as is reasonably necessary to arrange for the care of any child or dependent adult. These telephone calls should be given as soon as practicable and are in addition to any other telephone calls allowed by law (Penal Code § 851.5(c)).

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If an arrestee is unable to resolve the care of any child or dependent adult through this process, a supervisor should be contacted to determine the appropriate steps to arrange for care. These steps may include additional telephone calls or contacting a local, county or state services agency.

340.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Special needs (e.g., medical, mental health)
5. How, where and with whom or which agency the child was placed
6. Identities and contact information for other potential caregivers
7. Notifications made to other adults (e.g., schools, relatives)

(b) For all arrests where dependent adults are present or living in the household, the reporting member will document the following information:

1. Name
2. Sex
3. Age
4. Whether he/she reasonably appears able to care for him/herself
5. Disposition or placement information if he/she is unable to care for him/herself

340.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling officers, the child or dependent adult would benefit from additional assistance, such as counseling services, contact with a victim advocate or a crisis telephone number, the appropriate referral information may be provided.

## 340.4 DEPENDENT WELFARE SERVICES

Whenever an arrestee is unwilling or incapable of arranging for the appropriate care of any child or dependent adult, the handling officer should contact the appropriate welfare service or other department-approved social service to determine whether protective custody is appropriate (Welfare and Institutions Code § 305).

Only when other reasonable options are exhausted should a child or dependent adult be transported to the police facility, transported in a marked patrol car, or taken into formal protective custody.

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Under no circumstances should a child or dependent adult be left unattended or without appropriate care.

### 340.5 TRAINING

The Training Manager is responsible to ensure that all personnel of this department who may be involved in arrests affecting children or dependent adults receive approved POST-approved training on effective safety measures when a parent, guardian or caregiver is arrested (Penal Code § 13517.7).

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# Service Animals

## 341.1 PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines necessary to ensure that the rights of individuals who use service animals to assist with disabilities are protected in accordance with Title II of the Americans with Disabilities Act (ADA).

### 341.1.1 DEFINITIONS

Definitions related to this policy include:

**Service animal** - A dog that is trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability (28 CFR 35.104; Civil Code § 54.1; Health and Safety Code § 113903).

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for people with disabilities, provided the horse is housebroken, is under the handler's control, the facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

## 341.2 POLICY

It is the policy of the Tracy Police Department to provide equal access to services, programs, and activities of the Department to persons with service animals. Department members shall protect the rights of persons assisted by service animals in accordance with state and federal law. This protection extends to a person authorized to train a service dog (Civil Code § 54.2).

## 341.3 IDENTIFICATION AND USE OF SERVICE ANIMALS

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the general public is allowed. Department members are expected to treat individuals with service animals with the same courtesy and respect that the Tracy Police Department affords to all members of the public (28 CFR 35.136).

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.

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- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

### 341.4 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if a member is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the member should ask the individual only the following questions (28 CFR 35.136(f)):

- Is the animal required because of a disability?
- What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. The individual should not be questioned about their disabilities nor should members ask any individual to provide any license, certification, or identification card for the service animal.

### 341.5 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. Department members should not interfere with a service animal by talking to, petting, or otherwise initiating contact.

### 341.6 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken, exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, a department supervisor may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136 (b); 28 CFR 35.139).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, and activities to an individual with a disability. Members are expected to provide all services, programs, and activities that are reasonably available to an individual with a disability, with or without a service animal.

### 341.7 COMPLAINTS

When handling calls of a complaint regarding a service animal, members should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their handlers into the same areas that other customers or members of the public are allowed (28 CFR 36.302).

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*Service Animals*

Absent a violation of law independent of the ADA, officers should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice (DOJ).

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# Volunteer Program

## 342.1 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.

### 342.1.1 DEFINITION OF VOLUNTEER

An individual who performs a service for the Department without promise, expectation or receipt of compensation for services rendered. This may include unpaid chaplains, unpaid reserve officers, interns, persons providing administrative support and youth involved in a law enforcement Explorer Post, among others.

## 342.2 VOLUNTEER MANAGEMENT

### 342.2.1 VOLUNTEER COORDINATOR

The Volunteer Coordinator shall be appointed by the Bureau of Support Services Bureau Commander. The function of the Volunteer Coordinator is to provide a central coordinating point for effective volunteer management within the Department, and to direct and assist staff and volunteer efforts to jointly provide more productive services. The Volunteer Coordinator should work with other Department staff on an ongoing basis to assist in the development and implementation of volunteer-staffed positions.

The Volunteer Coordinator, or his/her designee, shall be responsible for the following:

(a) Recruiting, selecting and training qualified volunteers for various positions.

(b) Facilitating the implementation of new volunteer activities and assignments.

(c) Maintaining records for each volunteer.

(d) Tracking and evaluating the contribution of volunteers.

(e) Maintaining the volunteer handbook and outlining expectations, policies and responsibilities for all volunteers.

(f) Maintaining a record of volunteer schedules and work hours.

(g) Completion and dissemination as appropriate of all necessary paperwork and information.

(h) Planning periodic recognition events.

(i) Administering discipline when warranted.

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(j) Maintaining liaison with other volunteer-utilizing programs in the community and assisting in community-wide efforts to recognize and promote volunteering.

### 342.2.2 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with department policy on equal opportunity nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in, and an ability to assist the Department in serving the public.

Requests for volunteers should be submitted in writing by interested staff to the Volunteer Coordinator through the requester's immediate supervisor. A complete position description and a requested time-frame should be included in the request. All parties should understand that the recruitment of volunteers is enhanced by creative and interesting assignments. The Volunteer Coordinator may withhold assignment of any volunteer until such time as the requesting unit is prepared to make effective use of volunteer resources.

### 342.2.3 SCREENING

All prospective volunteers should complete the volunteer application form. The Volunteer Coordinator or designee should conduct a face-to-face interview with an applicant under consideration.

A documented background investigation shall be completed on each volunteer applicant and shall include but not limited to the following:

(a) Local, state, and national criminal history background check. Fingerprints shall be obtained from all applicants and submitted to the California Department of Justice (Penal Code § 11105.05; Penal Code § 11105.002).

(b) Traffic history check

(c) Employment

(d) References

(e) Credit check

A polygraph exam may be required of each applicant depending on the type of assignment.

### 342.2.4 SELECTION AND PLACEMENT

Service as a volunteer with the Department shall begin with an official notice of acceptance or appointment to a volunteer position. Notice may only be given by an authorized representative of the Department, who will normally be the Volunteer Coordinator. No volunteer should begin any assignment until they have been officially accepted for that position and completed all required screening and paperwork. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of their position description and agreement of service with the Department. All volunteers shall receive a copy of the volunteer handbook and shall be required to sign a volunteer agreement.

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Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, abilities and the needs of the Department.

### 342.2.5 TRAINING

Volunteers will be provided with an orientation program to acquaint them with the Department, personnel, policies and procedures that have a direct impact on their work assignment.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete tasks required by the position and should receive periodic ongoing training as deemed appropriate by their supervisor or the Volunteer Coordinator.

Training should reinforce to volunteers that they may not intentionally represent themselves as, or by omission infer that they are sworn officers or other full-time members of the Department. They shall always represent themselves as volunteers.

All volunteers shall comply with the rules of conduct and with all orders and directives, either oral or written, issued by the Department.

### 342.2.6 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication, other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

All volunteers shall adhere to the guidelines set forth by this department regarding drug and alcohol use.

### 342.2.7 DRESS CODE

As representatives of the Department, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their duties.

Volunteers shall conform to department-approved dress consistent with their duty assignment. Uniforms authorized for volunteers should be readily distinguishable from those worn by sworn officers. The uniform or identifiable parts of the uniform shall not be worn while off-duty except volunteers may choose to wear the uniform while in transit to or from official department assignments or functions provided an outer garment is worn over the uniform shirt so as not to bring attention to the volunteer while he/she is off duty.

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Volunteers shall be required to return any issued uniform or department property at the termination of service.

### 342.3 SUPERVISION OF VOLUNTEERS

Each volunteer who is accepted to a position with the Department must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

A volunteer may be assigned as and act as a supervisor of other volunteers provided that the supervising volunteer is under the direct supervision of a paid staff member.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

### 342.4 CONFIDENTIALITY

With appropriate security clearance, volunteers may have access to confidential information such as criminal histories or investigative files. Unless otherwise directed by a supervisor or departmental policy, all information shall be considered confidential. Only that information specifically identified and approved by authorized personnel shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by departmental policy and supervisory personnel.

Each volunteer will be required to sign a nondisclosure agreement before being given an assignment with the Department. Subsequent unauthorized disclosure of any confidential information, verbally, in writing or by any other means, by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to a newspaper or other periodical, release or divulge any information concerning the activities of the Department, or maintain that they represent the Department in such matters without permission from the proper department personnel.

### 342.5 PROPERTY AND EQUIPMENT

Volunteers will be issued an identification card that must be worn at all times while on-duty. Any fixed and portable equipment issued by the Department shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the Department and shall be returned at the termination of service.

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342.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of a vehicle must first complete the following:

(a) A driving safety briefing and department approved driver safety course.

(b) Verification that the volunteer possesses a valid California Driver License.

(c) Verification that the volunteer carries current vehicle insurance.

The Volunteer Coordinator should insure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating a Department vehicle, volunteers shall obey all rules of the road, including seat belt requirements. Smoking is prohibited in all Department vehicles.

Volunteers should not operate a marked patrol car unless there is a prominently placed sign indicating that it is out of service and are not authorized to operate a Department vehicle Code-3.

342.5.2 RADIO AND MDC USAGE

Volunteers shall successfully complete CLETS and radio procedures training prior to using the police radio or MDC and comply with all related provisions. The Volunteer Coordinator should ensure that radio and CLETS training is provided for volunteers whenever necessary.

## 342.6 DISCIPLINARY PROCEDURES/TERMINATION

A volunteer may be removed from the volunteer program at the discretion of the Chief of Police or the Volunteer Coordinator. Volunteers shall have no property interests in their continued appointment. However, if a volunteer is removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear his/her name through a liberty interest hearing which shall be limited to a single appearance before the Chief of Police or authorized designee.

Volunteers may resign from volunteer service with the Department at any time. It is requested that volunteers who intend to resign provide advance notice of their departure and a reason for their decision.

342.6.1 EXIT INTERVIEWS

Exit interviews, where possible, should be conducted with volunteers who are leaving their positions. The interview should ascertain why the volunteer is leaving the position and solicit the volunteer's suggestions on improving the position. When appropriate, the interview should also include a discussion on the possibility of involvement in some other capacity with the Department.

## 342.7 EVALUATION

An evaluation of the overall volunteer program will be conducted on an annual basis by the Volunteer Coordinator. Regular evaluations should be conducted with volunteers to ensure the best use of human resources available, to ensure personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum satisfaction on the part of volunteers.

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# Off-Duty Law Enforcement Actions

## 343.1 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 Tracy Police Department with respect to taking law enforcement action while off-duty.

## 343.2 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.

## 343.3 FIREARMS

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

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

## 343.4 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.

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(d) The lack of cover.

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

(f) Unfamiliarity with the surroundings.

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

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

### 343.4.1 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 Tracy Police Department officer until acknowledged. Official identification should also be displayed.

### 343.4.2 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.

### 343.4.3 PROFESSIONAL STAFF RESPONSIBILITIES

Professional Staff 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.

### 343.4.4 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.

## 343.5 REPORTING

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

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

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# Department Use of Social Media

## 344.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the Department is consistent with the department mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by department members (see the Employee Speech, Expression and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this department (see the Investigation and Prosecution Policy).

### 344.1.1 DEFINITIONS

Definitions related to this policy include:

**Social media** - Any of a wide array of Internet-based tools and platforms that allow for the sharing of information, such as the department website or social networking services

## 344.2 POLICY

The Tracy Police Department may use social media as a method of effectively informing the public about department services, issues, investigations and other relevant events.

Department members shall ensure that the use or access of social media is done in a manner that protects the constitutional rights of all.

## 344.3 AUTHORIZED USERS

Only members authorized by the Chief of Police or the authorized designee may utilize social media on behalf of the Department. Authorized members shall use only department-approved equipment during the normal course of duties to post and monitor department-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The Chief of Police may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over department social media by members who are not authorized to post should be made through the member’s chain of command.

## 344.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the department mission and conforms to all department policies regarding the release of information may be posted.

Examples of appropriate content include:

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(a) Announcements.

(b) Tips and information related to crime prevention.

(c) Investigative requests for information.

(d) Requests that ask the community to engage in projects that are relevant to the department mission.

(e) Real-time safety information that is related to in-progress crimes, geographical warnings or disaster information.

(f) Traffic information.

(g) Press releases.

(h) Recruitment of personnel.

#### 344.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the Public Information Officer or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

## 344.5 PROHIBITED CONTENT

Content that is prohibited from posting includes, but is not limited to:

(a) Content that is abusive, discriminatory, inflammatory or sexually explicit.

(b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal or local laws.

(c) Any information that could compromise an ongoing investigation.

(d) Any information that could tend to compromise or damage the mission, function, reputation or professionalism of the Tracy Police Department or its members.

(e) Any information that could compromise the safety and security of department operations, members of the Department, victims, suspects or the public.

(f) Any content posted for personal use.

(g) Any content that has not been properly authorized by this policy or a supervisor.

Any member who becomes aware of content on this department's social media site that he/she believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

#### 344.5.1 PUBLIC POSTING PROHIBITED

Department social media sites shall be designed and maintained to prevent posting of content by the public.

The Department may provide a method for members of the public to contact department members directly.

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### 344.6 MONITORING CONTENT

The Chief of Police will appoint a supervisor to review, at least annually, the use of department social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content and the resolution of any issues.

### 344.7 RETENTION OF RECORDS

The Bureau of Support Services Bureau Commander should work with the Custodian of Records to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

### 344.8 TRAINING

Authorized members should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, dissemination and retention of information posted on department sites.

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# Native American Graves Protection and Repatriation

## 345.1 PURPOSE AND SCOPE

This policy is intended to ensure the protection and security of ancient or historic grave sites, including notification of personnel responsible for cultural items, in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001 et seq.).

### 345.1.1 DEFINITIONS

Definitions related to this policy include (43 CFR 10.2):

**Funerary objects** - Objects that, as part of the death rite or ceremony of a Native American culture, are reasonably believed to have been placed intentionally at the time of death or later with or near individual human remains. Funerary objects are either associated funerary objects or unassociated funerary objects.

Associated funerary objects are any funerary objects related to removed human remains, where the location of the human remains is known. This includes objects that were made exclusively for burial purposes or to contain human remains, regardless of the physical location or existence of any related human remains.

Unassociated funerary objects are any other funerary objects that are identified by a preponderance of the evidence such as:

- Related to human remains but the remains were not removed, or the location of the remains is unknown.
- Related to specific individuals or families.
- Removed from specific burial sites with Native American cultural affiliation.
- Removed from an area where such burial sites are known to have existed, but the site no longer exists.

**Native American human remains** - Any physical part of the body of a Native American individual.

**Objects of cultural patrimony** - Objects having ongoing historical, traditional, or cultural importance that is central to the Native American group or culture itself and, therefore, cannot be appropriated or conveyed by any individual, including members of the Native American group or Native Hawaiian organization. Such objects must have been considered inalienable by the Native American group at the time the object was separated from the group.

**Sacred objects** - Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions.

## 345.2 POLICY

It is the policy of the Tracy Police Department that the protection of Native American human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred

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objects, or objects of cultural patrimony is the responsibility of all members. Such protection includes minimizing destruction, contamination, inadvertent disruption, or complicated custody transfer processes.

### 345.3 COMPLIANCE WITH THE NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Upon discovery or arrival upon a scene where it reasonably appears that a Native American grave, human remains, funerary objects, associated funerary objects, unassociated funerary objects, sacred objects, or objects of cultural patrimony are exposed or otherwise unsecured, members shall secure the site in the same manner as a crime scene. All activity at the scene other than scene preservation activity must cease (43 CFR 10.5).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.5):

- Federal land - Appropriate agency at the U.S. Department of the Interior or U.S. Department of Agriculture
- State land/Private land - Coroner, when appropriate (Health and Safety Code § 7050.5)
- Tribal land - Responsible Indian tribal official

### 345.4 EVIDENCE AND PROPERTY

If the location has been investigated as a possible homicide scene prior to identification as a NAGPRA site, investigators shall work with other appropriate agencies and individuals to ensure the proper transfer and repatriation of any material collected. Members shall ensure that any remains or artifacts located at the site are expediently processed (43 CFR 10.7).

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# Gun Violence Restraining Orders

## 346.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for petitioning and serving gun violence restraining orders and accounting for the firearms obtained pursuant to those orders (Penal Code § 18108).

### 346.1.1 DEFINITIONS

Definitions related to this policy include:

**Gun violence restraining order** - Civil restraining order prohibiting a named person from controlling, owning, purchasing, possessing, receiving, or otherwise having custody of any firearms or ammunition, including an ammunition magazine (Penal Code § 18100).

## 346.2 POLICY

It is the policy of the Tracy Police Department to petition and serve gun violence restraining orders in compliance with state law and to properly account for firearms and ammunition obtained by the Department pursuant to such orders.

## 346.3 GUN VIOLENCE RESTRAINING ORDERS

An officer who reasonably believes a person is a present danger to him/herself or another person by controlling, owning, purchasing, possessing, receiving, or otherwise having custody of a firearm may request permission from his/her supervisor to petition the court for a gun violence restraining order.

Officers petitioning the court should use the forms established by the Judicial Council (Penal Code § 18105). The petition should describe the number, types, and locations of any firearms and ammunition that the officer believes to be possessed or controlled by the person (Penal Code § 18107). The petition should also describe why less-restrictive alternatives are ineffective or inadequate for the circumstances (Penal Code § 18125; Penal Code § 18150; Penal Code § 18175).

If it is not practical under the circumstances to submit a written petition, an officer may orally request a temporary order (Penal Code § 18140).

### 346.3.1 ADDITIONAL CONSIDERATIONS

Officers should also consider requesting permission to petition the court for a gun violence restraining order (Penal Code § 18108):

(a) When responding to a domestic disturbance where the residence is associated with a firearm registration or record.

(b) When responding to any call or incident when a firearm is present or when one of the involved parties owns or possesses a firearm.

(c) During a contact with a person exhibiting mental health issues, including suicidal thoughts, statements, or actions if that person owns or possesses a firearm.

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Officers should consider obtaining a mental health evaluation if the encounter involves a situation where there is a reasonable cause to believe that the person poses an immediate and present danger of causing personal injury to themselves or another person by having custody or control of a firearm (see the Mental Illness Commitments Policy) (Penal Code § 18108).

## 346.4 SERVICE OF GUN VIOLENCE RESTRAINING ORDERS

An officer serving any gun violence restraining order shall:

(a) Verbally ask the subject of the order if he/she has any firearm, ammunition, or magazine in his/her possession or under his/her custody or control (Penal Code § 18160).

(b) Request that any firearms or ammunition be immediately surrendered and issue a receipt for the surrendered items (Penal Code § 18120).

(c) Take into temporary custody any firearm or other deadly weapon discovered in plain view or pursuant to consent or other lawful search (Penal Code § 18250).

(d) Inform the restrained person of any scheduled hearing regarding the order (Penal Code § 18160).

(e) Transmit the original proof of service form to the issuing court as soon as practicable but within one business day (Penal Code § 18115).

(f) As soon as practicable, but by the end of his/her shift, submit proof of service to the Records Supervisor for prompt entry into the California Restraining and Protective Order System (Penal Code § 18115).

The officer should also inform the restrained person that he/she is required, within 24 hours, to surrender to a law enforcement agency any other firearms and ammunition he/she owns or that are in his/her custody or control or sell them to a firearms dealer. This notification should be documented.

All firearms and ammunition collected shall be handled and booked in accordance with the Property and Evidence Policy.

### 346.4.1 SERVICE OF ORAL GUN VIOLENCE RESTRAINING ORDERS

If a gun violence restraining order is obtained orally, the officer shall (Penal Code § 18140):

(a) Serve the order on the restrained person in the manner outlined above, if the restrained person can reasonably be located.

(b) File a copy of the order with the court as soon as practicable after issuance.

(c) Ensure the order is provided to the Records Unit for entry into the computer database system for protective and restraining orders maintained by the Department of Justice.

## 346.5 SEARCH WARRANTS

If a person who has been served with a gun violence restraining order refuses to surrender any firearm or ammunition, the officer should consider whether to seek a search warrant. If a search

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warrant is to be obtained, the preparation and service of the search warrant shall be done in accordance with the Warrant Service Policy. Additionally, (Penal Code § 1542.5):

(a) The officer serving the warrant shall take custody of any firearm or ammunition that is controlled, possessed or owned by the person who is the subject of the gun violence restraining order, including any discovered pursuant to the warrant, a consensual search or other lawful search.

(b) If the location being searched is jointly occupied and the firearm or ammunition is owned by a person other than the restrained person, the firearm or ammunition should not be seized if the following conditions are met:

1. The firearm or ammunition can be stored in a manner that does not allow the restrained person to have control or access.

2. There is no evidence that the owner unlawfully possesses the firearm or ammunition.

(c) If a locked gun safe belonging to someone other than the subject of a gun violence restraining order is discovered, the officer shall not search the contents of the safe unless the owner consents or there is a valid search warrant for the safe. Any search of the safe must be done in the owner's presence.

## 346.6 RECORDS SUPERVISOR RESPONSIBILITIES

The Records Supervisor is responsible for ensuring:

(a) Proof of service of any gun violence restraining order served by an officer or received from the clerk of the court is entered in the computer database system for protective and restraining orders maintained by the Department of Justice within one business day of service if served by an officer, or within one business day of receipt of proof of service if served by a person other than a law enforcement officer (Penal Code § 18115).

(b) Temporary orders are entered into the California Restraining and Protective Order System (Penal Code § 18140).

(c) Copies of temporary orders are filed with the court as soon as practicable, but no later than three court days, after issuance (Penal Code § 18140).

(d) Copies of receipts of surrendered firearms or ammunition issued by other agencies for gun violence restraining orders issued by the Department are properly maintained (Penal Code § 18120).

(e) Any relinquishment of firearm rights form received from the court is entered into the California Restraining and Protective Order System within one business day of receipt (Penal Code § 18115).

## 346.7 COURT-ORDERED FIREARMS AND AMMUNITION SURRENDERS

Authorized members shall accept firearms and ammunition from any individual who is the subject of a gun violence restraining order. The member receiving any firearm or ammunition shall:

(a) Record the individual's name, address and telephone number.

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(b) Record the serial number of the firearm.

(c) Prepare an incident report and property report.

(d) Provide a property receipt to the individual who surrendered the firearms and ammunition.

(e) Package and submit the firearms and ammunition in accordance with the Property and Evidence Policy.

### 346.8 RELEASE OF FIREARMS AND AMMUNITION

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order and in accordance with Penal Code § 18120 and the Property and Evidence Policy.

### 346.9 GUN VIOLENCE RESTRAINING ORDER COORDINATOR

The Chief of Police will appoint a gun violence restraining order coordinator. The responsibilities of the coordinator include:

(a) Developing and maintaining procedures for the filing of a petition for an order or a renewal of an order by department members, also including procedures for requesting and serving (Penal Code § 18108):

1. A temporary emergency gun violence restraining order.
2. An ex parte gun violence restraining order.
3. A gun violence restraining order issued after notice and hearing.

(b) Developing and maintaining factors to consider when assessing the need to seek an order, including:

1. Whether threats have been made, and if so, whether the threats are credible and specific.
2. Whether the potential victim is within close proximity.
3. Whether the person has expressed suicidal tendencies.
4. Whether the person has access to firearms.
5. The criminal history of the person, in particular any history of criminal violence, including whether the person is currently on parole, probation, or monitored release.
6. The mental health history of the person, in particular whether the person has any history of mental illness or has ever been detained for being a danger to themselves or others.
7. Any upcoming holidays, anniversaries, or other dates of significance that may serve as a trigger for the person, such as the death of a family member.
8. Whether the person has any history of drug or alcohol abuse.

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(c) Developing and maintaining procedures for the receipt and service of orders consistent with the requirements of Penal Code § 18115; Penal Code § 18120; Penal Code § 18135; Penal Code § 18140; and Penal Code § 18160. Procedures should include:

1. Evaluation of an order to determine appropriate service and necessary precautions (see the Warrant Service Policy and the Operations Planning and Deconfliction Policy).
2. Forwarding orders to the Records Supervisor for recording in appropriate databases and required notice to the court, as applicable.
3. Preparing or obtaining a search warrant prior to attempting service of an order, when appropriate (Penal Code § 18108).
4. Seizure procedures of firearms and ammunition at the time of issuance of a temporary emergency gun violence restraining order.
5. Verification procedures for the removal of firearms and ammunition from the subject of a gun violence restraining order.

(d) Coordinating with the Training Manager to provide officers who may be involved in petitioning for or serving orders with training on such orders. Training should include determining when a petition is appropriate, the process for seeking an order, and the service of such orders.

(e) Reviewing each petition and any associated court documents for an order prepared by members, for compliance with this policy, department procedures, and state law.

(f) Developing and maintaining procedures for members to accept voluntarily surrendered prohibited items at times other than when an order is being served by the Department.

1. Procedures should include preparing and providing a receipt identifying all prohibited items to the person surrendering the items.

(g) Coordinating review of notices of court hearings and providing notice to the appropriate officer of the hearing date and the responsibility to appear (Penal Code § 18108).

## 346.10 RENEWAL OF GUN VIOLENCE RESTRAINING ORDERS

The General Investigations supervisor is responsible for the review of a gun violence restraining order obtained by the Department to determine if renewal should be requested within the time prescribed by law (Penal Code § 18190).

## 346.11 POLICY AVAILABILITY

The Chief of Police or the authorized designee shall be responsible for making this policy available to the public upon request (Penal Code § 18108).

## 346.12 TRAINING

The Training Manager should ensure that members receive periodic training on the requirements of this policy (Penal Code § 18108).

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# Chapter 4 - Patrol Operations

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# Patrol Function

## 400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the patrol function and address intraorganizational cooperation and information sharing.

### 400.1.1 TERRORISM

It is the goal of the Tracy Police Department to make every reasonable effort to accurately and appropriately gather and report any information that may relate to either foreign or domestic terrorism. Officers should advise a supervisor as soon as practicable of any activity believed to be terrorism related and should document such incidents with a written report or Field Interview (FI). The supervisor should ensure that all terrorism related reports and FIs are forwarded to the Terrorism Liaison Coordinator in a timely fashion.

## 400.2 INFORMATION SHARING

To the extent feasible, all information relevant to the mission of the Department should be shared among all bureaus and specialized units on a timely basis. Members should be provided with opportunities on a regular basis to share information during the daily briefings and to attend briefings of other bureaus or specialized units.

Additionally, information should be shared with outside agencies and the public in conformance with department policies and applicable laws. Members are encouraged to share information with other units and bureaus.

## 400.3 CROWDS, EVENTS AND GATHERINGS

Officers may encounter gatherings of people, including but not limited to, civil demonstrations, civic, social and business events, public displays, parades and sporting events. Officers should monitor such events as time permits in an effort to keep the peace and protect the safety and rights of those present. A patrol supervisor should be notified when it becomes reasonably foreseeable that such an event may require increased monitoring, contact or intervention.

Officers responding to an event or gathering that warrants law enforcement involvement should carefully balance the speech and association rights of those present with applicable public safety concerns before taking enforcement action.

Generally, officers should consider seeking compliance through advisements and warnings for minor violations and should reserve greater enforcement options for more serious violations or when voluntary compliance with the law is not achieved.

Officers are encouraged to contact organizers or responsible persons to seek voluntary compliance that may address relevant public safety/order concerns.

Officers should consider enforcement of applicable state and local laws, such as Penal Code 602.1 (obstructing or intimidating business operators), when the activity blocks the entrance or egress of a facility or location and when voluntary compliance with the law is not achieved.

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### 400.4 POLICY

The Tracy Police Department provides patrol services 24 hours a day, seven days a week and will prioritize responses to requests for emergency services using available resources to enhance the safety of the public and department members.

### 400.5 FUNCTION

Patrol will generally be conducted by uniformed officers in clearly marked law enforcement vehicles in assigned jurisdictional areas of Tracy. The function of patrol is to respond to calls for assistance and reports of criminal activity, act as a deterrent to crime, enforce state and local laws, identify community needs, provide support and assistance to the community and respond to emergencies.

Patrol services include, but are not limited to:

(a) Responding to emergency calls for service.

(b) Apprehending criminal offenders.

(c) Providing mutual aid and assistance to other agencies for emergency and law enforcement-related activities.

(d) Preventing criminal acts, traffic violations and collisions, maintaining public order and discovering hazardous situations or conditions.

(e) Responding to reports of criminal and non-criminal acts.

(f) Responding to routine calls for service, such as public assistance or public safety.

(g) Carrying out crime prevention activities such as residential inspections, business inspections and community presentations.

(h) Carrying out community oriented policing and problem-solving activities including the application of resources to improve or resolve specific problems or situations and contacting or assisting members of the public in a positive way.

(i) Directing and controlling traffic.

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# Bias-Based Policing

## 401.1 PURPOSE AND SCOPE

This policy provides guidance to department members that affirms the Tracy Police Department's commitment to policing that is fair and objective.

Nothing in this policy prohibits the use of specified characteristics in law enforcement activities designed to strengthen the department's relationship with its diverse communities (e.g., cultural and ethnicity awareness training, youth programs, community group outreach, partnerships).

### 401.1.1 DEFINITIONS

Definitions related to this policy include:

**Bias-based policing or improper profiling** - An inappropriate reliance on actual or perceived characteristics such as race, ethnicity, national origin (including limited English proficiency), religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability, or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (Penal Code § 13519.4). This includes explicit and implicit biases (i.e., conscious and unconscious beliefs or attitudes towards certain groups).

This includes biased conduct, including but not limited to conduct online, such as social media use, engaged in by a peace officer in any encounter with the public, first responders, or employees of criminal justice agencies, that is motivated by bias toward any person's protected class or characteristic, whether actual or perceived as identified in Civil Code 51(b) of the Unruh Civil Rights Act. Biased conduct may result from implicit and explicit biases. Conduct is biased if a reasonable person with the same training and experience would conclude, based upon the facts, that a peace officer's conduct resulted from bias towards that person's membership in a protected class. A peace officer need not admit biased or prejudiced intent for conduct to be determined to be biased conduct (Penal Code § 13510.6; 11 CCR 1022).

## 401.2 POLICY

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

## 401.3 BIAS-BASED POLICING PROHIBITED

Bias-based policing is strictly prohibited.

However, nothing in this policy is intended to prohibit an officer from considering protected characteristics in combination with credible, timely and distinct information connecting a person or people of a specific characteristic to a specific unlawful incident, or to specific unlawful incidents, specific criminal patterns or specific schemes.

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401.3.1 CALIFORNIA RELIGIOUS FREEDOM ACT
Members shall not collect information from a person based on religious belief, practice, affiliation, national origin or ethnicity unless permitted under state or federal law (Government Code § 8310.3).

Members shall not assist federal government authorities (Government Code § 8310.3):

(a) In compiling personal information about a person's religious belief, practice, affiliation, national origin or ethnicity.

(b) By investigating, enforcing or assisting with the investigation or enforcement of any requirement that a person register with the federal government based on religious belief, practice, or affiliation, or national origin or ethnicity.

## 401.4 MEMBER RESPONSIBILITIES

Every member of this department shall perform his/her duties in a fair and objective manner and is responsible for promptly reporting any suspected or known instances of bias-based policing to a supervisor. Members should, when reasonable to do so, intervene to prevent any biased-based actions by another member.

401.4.1 REASON FOR CONTACT
Officers contacting a person shall be prepared to articulate sufficient reason for the contact, independent of the protected characteristics of the individual.

To the extent that written documentation would otherwise be completed (e.g., arrest report, field interview (FI) card), the involved officer should include those facts giving rise to the contact, as applicable.

Except for required data-collection forms or methods, nothing in this policy shall require any officer to document a contact that would not otherwise require reporting.

401.4.2 REPORTING OF STOPS
Unless an exception applies under 11 CCR 999.227, an officer conducting a stop of a person shall collect the data elements required by Government Code § 12525.5 and 11 CCR 999.226 for every person stopped and prepare a stop data report. When multiple officers conduct a stop, the officer with the highest level of engagement with the person shall collect the data elements and prepare the report (11 CCR 999.227).

If multiple agencies are involved in a stop and the Tracy Police Department is the primary agency, the Tracy Police Department officer shall collect the data elements and prepare the stop data report (11 CCR 999.227).

The stop data report should be completed by the end of the officer's shift or as soon as practicable (11 CCR 999.227).

401.4.3 DISCLOSURE AND DOCUMENTATION OF TRAFFIC OR PEDESTRIAN STOP
An officer conducting a traffic or pedestrian stop shall state the reason for the stop prior to questioning the individual related to a criminal investigation or traffic violation unless the officer

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reasonably believes that withholding the reason for the stop is necessary to protect life or property from imminent threat, including but not limited to cases of terrorism or kidnapping (Vehicle Code § 2806.5).

Officers shall document the reason for the stop on any citation or report (Vehicle Code § 2806.5).

### 401.5 SUPERVISOR RESPONSIBILITIES

Supervisors should monitor those individuals under their command for compliance with this policy and shall handle any alleged or observed violations in accordance with the Personnel Complaints Policy.

(a) Supervisors should discuss any issues with the involved officer and their supervisor in a timely manner.

    1. Supervisors should document these discussions in the prescribed manner.

(b) Supervisors should periodically review Mobile Audio/Video (MAV) recordings, body-worn camera (BWC) media, Mobile Digital Computer (MDC) data, and any other available resource used to document contact between officers and the public to ensure compliance with the policy.

    1. Supervisors should document these periodic reviews.

    2. Recordings or data that capture a potential instance of bias-based policing should be appropriately retained for administrative investigation purposes.

(c) Supervisors shall initiate investigations of any actual or alleged violations of this policy.

    1. When investigating any bias-related complaint or law enforcement activity incident that involves possible indications of officer biased conduct or improper profiling, a supervisor shall determine whether the officer engaged in conduct that constitutes biased conduct as defined in 11 CCR 1022 or improper profiling during a law enforcement activity as described in Penal Code § 13519.4(e) (Penal Code § 13510.6).

(d) Supervisors should take prompt and reasonable steps to address any retaliatory action taken against any member of this department who discloses information concerning bias-based policing.

### 401.6 ADMINISTRATION

Each year, the Field Operations Bureau Commander should review the efforts of the Department to provide fair and objective policing and submit an annual report, including public concerns and complaints, to the Chief of Police.

The annual report should not contain any identifying information about any specific complaint, member of the public or officers. It should be reviewed by the Chief of Police to identify any changes in training or operations that should be made to improve service.

Supervisors should review the annual report and discuss the results with those they are assigned to supervise.

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## 401.7 TRAINING

Training on fair and objective policing and review of this policy should be conducted as directed by the Professional Standards and Training Division.

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity and cultural trends (Penal Code § 13519.4(i)).

### 401.7.1 ADDITIONAL STATE REQUIREMENTS

Training should be conducted as directed by the Professional Standards and Training Division.

(a) All sworn members of this department will be scheduled to attend Peace Officer Standards and Training (POST)-approved training on the subject of bias-based policing.

(b) Pending participation in such POST-approved training and at all times, all members of this department are encouraged to familiarize themselves with and consider racial and cultural differences among members of this community.

(c) Each sworn member of this department who received initial bias-based policing training will thereafter be required to complete an approved POST refresher course every five years, or sooner if deemed necessary, in order to keep current with changing racial, identity, and cultural trends (Penal Code § 13519.4(i)).

## 401.8 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The Professional Standards and Training DivisionCommander shall ensure that all data required by the California Department of Justice (DOJ) regarding complaints of racial bias against officers is collected and provided to the Records Supervisor for required reporting to the DOJ (Penal Code § 13012; Penal Code § 13020). See the Records Unit Policy.

Supervisors should ensure that data stop reports are provided to the Records Supervisor for required annual reporting to the DOJ (Government Code § 12525.5) (See Records Bureau Policy).

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# Briefing Training

## 402.1 PURPOSE AND SCOPE

Briefing training is generally conducted at the beginning of the officer's assigned shift. Briefing provides an opportunity for important exchange between employees and supervisors. A supervisor generally will conduct Briefing; however officers may conduct Briefing for training purposes with supervisor approval.

Briefing should accomplish, at a minimum, the following basic tasks:

(a) Briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations and changes in the status of wanted persons, stolen vehicles, and major investigations

(b) Notifying officers of changes in schedules and assignments

(c) Notifying officers of new Special Orders or changes in Special Orders

(d) Reviewing recent incidents for training purposes

(e) Providing training on a variety of subjects

(f) Completed in thirty (30) minutes or less absent special circumstances

## 402.2 PREPARATION OF MATERIALS

The supervisor conducting Briefing is responsible for preparation of the materials necessary for a constructive briefing. Supervisors may delegate this responsibility to a subordinate officer in his or her absence or for training purposes.

## 402.3 RETENTION OF BRIEFING TRAINING RECORDS

Briefing training materials and a curriculum or summary shall be forwarded to the Training Manager for inclusion in training records, as appropriate.

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# Crime and Disaster Scene Integrity

## 403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

## 403.2 POLICY

It is the policy of the Tracy Police Department to secure crime or disaster scenes so that evidence is preserved, and to identify and mitigate the dangers associated with a major crime or disaster scene for the safety of the community and those required to enter or work near the scene.

## 403.3 SCENE RESPONSIBILITY

The first officer at the scene of a crime or major incident is generally responsible for the immediate safety of the public and preservation of the scene. Officers shall also consider officer safety and the safety of those persons entering or exiting the area, including those rendering medical aid to any injured parties. Once an officer has assumed or been assigned to maintain the integrity and security of the crime or disaster scene, the officer shall maintain the crime or disaster scene until he/she is properly relieved by a supervisor or other designated person.

## 403.4 FIRST RESPONDER CONSIDERATIONS

The following list generally describes the first responder's function at a crime or disaster scene. This list is not intended to be all-inclusive, is not necessarily in order and may be altered according to the demands of each situation:

(a) Broadcast emergency information, including requests for additional assistance and resources.

(b) Provide for the general safety of those within the immediate area by mitigating, reducing or eliminating threats or dangers.

(c) Locate or identify suspects and determine whether dangerous suspects are still within the area.

(d) Provide first aid to injured parties if it can be done safely.

(e) Evacuate the location safely as required or appropriate.

(f) Secure the inner perimeter.

(g) Protect items of apparent evidentiary value.

(h) Secure an outer perimeter.

(i) Identify potential witnesses.

(j) Start a chronological log noting critical times and personnel allowed access.

## 403.5 SEARCHES

Officers arriving at crime or disaster scenes are often faced with the immediate need to search for and render aid to victims, and to determine if suspects are present and continue to pose a threat. Once officers are satisfied that no additional suspects are present and/or there are no injured

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persons to be treated, those exigent circumstances will likely no longer exist. Officers should thereafter secure the scene and conduct no further search until additional or alternate authority for the search is obtained, such as consent or a search warrant.

#### 403.5.1 CONSENT

When possible, officers should seek written consent to search from authorized individuals. However, in the case of serious crimes or major investigations, it may be prudent to also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

## 403.6 EXECUTION OF HEALTH ORDERS

Any sworn member of this department is authorized to enforce all orders of the local health officer that have been issued for the purpose of preventing the spread of any contagious, infectious or communicable disease (Health and Safety Code § 120155).

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# Crisis Response Unit

## 404.1 PURPOSE AND SCOPE

The Crisis Response Unit (CRU) is comprised of two specialized teams: the Crisis Negotiation Team (CNT) and the Special Weapons and Tactics Team (SWAT). The unit has been established to provide specialized support in handling critical field operations where intense negotiations and/or special tactical deployment methods beyond the capacity of field officers appear to be necessary. This policy is written to comply with the guidelines established in the Attorney General's Commission on Special Weapons and Tactics Report (September 2002) and the POST 2005 SWAT Operational Guidelines and Standardized Training Recommendations (Penal Code § 13514.1).

### 404.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Crisis Response Unit are divided into Administrative and Operational Policy and Procedures. Since situations that necessitate the need for such a police response vary greatly from incident to incident and such events often demand on-the-scene evaluation, the Operational Policy outlined in this manual section serves as a guideline to department personnel allowing for appropriate on scene decision making as required. The Administrative Procedures, however, are more restrictive and few exceptions should be taken.

### 404.1.2 SWAT TEAM DEFINED

A SWAT team is a designated unit of law enforcement officers that is specifically trained and equipped to work as a coordinated team to resolve critical incidents that are so hazardous, complex, or unusual that they may exceed the capabilities of first responders or investigative units including, but not limited to, hostage taking, barricaded suspects, snipers, terrorist acts and other high-risk incidents. As a matter of department policy, such a unit may also be used to serve high-risk warrants, both search and arrest, where public and officer safety issues warrant the use of such a unit.

## 404.2 LEVELS OF CAPABILITY/TRAINING

### 404.2.1 LEVEL I

A level I SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter response). Generally 5% of the basic team's on-duty time should be devoted to training.

### 404.2.2 LEVEL II

A level II, Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities above the Level I teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At

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least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level I team.

404.2.3 LEVEL III

A Level III, Advanced level SWAT team is a SWAT team whose personnel function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level III teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level I and Level II teams.

## 404.3 POLICY

It shall be the policy of this department to maintain a SWAT team and to provide the equipment, manpower, and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform three basic operational functions:

(a) Command and Control

(b) Containment

(c) Entry/Apprehension/Rescue

It is understood it is difficult to categorize specific capabilities for critical incidents. Training needs may vary based on the experience level of the team personnel, team administrators and potential incident commanders. Nothing in this policy shall prohibit individual teams from responding to a situation that exceeds their training levels due to the exigency of the circumstances. The preservation of innocent human life is paramount.

404.3.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations appropriate to this department. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT Commander or his/her designee.

404.3.2 ORGANIZATIONAL PROCEDURES

This department shall develop a separate written set of organizational procedures which should address, at minimum, the following:

(a) Locally identified specific missions the team is capable of performing.

(b) Team organization and function.

(c) Personnel selection and retention criteria.

(d) Training and required competencies.

(e) Procedures for activation and deployment.

(f) Command and control issues, including a clearly defined command structure.

(g) Multi-agency response.

(h) Out-of-jurisdiction response.

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(i) Specialized functions and supporting resources.

404.3.3 OPERATIONAL PROCEDURES

This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association Suggested SWAT Best Practices. Because such procedures are specific to CRU members and will outline tactical and officer safety issues, they are not included within this policy. The operational procedures should include, at minimum, the following:

(a) Designated personnel responsible for developing an operational or tactical plan prior to, and/or during SWAT operations (time permitting).

1. All SWAT team members should have an understanding of operational planning.
2. SWAT team training should consider planning for both spontaneous and planned events.
3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings conducted prior to an operation, unless circumstances require immediate deployment.

1. When possible, briefings should include the specialized units and supporting resources.

(c) Protocols for a sustained operation should be developed which may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action as a means of conducting a threat assessment to determine the appropriate response and resources necessary, including the use of SWAT.

(e) The appropriate role for a trained negotiator.

(f) A standard method of determining whether or not a warrant should be regarded as high-risk.

(g) A method for deciding how best to serve a high-risk warrant with all reasonably foreseeable alternatives being reviewed in accordance with risk/benefit criteria prior to selecting the method of response.

(h) Post incident scene management including:

1. Documentation of the incident.
2. Transition to investigations and/or other units.
3. Debriefing after every deployment of the SWAT team.

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(a) After-action team debriefing provides evaluation and analysis of critical incidents and affords the opportunity for individual and team assessments, helps to identify training needs, and reinforces sound risk management practices.

(b) Such debriefing should not be conducted until involved officers have had the opportunity to individually complete necessary reports or provide formal statements.

(c) In order to maintain candor and a meaningful exchange, debriefing will generally not be recorded.

(d) When appropriate, debriefing should include specialized units and resources.

(i) Sound risk management analysis.

(j) Standardization of equipment deployed.

## 404.4 TRAINING NEEDS ASSESSMENT

The SWAT/CRU Commander shall conduct an annual SWAT Training needs assessment to ensure that training is conducted within team capabilities, department policy and the training guidelines as established by POST (11 C.C.R. § 1084).

### 404.4.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed until successful completion of the POST-certified Basic SWAT Course or its equivalent.

(a) To avoid unnecessary or redundant training, previous training completed by members may be considered equivalent when the hours and content (topics) meet or exceed department requirements or POST standardized training recommendations.

### 404.4.2 UPDATED TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training as certified by POST, or its equivalent, every 24 months.

### 404.4.3 SUPERVISION AND MANAGEMENT TRAINING

Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level to ensure personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the teams.

Command personnel who may assume incident command responsibilities should attend SWAT or Critical Incident Commander course or its equivalent. SWAT command personnel should attend a POST-certified SWAT commander or tactical commander course, or its equivalent.

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### 404.4.4 SWAT ONGOING TRAINING

Training shall be coordinated by the CRU Commander. The CRU Commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test twice each year. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest and attain a qualifying score. Within 30 days of the previous physical fitness test date, the member required to qualify shall report to a team supervisor and complete the entire physical fitness test. Failure to qualify after a second attempt may result in dismissal from the team.

(c) Those members who are on vacation, ill, or are on light duty status with a doctor's note of approval on the test date, shall be responsible for reporting to a team supervisor and taking the test within 30 days of their return to regular duty. Any member, who fails to arrange for and perform the physical fitness test within the 30-day period, shall be considered as having failed to attain a qualifying score for that test period.

(d) Quarterly, each SWAT team member shall perform the mandatory SWAT handgun qualification course. The qualification course shall consist of the SWAT Basic Drill for the handgun. Failure to qualify will require that officer to seek remedial training from a team range master approved by the CRU Commander. Team members who fail to qualify must retest within 30 days. Failure to qualify within 30 days with or without remedial training may result in dismissal from the team.

(e) Each SWAT team member shall complete the quarterly SWAT qualification course for any specialty weapon issued to, or used by, the team member during SWAT operations. Failure to qualify will require the team member to seek remedial training from the Range Cadre who has been approved by the CRU commander. Team members who fail to qualify on their specialty weapon may not utilize the specialty weapon on SWAT operations until qualified. Team members who fail to qualify must retest within 30 days. Failure to qualify with specialty weapons within 30 days may result in the team member being removed from the team or permanently disqualified from use of that particular specialty weapon.

### 404.4.5 TRAINING SAFETY

Use of a designated safety officer should be considered for all tactical training.

### 404.4.6 SCENARIO BASED TRAINING

SWAT teams should participate in scenario-based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

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404.4.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the Professional Standards and Training Division. Such documentation shall be maintained in each member's individual training file. A separate agency SWAT training file shall be maintained with documentation and records of all team training.

## 404.5 UNIFORMS, EQUIPMENT, AND FIREARMS

404.5.1 UNIFORMS
SWAT teams from this agency should wear uniforms that clearly identify team members as law enforcement officers. It is recognized that certain tactical conditions may require covert movement. Attire may be selected appropriate to the specific mission.

404.5.2 EQUIPMENT
SWAT teams from this agency should be adequately equipped to meet the specific mission(s) identified by the agency.

404.5.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units, and the supporting resources should be agency-issued or approved, including any modifications, additions, or attachments.

404.5.4 OPERATIONAL READINESS INSPECTIONS
The CRU Commander shall appoint a CRU supervisor to perform operational readiness inspections of all unit equipment at least bi-annaully. The result of the inspection will be forwarded to the CRU Commander in writing. The inspection will include personal equipment issued to members of the unit, operational equipment maintained in the CRU facility and equipment maintained or used in CRU vehicles.

## 404.6 MANAGEMENT/SUPERVISION OF CRISIS RESPONSE UNIT
The Commander of the CRU shall be selected by the Chief of Police upon recommendation of staff.

404.6.1 PRIMARY UNIT MANAGER
Under the direction of the Chief of Police the Crisis Response Unit shall be managed by a lieutenant.

404.6.2 TEAM SUPERVISORS
The Negotiation Team and each Special Weapons and Tactics Team will be supervised by a sergeant.

The team supervisors shall be selected by the Chief of Police upon specific recommendation by staff and the SWAT/CRU Commander.

The following represent the supervisor responsibilities for the Crisis Response Unit.

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(a) The Negotiation Team supervisor's primary responsibility is to supervise the operations of the Negotiation Team which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.

(b) The Special Weapons and Tactics Team supervisor's primary responsibility is to supervise the operations of the SWAT Team, which will include deployment, training, first line participation, and other duties as directed by the CRU Commander.

## 404.7 CRISIS NEGOTIATION TEAM ADMINISTRATIVE PROCEDURES

The Crisis Negotiation Team has been established to provide skilled verbal communicators who may be utilized to attempt to de-escalate and effect surrender in critical situations where suspects have taken hostages, barricaded themselves, or have suicidal tendencies.

The following procedures serve as directives for the administrative operation of the Crisis Negotiation Team.

### 404.7.1 SELECTION OF PERSONNEL

Interested personnel, who are off probation, shall submit a change of assignment request to their appropriate Bureau Commander. A copy will be forwarded to the SWAT/CRU Commander and the Crisis Negotiation Team supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the SWAT/CRU Commander, the Crisis Negotiation Team supervisor, and a third person to be selected by the two. Interested personnel shall be evaluated by the following criteria:

(a) Recognized competence and ability as evidenced by performance.

(b) Demonstrated good judgment and understanding of critical role of negotiator and negotiation process.

(c) Effective communication skills to ensure success as a negotiator.

(d) Special skills, training, or appropriate education as it pertains to the assignment.

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions, and training obligations.

(f) Applicant shall have no ratings less than standard on their most current evaluation.

The oral board shall submit a list of successful applicants to the Chief of Police for final selection.

### 404.7.2 TRAINING OF NEGOTIATORS

Those officers selected as members of the Negotiation Team should attend the Basic Negotiators Course as approved by the Commission on Peace Officer Standards and Training (POST) prior to primary use in an actual crisis situation. Untrained officers may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

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A minimum of one training day per quarter will be required to provide the opportunity for role playing and situational training necessary to maintain proper skills. This will be coordinated by the team supervisor.

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the team supervisor. Performance and efficiency levels, established by the team supervisor, will be met and maintained by all team members. Any member of the Negotiation Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the unit.

## 404.8 SWAT TEAM ADMINISTRATIVE PROCEDURES

The Special Weapons and Tactics (SWAT) Team was established to provide a skilled and trained team which may be deployed during events requiring specialized tactics in such situations as cases where suspects have taken hostages and/or barricaded themselves as well as prolonged or predictable situations in which persons armed or suspected of being armed pose a danger to themselves or others.

The following procedures serve as directives for the administrative operation of the Special Weapons and Tactics Team.

### 404.8.1 SELECTION OF PERSONNEL

Interested sworn personnel who are off probation shall submit a change of assignment request to their appropriate Division Commander, a copy of which will be forwarded to the SWAT/CRU Commander and other SWAT supervisors. Those qualifying applicants will then be invited to participate in the testing process. The order of the tests will be given at the discretion of the SWAT/CRU Commander. The testing process will consist of an oral board, physical agility, SWAT basic handgun, and team evaluation.

(a) Oral board: The oral board will consist of personnel selected by the SWAT/CRU Commander. Applicants will be evaluated by the following criteria:

1. Recognized competence and ability as evidenced by performance;
2. Demonstrated good judgment and understanding of critical role of SWAT member;
3. Special skills, training, or appropriate education as it pertains to this assignment; and,
4. Commitment to the unit, realizing that the additional assignment may necessitate unusual working hours, conditions, and training obligations.
5. Applicant shall not have any rating less than standard on their current evaluation.

(b) Physical agility: The physical agility test is designed to determine the physical capabilities of the applicant as it relates to performance of SWAT-related duties. The test and scoring procedure will be established by the CRU Commander. A minimum qualifying score shall be attained by the applicant to be considered for the position.

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(c) SWAT basic handgun: Candidates will be invited to shoot the SWAT Basic Drill for the handgun. A minimum qualifying score of 400 out of a possible score of 500 must be attained to qualify.

(d) Team evaluation: Current team members will evaluate each candidate on his or her field tactical skills, teamwork, ability to work under stress, communication skills, judgment, and any special skills that could benefit the team.

(e) A list of successful applicants shall be submitted to the Chief of Police, by the SWAT/ CRU Commander, for final selection.

404.8.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the unit shall be conducted by the CRU Commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT Team members. Any member of the SWAT Team who performs or functions at a level less than satisfactory shall be subject to dismissal from the team.

## 404.9 OPERATION GUIDELINES FOR CRISIS RESPONSE UNIT

The following procedures serve as guidelines for the operational deployment of the Crisis Response Unit. Generally, the Special Weapons and Tactics Team and the Crisis Negotiation Team will be activated together. It is recognized, however, that a tactical team may be used in a situation not requiring the physical presence of the Crisis Negotiation Team such as warrant service operations. This shall be at the discretion of the CRU Commander.

404.9.1 ON-SCENE DETERMINATION

The supervisor in charge on the scene of a particular event will assess whether the Crisis Response Unit is to respond to the scene. Upon final determination by the Watch Commander, he/she will notify the CRU Commander.

404.9.2 APPROPRIATE SITUATIONS FOR USE OF CRISIS RESPONSE UNIT

The following are examples of incidents which may result in the activation of the Crisis Response Unit:

(a) Barricaded suspects who refuse an order to surrender.

(b) Incidents where hostages are taken.

(c) Cases of suicide threats.

(d) Arrests of dangerous persons.

(e) Any situation that could enhance the ability to preserve life, maintain social order, and ensure the protection of property.

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### 404.9.3 OUTSIDE AGENCY REQUESTS

Requests by field personnel for assistance from outside agency crisis units must be approved by the Watch Commander. Deployment of the Tracy Police Department Crisis Response Unit in response to requests by other agencies must be authorized by a Bureau Commander.

### 404.9.4 MULTI-JURISDICTIONAL SWAT OPERATIONS

The SWAT team, including relevant specialized units and supporting resources, should develop protocols, agreements, MOU's, or working relationships to support multi-jurisdictional or regional responses.

(a) If it is anticipated that multi-jurisdictional SWAT operations will regularly be conducted; SWAT multi-agency and multi-disciplinary joint training exercises are encouraged.

(b) Members of the Tracy Police Department SWAT team shall operate under the policies, procedures and command of the Tracy Police Department when working in a multi-agency situation.

### 404.9.5 MOBILIZATION OF CRISIS RESPONSE UNIT

The On-Scene supervisor shall make a request to the Patrol Sergeant for the Crisis Response Unit. The Patrol Sergeant shall then notify the SWAT/CRU Commander. If unavailable, a team supervisor shall be notified. A current mobilization list shall be maintained in the Patrol Sergeant's office by the SWAT/CRU Commander. The Patrol Sergeant will then notify the Field Operations Division Commander as soon as practical.

The Patrol Sergeant should advise the SWAT/CRU Commander with as much of the following information which is available at the time:

(a) The number of suspects, known weapons and resources.

(b) If the suspect is in control of hostages.

(c) If the suspect is barricaded.

(d) The type of crime involved.

(e) If the suspect has threatened or attempted suicide.

(f) The location of the command post and a safe approach to it.

(g) The extent of any perimeter and the number of officers involved.

(h) Any other important facts critical to the immediate situation and whether the suspect has refused an order to surrender.

The SWAT/CRU Commander or supervisor shall then call selected officers to respond.

### 404.9.6 FIELD UNIT RESPONSIBILITIES

While waiting for the Crisis Response Unit, field personnel should, if safe, practical and sufficient resources exist:

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(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish an arrest/response team. The team actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a deadly threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

(e) Attempt to establish preliminary communication with the suspect. Once the CRU has arrived, all negotiations should generally be halted to allow the negotiators and SWAT time to set up.

(f) Be prepared to brief the CRU Commander on the situation.

(g) Plan for, and stage, anticipated resources.

### 404.9.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival of the Crisis Response Unit at the scene, the Incident Commander shall brief the CRU Commander and team supervisors about the situation. Upon review, it will be the Incident Commander's decision, with input from the CRU Commander, whether to deploy the Crisis Response Unit. Once the Incident Commander authorizes deployment, the CRU Commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security, and support for the Crisis Response Unit. The Incident Commander and the CRU Commander (or his or her designee) shall maintain communications at all times.

### 404.9.8 COMMUNICATION WITH CRISIS RESPONSE UNIT PERSONNEL

All of those persons who are non-Crisis Response Unit personnel should refrain from any non-emergency contact or interference with any member of the unit during active negotiations. Operations require the utmost in concentration by involved personnel and, as a result, no one should interrupt or communicate with Crisis Team personnel directly. All non-emergency communications shall be channeled through the Negotiation Team Sergeant or his or her designee.

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# Ride-Along Policy

## 405.1 PURPOSE AND SCOPE

The Ride-Along Program provides an opportunity for citizens to experience the law enforcement function first hand. This policy provides the requirements, approval process, and hours of operation for the Ride-Along Program.

### 405.1.1 ELIGIBILITY

The Tracy Police Department Ride-Along Program is offered to residents, students and those employed within the City. Every attempt will be made to accommodate interested persons however any applicant may be disqualified without cause.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 15 years of age
- Prior criminal history
- Pending criminal action
- Pending lawsuit against the Department
- Denial by any supervisor

### 405.1.2 AVAILABILITY

The Ride-Along Program is available seven days of the week. The Bureau of Field Operations Commander has the discretion to limit ride-along's based on officer staffing and other operational needs of the organization..

## 405.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the Patrol Supervisor. The participant will complete a ride-along waiver form. Information requested will include a valid ID or California driver's license, address, and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the Ride-Along Form. Note: Department members spouses or significant others are not allowed to ride-along with their spouse or significant other.

The Patrol Supervisor will schedule a date, based on availability, at least one week after the date of application. If the ride-along is denied after the request has been made, a representative of the Department will contact the applicant and advise him/her of the denial.

### 405.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: Explorers, VIPs, Chaplains, Reserves, police applicants, and all others with approval of the Patrol Supervisor.

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. Normally, no more than one ride-along will be allowed in the officer's vehicle at a given time.

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Ride-along requirements for police cadets are covered in Policy Manual 1026-Police Explorer.

405.2.2 SUITABLE ATTIRE
Any person approved to ride along is required to be suitably dressed in collared shirt, blouse or jacket, slacks and shoes. Sandals, T-shirts, tank tops, shorts and ripped or torn blue jeans are not permitted. Hats and ball caps will not be worn in the police vehicle. The Patrol Supervisor may refuse a ride along to anyone not properly dressed.

405.2.3 PEACE OFFICER RIDE-ALONGS
Off-duty members of this department or any other law enforcement agency will not be permitted to ride-along with on-duty officers without the expressed consent of the Watch Commander. In the event that such a ride-along is permitted, the off-duty employee shall not be considered on-duty and shall not represent themselves as a peace officer or participate in any law enforcement activity except as emergency circumstances may require.

405.2.4 RIDE-ALONG CRIMINAL HISTORY CHECK
All Ride-along applicants are subject to a criminal history check. The criminal history check may include a local records check and a Department of Justice Automated Criminal History System check through CLETS prior to their approval as a ride-along with a law enforcement officer (provided that the ride-along is not an employee of the Tracy Police Department) (CLETS Policies, Practices and Procedures Manual § 1.6.1.F.2.).

## 405.3 OFFICER'S RESPONSIBILITY
The officer shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Officers shall consider the safety of the ride-along at all times. Officers should use sound discretion when encountering a potentially dangerous situation, and if feasible, let the participant out of the vehicle in a well-lighted place of safety. The dispatcher will be advised of the situation and as soon as practical have another police unit respond to pick up the participant at that location. The ride-along may be continued or terminated at this time.

The Patrol Supervisor is responsible for maintaining and scheduling ride-alongs. Upon completion of the ride-along, the form shall be returned to the Patrol Supervisor with any comments which may be offered by the officer.

## 405.4 CONTROL OF RIDE-ALONG
The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit their participation. These instructions should include:

(a) The ride-along will follow the directions of the officer

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects, or handling any police equipment

(c) The ride-along may terminate the ride at any time and the officer may return the observer to their home or to the station if the ride-along interferes with the performance of the officer's duties

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(d) A ride-along may be allowed to continue riding during the transportation and booking process provided this does not jeopardize their safety

(e) Officers will not allow any ride-along to be present in any residences or situations that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other citizen

(f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with an officer without the expressed consent of the resident or other authorized person

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# Hazardous Material Response

## 406.1 PURPOSE AND SCOPE

Exposure to hazardous materials presents potential harm to department members and the public. This policy outlines the responsibilities of members who respond to these events and the factors that should be considered while on-scene, including the reporting of exposures and supervisor responsibilities. To comply with 8 CCR § 5194, the following is to be the policy of this department.

### 406.1.1 DEFINITIONS

Definitions related to this policy include:

**Hazardous material** – A substance which, by its nature, containment, or reactivity, has the capability of inflicting harm during exposure; characterized as being toxic, corrosive, flammable, reactive, an irritant or strong sensitizer and thereby posing a threat to health when improperly managed.

## 406.2 HAZARDOUS MATERIAL RESPONSE

Members may encounter situations involving suspected hazardous materials, such as at the scene of a traffic accident, chemical spill, or fire. When members come into contact with a suspected hazardous material, certain steps should be taken to protect themselves and citizens.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Attempt to identify the type of hazardous substance from a safe distance using distance-observing devices (e.g., binoculars, spotting scopes, unmanned aerial systems) if they are available. Identification can be determined by:

1. Placard, container labeling, or Safety Data Sheets.
2. Driver's manifest or statements from the person transporting the material.
3. Other visual or physical warnings.

(b) Notify the fire department.

(c) Provide first-aid for injured parties if it can be done safely and without contamination.

(d) Begin evacuation of the immediate area and surrounding areas, depending on the substance. Voluntary evacuation should be considered; however, depending on the substance, mandatory evacuation may be necessary.

(e) Notify the local health authority. Such notification is mandatory when a spilled or released item is a pesticide (Health and Safety Code § 105215).

(f) Notify the Department of Toxic Substances Control. This is mandatory when an officer comes in contact with, or is aware of, the presence of a suspected hazardous substance at a site where an illegal controlled substance is or was manufactured (Health and Safety Code § 79355).

Members should have access to the North American Emergency Response Guidebook.

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## 406.3 REPORTING EXPOSURE

Department members who believe that they have been exposed to a hazardous material shall immediately report the exposure to a supervisor. Each exposure shall be documented by the member in an employee memorandum that shall be forwarded via chain of command to the Watch Commander as soon as practicable. Should the affected member be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the report.

Injury or illness caused or believed to be caused from exposure to hazardous materials shall be reported the same as any other on-duty injury or illness in addition to a crime report or incident report as applicable.

### 406.3.1 SUPERVISOR RESPONSIBILITY

When a supervisor has been informed that a member has been exposed to a hazardous material, the supervisor shall ensure that immediate medical treatment is obtained and appropriate action is taken to lessen the exposure.

To ensure the safety of members, safety equipment is available through supervisory personnel. Safety items not maintained by the Department will be obtained through the fire department.

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# Hostage and Barricade Incidents

## 407.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for situations where officers have legal cause to contact, detain or arrest a person, and the person refuses to submit to the lawful requests of the officers by remaining in a structure or vehicle and/or by taking a hostage.

The scope of this policy is not intended to address all variables that officers encounter during their initial response or when a hostage or barricade situation has developed. This policy does not require or purport to recommend specific strategies or tactics for resolution as each incident is a dynamic and rapidly evolving event.

### 407.1.1 DEFINITIONS

Definitions related to this policy include:

**Barricade situation** - An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Hostage situation** - An incident where it is reasonable to believe a person is:

(a) Unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

(b) Unlawfully held against his/her will under threat or actual use of force.

## 407.2 POLICY

It is the policy of the Tracy Police Department to address hostage and barricade situations with due regard for the preservation of life and balancing the risk of injury, while obtaining the safe release of hostages, apprehending offenders and securing available evidence.

## 407.3 COMMUNICATION

When circumstances permit, initial responding officers should try to establish and maintain lines of communication with a barricaded person or hostage-taker. Officers should attempt to identify any additional subjects, inquire about victims and injuries, seek the release of hostages, gather intelligence information, identify time-sensitive demands or conditions and obtain the suspect's surrender.

When available, department-authorized negotiators should respond to the scene as soon as practicable and assume communication responsibilities. Negotiators are permitted to exercise flexibility in each situation based upon their training, the circumstances presented, suspect actions or demands and the available resources.

### 407.3.1 EMERGENCY COMMUNICATIONS

Only an officer who has been designated by the District Attorney or Attorney General may use or authorize the use of an electronic amplifying or recording device to eavesdrop on or record,

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or both, oral communication in response to an emergency situation involving a hostage or the barricading of a location, and only when (Penal Code § 633.8(b)):

(a) The officer reasonably determines an emergency situation exists that involves the immediate danger of death or serious physical injury to any person within the meaning of 18 USC § 2518(7)(a)(i),

(b) The officer reasonably determines that the emergency situation requires that eavesdropping on oral communication occur immediately, and

(c) There are grounds upon which an order could be obtained pursuant to 18 USC § 2516(2).

(d) An application for an order approving the eavesdropping and complying with the requirements of Penal Code § 629.50 is made within 48 hours of the beginning of the eavesdropping.

(e) The contents of any oral communications overheard are recorded on tape or other comparable device.

## 407.4 FIRST RESPONDER CONSIDERATIONS

First responding officers should promptly and carefully evaluate all available information to determine whether an incident involves, or may later develop into, a hostage or barricade situation.

The first responding officer should immediately request a supervisor's response as soon as it is determined that a hostage or barricade situation exists. The first responding officer shall assume the duties of the supervisor until relieved by a supervisor or a more qualified responder. The officer shall continually evaluate the situation, including the level of risk to officers, to the persons involved and to bystanders, and the resources currently available.

The handling officer should brief the arriving supervisor of the incident, including information about suspects and victims, the extent of any injuries, additional resources or equipment that may be needed, and current perimeters and evacuation areas.

### 407.4.1 BARRICADE SITUATION

Unless circumstances require otherwise, officers handling a barricade situation should attempt to avoid a forceful confrontation in favor of stabilizing the incident by establishing and maintaining lines of communication while awaiting the arrival of specialized personnel and trained negotiators. During the interim the following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

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(c) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(d) Provide responding emergency personnel with a safe arrival route to the location.

(e) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access.

(h) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(i) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the Public Information Officer (PIO).

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

(k) Establish a command post.

### 407.4.2 HOSTAGE SITUATION

Officers presented with a hostage situation should attempt to avoid a forceful confrontation in favor of controlling the incident in anticipation of the arrival of specialized personnel and trained hostage negotiators. However, it is understood that hostage situations are dynamic and can require that officers react quickly to developing or changing threats. The following options, while not all-inclusive or in any particular order, should be considered:

(a) Ensure injured persons are evacuated from the immediate threat area if it is reasonably safe to do so. Request medical assistance.

(b) Assign personnel to a contact team to control the subject should he/she attempt to exit the building, structure or vehicle, and attack, use deadly force, attempt to escape or surrender prior to additional resources arriving.

(c) Establish a rapid response team in the event it becomes necessary to rapidly enter a building, structure or vehicle, such as when the suspect is using deadly force against any hostages (see the Rapid Response and Deployment Policy).

(d) Assist hostages or potential hostages to escape if it is reasonably safe to do so. Hostages should be kept separated if practicable pending further interview.

(e) Request additional personnel, resources and equipment as needed (e.g., canine team, air support).

(f) Provide responding emergency personnel with a safe arrival route to the location.

(g) Evacuate uninjured persons in the immediate threat area if it is reasonably safe to do so.

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(h) Coordinate pursuit or surveillance vehicles and control of travel routes.

(i) Attempt to obtain a line of communication and gather as much information about the suspect as possible, including any weapons, victims and their injuries, additional hazards, other involved parties and any other relevant intelligence information.

(j) Establish an inner and outer perimeter as resources and circumstances permit to prevent unauthorized access.

(k) Evacuate bystanders, residents and businesses within the inner and then outer perimeter as appropriate. Check for injuries, the presence of other involved subjects, witnesses, evidence or additional information.

(l) Determine the need for and notify the appropriate persons within and outside the Department, such as command officers and the PIO.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident.

## 407.5 SUPERVISOR RESPONSIBILITIES

Upon being notified that a hostage or barricade situation exists, the supervisor should immediately respond to the scene, assess the risk level of the situation, establish a proper chain of command and assume the role of Incident Commander until properly relieved. This includes requesting a Crisis Response Unit (CRU) response if appropriate and apprising the CRU Commander of the circumstances. In addition, the following options should be considered:

(a) Ensure injured persons are evacuated and treated by medical personnel.

(b) Ensure the completion of necessary first responder responsibilities or assignments.

(c) Request crisis negotiators, specialized units, additional personnel, resources or equipment as appropriate.

(d) Establish a command post location as resources and circumstances permit.

(e) Designate assistants who can help with intelligence information and documentation of the incident.

(f) If it is practicable to do so, arrange for video documentation of the operation.

(g) Consider contacting utility and communication providers to restrict such services (e.g., restricting electric power, gas, telephone service).

1. When considering restricting communication services, a supervisor should make the determination that there is reason to believe an emergency situation exists involving immediate danger of death or great bodily harm and that an interruption to communication services is necessary to protect public safety (Penal Code § 11471). The supervisor must ensure the Department obtains a court order, in accordance with Penal Code § 11472, prior to requesting the interruption. In the case of an extreme emergency when there is insufficient time to obtain an order prior to the request, application for the order must be submitted within six hours after initiating the interruption. If six hours is not possible, then the application for the court order shall be made at the first reasonably available opportunity, but no later than 24 hours in accordance with Penal Code § 11475.

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(h) Ensure adequate law enforcement coverage for the remainder of the City during the incident. The supervisor should direct non-essential personnel away from the scene unless they have been summoned by the supervisor or Dispatch.

(i) Identify a media staging area outside the outer perimeter and have the department Public Information Officer or a designated temporary media representative provide media access in accordance with the Media Relations Policy.

(j) Identify the need for mutual aid and the transition or relief of personnel for incidents of extended duration.

(k) Debrief personnel and review documentation as appropriate.

## 407.6 CRU RESPONSIBILITIES

The Incident Commander will decide, with input from the CRU Commander, whether to deploy the CRU during a hostage or barricade situation. Once the Incident Commander authorizes deployment, the CRU Commander or the authorized designee will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the CRU. The Incident Commander and the CRU Commander or the authorized designee shall maintain communications at all times.

## 407.7 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling officer at the scene is responsible for completion and/or coordination of incident reports.

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# Armored Rescue Vehicle (ARV) Policy

## 408.1 PURPOSE AND SCOPE

The purpose and scope of this policy is to set guidelines for the proper use, training, care and storage of the Lenco Bearcat. This vehicle will be referred to as an Armored Rescue Vehicle or ARV in this document.

Safety is a critical concern in responding to high risk tactical incidents. The proper use of an Armored Rescue Vehicle can greatly enhance officer/citizen safety and improve the ability to resolve a high risk/dangerous incident peacefully.

## 408.2 USE OF THE LENCO BEARCAT

The Bearcat is primarily used for SWAT incidents, safe transport of SWAT personnel to and from critical incidents, warrant services, emergency situations, training, high risk rescue operations and any other application approved by the SWAT Commander, Watch Commander or Chief of Police.

The use of an Armored Rescue Vehicle will generally enhance officer/citizen safety in most circumstances. The Armored Rescue Vehicle should be deployed in situations where its' use would enhance the tactical advantage of officers, aid in the rescue of injured victims or improve the likelihood that an incident could be resolved without the use of deadly force.

## 408.3 DEPLOYMENT

The Armored Rescue Vehicle will only be deployed in a manner consistent with the guidelines in this policy. Approval to deploy an Armored Rescue Vehicle will be the responsibility of the SWAT Commander or his/her designee. A Watch Commander may authorize the deployment of an ARV if there is an immediate need to prevent loss of life or great bodily injury. In the absence of a Watch Commander, the on-duty supervisor may authorize the deployment of the vehicle. Upon deployment, the SWAT Commander shall be notified as soon as practical. In most cases, the SWAT Commander will call-out two (2) SWAT operators to relieve patrol officers at the scene of a deployment.

### 408.3.1 SWAT OPERATIONS

The SWAT Team may deploy an ARV at their discretion as approved by the SWAT Commander or his/her designee. Nothing in this policy is meant to preclude the immediate deployment of an ARV to perform an officer or citizen rescue, to save lives that are in immediate danger of great bodily injury or death or to deliver the ARV to the scene of a callout.

### 408.3.2 NON-SWAT PLANNED OPERATIONS

Any sworn member of the Tracy Police Department may request to deploy the ARV in a planned operation by making the request to the SWAT Commander or his/her designee. The request should include, but is not limited to; the day, date and time frame of the operation; the location(s) of the operation; the reason why the ARV is necessary for the success of the operation. The SWAT Commander or his/her designee will be responsible for approving/denying the request.

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### 408.3.3 NON-ENFORCEMENT USE

An ARV may be deployed for public relations purposes, such as demonstrations, displays and special events, with the approval of the SWAT Commander or his/her designee. If approval is granted, a trained ARV driver will be assigned to deliver and provide security for the vehicle.

### 408.3.4 ALLIED AGENCY REQUEST

Non-Emergency request for deployment of the Bearcat by an allied agency will be made through the on-duty Watch Commander who will then contact the SWAT Commander for authorization. If there is an emergency that requires immediate deployment of the ARV to assist in life saving operations, the Watch Commander may authorize the deployment of the vehicle. In the absence of a Watch Commander, the on-duty supervisor may authorize the deployment of the vehicle. Upon deployment, the SWAT Commander shall be notified as soon as practical.

Upon approving the request, two officers (preferably members of TPD SWAT) will be assigned to deliver the Bearcat to the requesting agency. The officer(s) will respond to the incident and deploy the Armored Rescue Vehicle per the orders of the Incident Commander of the allied agency. Tracy Officers will not deploy an Armored Rescue Vehicle if the deployment conflicts with Tracy Police Department's policies, procedures or practices. Officers arriving on scene with the Bearcat will act as operators of the vehicle and security for the vehicle.

Officers should not be directly involved in the tactical operations of the allied agency unless specifically requested to do so by the requesting agency. If the officers are asked to participate in any part of the operation other than the operation of the Armored Rescue Vehicle, the officer(s) shall contact the SWAT Commander as soon as practical and brief the SWAT Commander on their intended actions. This policy is not intended to restrict officers from taking action they believe will prevent loss of life or great bodily injury.

If the allied agency request for the Bearcat develops into an extended operation, the officers deploying the vehicle will contact the SWAT Commander and advise him/her of the situation. The SWAT Commander will be responsible for ensuring relief officers are deployed if necessary.

If multiple simultaneous requests are made for the ARV the SWAT Commander will evaluate the situation and determine which situation takes priority based on the nature of the incidents.

## 408.4 ARMORED VEHICLE OPERATION TRAINING

Employees are to be trained in the operation of the Bearcat prior to actual use. Training requirements will be set by the SWAT Commander or designee. The training will include knowledge of the rules of the road and knowledge of electronic/mechanical mechanisms on the vehicle. Personnel who have been trained in the use of the Armored Rescue Vehicle and possess a valid California Drivers License are authorized to drive the Bearcat.The vehicle shall only be driven in the performance of their duties.

The SWAT Commander or his/her designee is responsible for training proper use and driving techniques and ensuring the vehicle is properly serviced and maintained.

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### 408.4.1 OPERATING/STORAGE/MAINTENANCE GUIDELINES

When reversing an ARV, a ground guide or spotter should be used while the armored vehicle is moving. This is to assist the driver of the armored vehicle to avoid colliding with any unseen objects. This recommendation does not apply if the use of a guide jeopardizes officer safety.

**Inventory**

The operator of the ARV shall ensure that all of the vehicle's equipment has been returned after use.

**Fueling**

Prior to securing the Bearcat after deployment, the operator shall ensure that the vehicle has sufficient fuel and is ready for re-deployment (Diesel Fuel).

**Storage**

The Armored Rescue Vehicle will be stored in the designated parking location at the Tracy Police Department unless authorization for an alternative storage location is granted by the SWAT Commander or his/her designee.

**Damage**

If the ARV is damaged, the operator shall report the damage to the SWAT Commander as soon as possible.

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# Response to Bomb Calls/Explosions

## 409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the Tracy Police Department in their initial response to incidents involving explosives, explosive devices, explosion/bombing incidents or threats of such incidents. Under no circumstances should these guidelines be interpreted as compromising the safety of first responders or the public. When confronted with an incident involving explosives, safety should always be the primary consideration.

## 409.2 POLICY

It is the policy of the Tracy Police Department to place a higher priority on the safety of persons and the public over damage or destruction to public or private property.

## 409.3 RECEIPT OF BOMB THREAT

Department members receiving a bomb threat should obtain as much information from the individual as reasonably possible, including the type, placement and alleged detonation time of the device.

If the bomb threat is received on a recorded line, reasonable steps should be taken to ensure that the recording is preserved in accordance with established department evidence procedures.

The member receiving the bomb threat should ensure that the Watch Commander is immediately advised and informed of the details. This will enable the Watch Commander to ensure that the appropriate personnel are dispatched, and, as appropriate, the threatened location is given an advance warning.

## 409.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

### 409.4.1 TRACY POLICE DEPARTMENT FACILITY

If the bomb threat is against the Tracy Police Department facility, the Watch Commander will direct and assign officers as required for coordinating a general building search or evacuation of the police department, as he/she deems appropriate.

### 409.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the Tracy Police Department that is not the property of this department, the appropriate agency will be promptly informed of the threat. Assistance to the other entity may be provided as the Watch Commander deems appropriate.

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### 409.4.3 FEDERAL BUILDING OR PROPERTY

If the bomb threat is against a federal building or property, the Federal Protective Service should be immediately notified. The Federal Protective Service provides a uniformed law enforcement response for most facilities, which may include use of its Explosive Detector Dog teams.

If the bomb threat is against a federal government property where the Federal Protective Service is unable to provide a timely response, the appropriate facility's security or command staff should be notified.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

## 409.5 PRIVATE FACILITY OR PROPERTY

When a member of this department receives notification of a bomb threat at a location in the City of Tracy, the member receiving the notification should obtain as much information as reasonably possible from the notifying individual, including:

(a) The location of the facility.

(b) The nature of the threat.

(c) Whether the type and detonation time of the device is known.

(d) Whether the facility is occupied and, if so, the number of occupants currently on-scene.

(e) Whether the individual is requesting police assistance at the facility.

(f) Whether there are any internal facility procedures regarding bomb threats in place, such as:

1. No evacuation of personnel and no search for a device.
2. Search for a device without evacuation of personnel.
3. Evacuation of personnel without a search for a device.
4. Evacuation of personnel and a search for a device.

The member receiving the bomb threat information should ensure that the Watch Commander is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

### 409.5.1 ASSISTANCE

The Watch Commander should be notified when police assistance is requested. The Watch Commander will make the decision whether the Department will render assistance and at what level. Information and circumstances that indicate a reasonably apparent, imminent threat to the safety of either the facility or the public may require a more active approach, including police control over the facility.

Should the Watch Commander determine that the Department will assist or control such an incident, he/she will determine:

(a) The appropriate level of assistance.

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(b) The plan for assistance.

(c) Whether to evacuate and/or search the facility.

(d) Whether to involve facility staff in the search or evacuation of the building.

1. The person in charge of the facility should be made aware of the possibility of damage to the facility as a result of a search.
2. The safety of all participants is the paramount concern.

(e) The need for additional resources, including:

1. Notification and response, or standby notice, for fire and emergency medical services.

Even though a facility does not request police assistance to clear the interior of a building, based upon the circumstances and known threat, officers may be sent to the scene to evacuate other areas that could be affected by the type of threat, or for traffic and pedestrian control.

### 409.6 FOUND DEVICE

When handling an incident involving a suspected explosive device, the following guidelines, while not all inclusive, should be followed:

(a) No known or suspected explosive item should be considered safe regardless of its size or apparent packaging.

(b) The device should not be touched or moved except by the bomb squad or military explosive ordnance disposal team.

(c) Personnel should not transmit on any equipment that is capable of producing radio frequency energy within the evacuation area around the suspected device. This includes the following:

1. Two-way radios
2. Cell phones
3. Other personal communication devices

(d) The appropriate bomb squad or military explosive ordnance disposal team should be summoned for assistance.

(e) The largest perimeter reasonably possible should initially be established around the device based upon available personnel and the anticipated danger zone.

(f) A safe access route should be provided for support personnel and equipment.

(g) Search the area for secondary devices as appropriate and based upon available resources.

(h) Consider evacuation of buildings and personnel near the device or inside the danger zone and the safest exit route.

(i) Promptly relay available information to the Watch Commander including:

1. The time of discovery.

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2. The exact location of the device.
3. A full description of the device (e.g., size, shape, markings, construction).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

## 409.7 EXPLOSION/BOMBING INCIDENTS

When an explosion has occurred, there are multitudes of considerations which may confront the responding officers. As in other catastrophic events, a rapid response may help to minimize injury to victims, minimize contamination of the scene by gathering crowds, or minimize any additional damage from fires or unstable structures.

### 409.7.1 CONSIDERATIONS

Officers responding to explosions, whether accidental or a criminal act, should consider the following actions:

(a) Assess the scope of the incident, including the number of victims and extent of injuries.

(b) Request additional personnel and resources, as appropriate.

(c) Assist with first aid.

(d) Identify and take appropriate precautions to mitigate scene hazards, such as collapsed structures, bloodborne pathogens and hazardous materials.

(e) Assist with the safe evacuation of victims, if possible.

(f) Establish an inner perimeter to include entry points and evacuation routes. Search for additional or secondary devices.

(g) Preserve evidence.

(h) Establish an outer perimeter and evacuate if necessary.

(i) Identify witnesses.

### 409.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire department
- Bomb squad
- Additional department personnel, such as investigators and forensic services
- Field supervisor
- Watch Commander
- Other law enforcement agencies, including local, state or federal agencies, such as the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF)
- Other government agencies, as appropriate

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### 409.7.3 CROWD CONTROL

Only authorized members with a legitimate need should be permitted access to the scene. Spectators and other unauthorized individuals should be restricted to a safe distance as is reasonably practicable given the available resources and personnel.

### 409.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The Watch Commander should assign officers to protect the crime scene area, which could extend over a long distance. Consideration should be given to the fact that evidence may be imbedded in nearby structures or hanging in trees and bushes.

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# Mental Illness Commitments

## 410.1 PURPOSE AND SCOPE

This policy provides guidelines for when officers may take a person into custody for psychiatric evaluation and treatment (5150 commitment) (Welfare and Institutions Code § 5150).

## 410.2 POLICY

It is the policy of the Tracy Police Department to protect the public and individuals through legal and appropriate use of the 72-hour treatment and evaluation commitment (5150 commitment) process.

## 410.3 AUTHORITY

An officer having probable cause may take a person into custody and place the person in an approved mental health facility for 72-hour treatment and evaluation when the officer believes that, as a result of a mental disorder, the person is a danger to him/herself or others or the person is gravely disabled (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5585.50).

When determining whether to take a person into custody, officers are not limited to determining the person is an imminent danger and shall consider reasonably available information about the historical course of the person's mental disorder, which may include evidence presented from any of the following (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05):

(a) An individual who is providing or has provided mental health treatment or related support services to the person

(b) A family member

(c) The person subject to the determination or anyone designated by the person

### 410.3.1 VOLUNTARY EVALUATION

If an officer encounters an individual who may qualify for a 5150 commitment, he/she may inquire as to whether the person desires to voluntarily be evaluated at an appropriate facility. If the person so desires, the officers should:

(a) Transport the person to an appropriate facility that is able to conduct the evaluation and admit the person pursuant to a 5150 commitment.

(b) If at any point the person changes his/her mind regarding voluntary evaluation, officers should proceed with the 5150 commitment, if appropriate.

(c) Document the circumstances surrounding the individual's desire to pursue voluntary evaluation and/or admission.

## 410.4 CONSIDERATIONS AND RESPONSIBILITIES

Any officer handling a call involving an individual who may qualify for a 5150 commitment should consider, as time and circumstances reasonably permit:

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(a) Available information that might assist in determining the cause and nature of the person's action or stated intentions.

(b) Community or neighborhood mediation services.

(c) Conflict resolution and de-escalation techniques.

(d) Community or other resources available to assist in dealing with mental health issues.

While these steps are encouraged, nothing in this section is intended to dissuade officers from taking reasonable action to ensure the safety of the officers and others.

Officers should consider a 5150 commitment over arrest when mental health issues appear to be a mitigating factor for people who are suspected of committing minor crimes or creating other public safety issues.

### 410.4.1 SECURING OF PROPERTY

When a person is taken into custody for evaluation, or within a reasonable time thereafter, and unless a responsible relative, guardian or conservator is in possession of the person's personal property, the officer shall take reasonable precautions to safeguard the individual's personal property in his/her possession or on the premises occupied by the person (Welfare and Institutions Code § 5150).

The officer taking the person into custody shall provide a report to the court that describes the person's property and its disposition in the format provided in Welfare and Institutions Code § 5211, unless a responsible person took possession of the property, in which case the officer shall only include the name of the responsible person and the location of the property (Welfare and Institutions Code § 5150).

## 410.5 TRANSPORTATION

When transporting any individual for a 5150 commitment, the transporting officer should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Officers may transport individuals in a patrol unit and shall secure them in accordance with the Handcuffing and Restraints Policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of an officer during the transport, supervisor approval is required before transport commences.

## 410.6 TRANSFER TO APPROPRIATE FACILITY

Upon arrival at the facility, the officer will escort the individual into a treatment area designated by a facility staff member. If the individual is not seeking treatment voluntarily, the officer should provide the staff member with the written application for a 5150 commitment and remain present to provide clarification of the grounds for detention, upon request.

Absent exigent circumstances, the transporting officer should not assist facility staff with the admission process, including restraint of the individual. However, if the individual is transported

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and delivered while restrained, the officer may assist with transferring the individual to facility restraints and will be available to assist during the admission process, if requested. Under normal circumstances, officers will not apply facility-ordered restraints.

## 410.7 DOCUMENTATION

The officer shall complete an application for a 72-Hour detention for evaluation and treatment, provide it to the facility staff member assigned to that patient and retain a copy of the application for inclusion in the case report.

The application shall include the circumstances for officer involvement; the probable cause to believe the person is, as a result of a mental health disorder, a danger to others or him/herself or gravely disabled; and all information used for the determination of probable cause (Welfare and Institutions Code § 5150; Welfare and Institutions Code § 5150.05).

The officer should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

### 410.7.1 ADVISEMENT

The officer taking a person into custody for evaluation shall advise the person of:

(a) The officer's name and agency.

(b) The fact that the person is not under criminal arrest but is being taken for examination by mental health professionals and the mental health staff will advise him/her of their rights.

(c) The name of the facility to which the person is being taken.

(d) If the person is being taken into custody at his/her residence, he/she should also be advised that he/she may take a few personal items, which the officer must approve, and may make a telephone call or leave a note indicating where he/she is being taken. The officer should also ask if the person needs assistance turning off any appliance or water.

The advisement shall be given in a language the person understands. If the person cannot understand an oral advisement, the information shall be provided in writing (Welfare and Institutions Code § 5150).

## 410.8 CRIMINAL OFFENSES

Officers investigating an individual who is suspected of committing a minor criminal offense and who is being taken on a 5150 commitment should resolve the criminal matter by issuing a warning or a Notice to Appear as appropriate.

When an individual who may qualify for a 5150 commitment has committed a serious criminal offense that would normally result in an arrest and transfer to a jail facility, the officer should:

(a) Arrest the individual when there is probable cause to do so.

(b) Notify the appropriate supervisor of the facts supporting the arrest and the facts that would support the 5150 commitment.

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(c) Facilitate the individual's transfer to jail.

(d) Thoroughly document in the related reports the circumstances that indicate the individual may qualify for a 5150 commitment.

In the supervisor's judgment, the individual may instead be arrested or booked and transported to the appropriate mental health facility. The supervisor should consider the seriousness of the offense, the treatment options available, the ability of this department to regain custody of the individual, department resources (e.g., posting a guard) and other relevant factors in making this decision.

## 410.9 FIREARMS AND OTHER WEAPONS

Whenever a person is taken into custody for a 5150 commitment, the handling officers should seek to determine if the person owns or has access to any firearm or other deadly weapon defined in Welfare and Institutions Code § 8100. Officers should consider whether it is appropriate and consistent with current search and seizure law under the circumstances to seize any such firearms or other dangerous weapons (e.g., safekeeping, evidence, consent).

Officers are cautioned that a search warrant may be needed before entering a residence or other place to search, unless lawful, warrantless entry has already been made (e.g., exigent circumstances, consent). A search warrant may also be needed before searching for or seizing weapons

The handling officers shall issue a receipt describing the deadly weapon or any firearm seized, and list any serial number or other identification that is on the firearm. Officers shall advise the person of the procedure for the return of any firearm or other weapon that has been taken into custody (Welfare and Institutions Code § 8102 (b)) (see the Property and Evidence Section Policy).

### 410.9.1 PETITION FOR RETURN OF FIREARMS AND OTHER WEAPONS

Whenever the handling officer has cause to believe that the future return of any confiscated weapon might endanger the person or others, the officer shall detail those facts and circumstances in a report. The report shall be forwarded to the General Investigations, which shall be responsible for initiating a petition to the Superior Court for a hearing in accordance with Welfare and Institutions Code § 8102(c), to determine whether the weapon will be returned.

The petition to the Superior Court shall be initiated within 30 days of the release of the individual from whom such weapon has been confiscated, unless the Department makes an ex parte application to the court to extend the time to file such a petition, up to a maximum of 60 days. At the time any such petition is initiated, the Department shall send written notice to the individual informing him/her of the right to a hearing on the issue, that he/she has 30 days to confirm with the court clerk any desire for a hearing and that the failure to do so will result in the forfeiture of any confiscated weapon.

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### 410.10 TRAINING

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with persons with mental disabilities, 5150 commitments and crisis intervention.

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# Cite and Release Policy

## 411.1 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.

## 411.2 POLICY

It is the policy of the Tracy Police Department to release all persons arrested on misdemeanor or other qualifying charges on a citation with certain exceptions (Penal Code § 853.6).

If there is a reason for non-release, the Department's mission to protect the community will be the primary consideration when determining whether to release any individual in lieu of holding for court or bail.

## 411.3 RELEASE BY CITATION

Except in cases where a reason for non-release as described below exists, adults arrested for a misdemeanor offense, including a private person's arrest, shall be released from custody on a citation (Penal Code § 853.6).

The citing officer shall, at the time the defendant signs the notice to appear, call attention to the time and place for appearance and take any other steps they deem necessary to ensure that the defendant understands their written promise to appear.

### 411.3.1 FIELD CITATIONS

In most cases an adult arrested for a misdemeanor offense may be released in the field on a citation in lieu of physical arrest when booking and fingerprinting is not practicable or immediately required provided the individual can be satisfactorily identified, there is no outstanding arrest warrant for the individual and none of the below described disqualifying circumstances are present (Penal Code § 853.6; Penal Code § 1270.1). In such cases the arresting officer should check the booking required box on the citation form to indicate that the person will be photographed and fingerprinted at a later time when ordered by the court.

When a booking photo or fingerprints are needed for the furtherance of any investigation, the person should be released on citation after booking instead of on a field citation.

### 411.3.2 RELEASE AFTER BOOKING

In some cases it may not be feasible or desirable to release a person in the field. The person should instead be released on citation after booking at the jail. All bookings shall be approved by the Watch Commander or the authorized designee.

## 411.4 NON-RELEASE

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### 411.4.1 DISQUALIFYING OFFENSES

An adult arrested on any of the following disqualifying charges shall not be released on citation and shall be transported to the appropriate detention facility or held for court or bail after booking (Penal Code § 1270.1):

(a) Misdemeanor domestic battery (Penal Code § 243(e)(1))

(b) Felony domestic battery (Penal Code § 273.5)

(c) Serious or violent felonies (Penal Code § 1270.1(a)(1))

(d) Felony intimidation of witnesses and victims (Penal Code § 136.1)

(e) Violation of a protective order and the arrested person has made threats, used violence, or has gone to the protected person's workplace or residence (Penal Code § 273.6)

(f) Stalking (Penal Code § 646.9)

(g) Misdemeanor violations of a protective order relating to domestic violence if there is a reasonable likelihood the offense will continue or the safety of the individuals or property would be endangered (Penal Code § 853.6)

### 411.4.2 REASONS FOR NON-RELEASE

A person arrested for a misdemeanor shall be released on a citation unless there is a reason for non-release. The Watch Commander may authorize a release on citation regardless of whether a reason for non-release exists when it is determined to be in the best interest of the Department and does not present an unreasonable risk to the community (e.g., release of an intoxicated or ill person to a responsible adult).

Reasons for non-release include (Penal Code § 853.6(i)):

(a) The person arrested is so intoxicated that they could be a danger to themselves or to others. Release may occur as soon as this condition no longer exists.

(b) The person arrested requires medical examination or medical care or is otherwise unable to care for their own safety.

(c) The person is arrested for one or more of the offenses listed in Vehicle Code § 40302, Vehicle Code § 40303, and Vehicle Code § 40305.

(d) There are one or more outstanding arrest warrants for the person (see Misdemeanor Warrants elsewhere in this policy).

(e) The person could not provide satisfactory evidence of personal identification.

    1. If a person released on citation does not have satisfactory identification in their possession, a right thumbprint or fingerprint should be obtained on the citation form.

(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.

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(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. Reasons may include:

1. Previous failure to appear is on record
2. The person lacks ties to the area, such as a residence, job, or family
3. Unusual circumstances lead the officer responsible for the release of arrested persons to conclude that the suspect should be held for further investigation

(j) A previous conviction, citation, or arrest for misdemeanor or felony retail theft from a store in the previous six months.

(k) There is probable cause to believe that the person arrested is guilty of committing organized retail theft.

When a person is arrested on a misdemeanor offense and is not released by criminal citation, the reason for non-release shall be noted on the booking form. This form shall be submitted to the Watch Commander for approval and included with the case file in the Records Unit.

### 411.5 MISDEMEANOR WARRANTS

An adult arrested on a misdemeanor warrant may be released, subject to Watch Commander approval, unless any of the following conditions exist:

(a) The misdemeanor cited in the warrant involves violence.

(b) The misdemeanor cited in the warrant involves a firearm.

(c) The misdemeanor cited in the warrant involves resisting arrest.

(d) The misdemeanor cited in the warrant involves giving false information to a peace officer.

(e) The person arrested is a danger to themselves or others due to intoxication or being under the influence of drugs or narcotics.

(f) The person requires medical examination or medical care or was otherwise unable to care for their own safety.

(g) The person has other ineligible charges pending against themselves.

(h) There is reasonable likelihood that the offense or offenses would continue or resume, or that the safety of persons or property would be immediately endangered by the release of the person.

(i) The person refuses to sign the notice to appear.

(j) The person cannot provide satisfactory evidence of personal identification.

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(k) The warrant of arrest indicates that the person is not eligible to be released on a notice to appear.

Release under this section shall be done in accordance with the provisions of this policy.

### 411.6 JUVENILE CITATIONS

Completion of criminal citations for juveniles is generally not appropriate with the following exceptions:

- Misdemeanor traffic violations of the Vehicle Code
- Violations of the Tracy City codes

All other misdemeanor violations for juveniles shall be documented with a case number and the case should be forwarded to the Juvenile Division of the District Attorneys' Office..

### 411.7 REQUESTING CASE NUMBERS

Many cases involving a criminal citation release can be handled without requesting a case number. Traffic situations and local code violations can be documented on the reverse side of the records copy of the citation. Most Penal Code sections will require a case number to document the incident properly in a report. This section does not preclude an officer from requesting a case number if the officer feels the situation should be documented more thoroughly in a case report.

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# On-Line Reporting Policies

### 412.1 SHOPLIFTING/EMBEZZLEMENT--PURPOSE AND SCOPE

The purpose of this policy is to provide the guidelines and the requirements to follow, regarding the online reporting of shoplifters or suspects of embezzlement that are apprehended by the business loss prevention officials. This program was put into place to reduce the amount of duplicated work involved in the petty theft (484 PC), embezzlement (503 PC misdemeanor) and shoplifting (459.5 PC) reports and to reduce the need for police response, in some cases.

### 412.2 SHOPLIFTING/EMBEZZLEMENT--LAW

Loss prevention officers must become familiar with the Penal Code sections that may apply to situations they may encounter so they can ensure their report includes all of the necessary elements of the crime in which they are requesting charges be filed. Loss prevention officers need to be familiar with Penal Code sections such as: 459.5 PC (shoplifting), 484 PC (petty theft), 459 PC (burglary), 487 PC (grand theft), 211 PC (robbery), 594 (b)(2)(a) PC (vandalism), 602 (l) PC (trespass), 503 PC (embezzlement), 530.5 PC (identity theft), 182 PC (conspiracy), and 470 PC (fraud).

### 412.3 SHOPLIFTING/EMBEZZLEMENT--PROCEDURE

It is the Tracy Police Department's policy to allow businesses participating in the TPD On-line Shoplifting/Embezzlement Program, and whose loss prevention officers are trained in the program, to release suspects they detain for petty theft and misdemeanor shoplifting or misdemeanor embezzlement, provided the suspect qualifies for the release

#### 412.3.1 SHOPLIFTING/EMBEZZLEMENT--ADULTS WHO DO NOT QUALIFY FOR RELEASE

The following adult suspects DO NOT qualify for the business release program:

(a) Suspects that do not have a state driver's license or identification card in their possession, a passport with a photo, or other verifiable identification. Identification can be verified by the suspect's employment records. Suspects must be able to provide a home address or a mailing address.

    1. If an officer can identify the suspect through past contacts, Cal-Photo, or other legitimate identification tools, the suspect may qualify for the business release program. The loss prevention officer must take a photo of the suspect and obtain their thumbprint. The officer must note in CAD the type of identification tool used.

(b) Suspects who are combative or uncooperative.

(c) Suspects who are under the influence of drugs or alcohol.

(d) Suspects who are on parole, PRCS (Post Release Community Supervision), or LCS (Local Community Supervision.)

(e) Suspects who have warrants.

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1. The officer will be dispatched to the business and will take the warrant arrest. The suspect can be issued a notice to appear for the warrant on scene, if the warrant is found to be cite and releasable.

(f) Suspects who are being detained by loss prevention officer for crimes other than 484 (a) PC, 503 PC or 459.5 PC or have charges in addition to the 484 (a) PC, 503 PC misdemeanor or 459.5 PC. (For instance, 182 PC, 470 PC, 496PC, 459 PC involving multiple stores.)

(g) Anytime the officer or his/her supervisor deems there is a likelihood the crime will continue, if the suspect is not taken into custody.

412.3.2 SHOPLIFTING/EMBEZZLEMENT--JUVENILES WHO DO NOT QUALIFY FOR RELEASE

The following juvenile suspects DO NOT qualify for the store release program:

(a) If a parent, or a responsible adult designated by the parent, cannot be contacted or is unwilling to respond to the business to confirm the suspect's identity and to take custody of the suspect upon release from the business, the juvenile may not be released by the business.

1. If the parent is later contacted by the officer via telephone and requests that the juvenile be allowed to leave on their own accord, this will be documented in the narrative of the officer's report.

(b) Suspects who are combative or uncooperative.

(c) Suspects who have warrants (See 5.a above)

(d) Suspects who are under the influence of drugs or alcohol.

(e) Suspects who are being detained by the loss prevention officer for crimes other than 484 (a) PC, 503 PC (misdemeanor) or 459.5 PC or who have charges in addition to 484 (a) PC or 459.5 PC. For instance, 470 PC, 496 PC, 459.5 PC, 182 PC, or 459 PC involving multiple stores.

(f) Anytime the officer or his/her supervisor deems there is a likelihood the crime will continue, if the suspect is not taken into custody.

## 412.4 SHOPLIFTING/EMBEZZLEMENT--SPECIFIC RESPONSIBILITIES

The successful operation of any program or policy requires clarity of responsibility and to that end, the following delineation of responsibilities are assigned.

412.4.1 SHOPLIFTING/EMBEZZLEMENT--LOSS PREVENTION OFFICERS RESPONSIBILITIES

Following the arrest of a suspect for shoplifting (484(a) PC, 459.5 PC), or embezzlement (503 PC misdemeanor) security officers shall:

(a) Process the suspect in accordance with individual store policy.

(b) Call the Tracy Police Department to see if the suspect qualifies for the Business Release Program and obtain a Tracy Police Department report number.

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(c) Process the suspect in accordance with TPD policy. If TPD advises that the suspect qualifies for the business release program, the loss prevention officer will take a digital photograph of the suspect with the recovered merchandise. The loss prevention officer will also take one thumbprint and one index print of the suspect. The digital photograph and the thumbprints will be included on the release waiver form that the suspect and loss prevention officer signs.

(d) Retain a copy of the report, the original release waiver, and all of the evidence involved in the crime.

(e) Complete a Tracy Police Department on-line crime report. List the event number assigned by the department at the top of the narrative page. If the suspect qualifies for the Business Release Program, but his/her actions meet the elements of a burglary, (459 PC), at that business only, then loss prevention will charge the subject with 484 (a) PC 503 PC or 459.5 PC, and will follow the Business Release Program, but will articulate in their report the elements that make the crime a burglary. The burglary charge will be sought through the District Attorney's Office when the case gets referred to them. Include any statements made by the suspect that are pertinent to the investigation, verbatim.

(f) Ensure this report is delivered to TPD no longer than one week after the incident and before the end of each month.

(g) Serve as witnesses in prosecution as necessary.

412.4.2 SHOPLIFTING/EMBEZZLEMENT--DISPATCH PERSONNEL RESPONSIBILITIES
When a participating business calls the Tracy Police Department and advises that they have a person in custody for petty theft or embezzlement, dispatch shall conduct the following:

(a) Ask the loss prevention officer:

1. The full name and date of birth of the suspect.
2. If the suspect is uncooperative, dispatch will send two officers. Dispatch will ask if the suspect is restrained by handcuff's..
3. The dollar amount of the theft. If the amount involved constitutes a grand theft, the suspect is not eligible for the Business Release Program.
4. If the suspect is a juvenile: whether or not a parent or guardian has been contacted, and if they will be responding to take custody of the juvenile.

(b) Dispatch shall then provide the business with the event number.

(c) Check wants/warrants.

1. If the communications operator has knowledge that the suspect has been detained by loss prevention or contacted by police more than once in the last 24 hours, dispatch will advise the patrol Sergeant. The Sergeant will determine whether or not an officer will be dispatched to contact the suspect and consider arrest under the "likelihood to continue" rule for misdemeanors. Dispatch will note the Supervisor's determination in the call notes.

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(d) If the suspect qualifies for a business release, advise the loss prevention officer that the suspect qualifies for the On-Line Shoplifting/Embezzlement Program.

1. If the suspect does NOT qualify, advise the business that an officer will be dispatched to the store.
2. Do not provide loss prevention the reason the suspect does not qualify for release.
3. Document in the call notes the reason the suspect does not qualify for the Business Release Program.

### 412.4.3 SHOPLIFTING/EMBEZZLEMENT--INVESTIGATING OFFICER'S RESPONSIBILITIES

(a) When an officer responds to the scene, he/she should determine if there is a crime, and then follow standard investigative procedures, and complete a police report, if necessary.

1. If an officer determines they will not be completing a crime report, he/she will advise dispatch that they are clear of the call, but not close it out "RDS." The officer will advise dispatch the report will be completed on line by a loss prevention officer. This will allow the call to pend while dispatch retrieves an event number for loss prevention.
2. If an officer does write a crime report, he/she may close out the report using the appropriate designator, (RTF, ARR, etc.), on the MDC.

(b) Ensure the report is forwarded to the appropriate supervising agency, if the suspect is on probation, PRCS, Parole, LCS, etc., by noting where it should be directed in the "Case Status" portion of the report. This will trigger Records Department Staff to send a copy of the report to the appropriate agency.

### 412.4.4 SHOPLIFTING/EMBEZZLEMENT--DETECTIVE'S RESPONSIBILITIES

The Detective that oversees the Online Shoplifting/Embezzlement Program is designated by the Investigations Sergeant and is responsible for program oversight and is tasked with the following:

(a) To ensure that reports will be turned into the department by the participating businesses no more than one week after the date of occurrence and before the end of each month.

(b) Upon receipt of a report from a participating business, review the report for elements of the crime.

1. If the elements of the crime are met, the Detective will approve the report in CopLogic and ensure the report is processed in Mark43. Mark43 will automatically assign a case number to the incident. Records will no longer issue a case number for the report.
2. If the elements of the crime are not met, the report will be rejected and a response will be sent back to the loss prevention officer for follow-up or "exceptionally clear" the case. Generally, three attempts at contacting the reporting business is considered sufficient.

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(c) Export/print the approved reports from the on-line system and generate a hard copy, attach a criminal rap, a Driver's License (or other ID) printout, and the call notes for each report.

(d) Ensure reports are forwarded to the appropriate supervising agency for suspects who are on probation, parole, PRCS, or LCS by attaching a note to the Records Department requesting they forward it.

(e) Conduct training for all new loss prevention Officers and seek to enlist additional businesses into the program.

1. The Crime Prevention Specialist will work in concert with the Investigations Unit to identify those in the business community who should be trained.

(f) Conduct periodic training with the participating businesses to make sure the loss prevention personal are properly trained in the program and to ensure quality reports are being generated.

(g) Work with the Crime Prevention Specialist to ensure accounts and passwords for store security officers are set up.

(h) Maintain current list of participating businesses and their loss prevention officers.

(i) Maintain on-line training program with all current updates and program changes.

### 412.4.5 SHOPLIFTING/EMBEZZLEMENT--CRIME PREVENTION SPECIALIST'S RESPONSIBILITIES

The Crime Prevention Specialist will assist the Detective assigned to oversee the program by:

(a) Providing information and literature to businesses not currently participating with the Online Shoplifting/Embezzlement Program during Crime Prevention presentations.

(b) Working with the General Investigations Unit to provide contact information for those business officials who need initial or updated training.

(c) At a minimum, the following must be provided to IT Help Desk to obtain access to CopLogic.

1. Online Reporting: participating business, loss prevention officer's full name, phone number, email address and IP address.

### 412.4.6 SHOPLIFTING/EMBEZZLEMENT--QUICK REFERENCE SHEET

The following are suspects, both adults and juveniles, who are NOT eligible for the release program:

- No state driver's license, identification card, passport with a photo or other verifiable identification.
- Juvenile: no parent/guardian/responsible adult designated by a parent to respond or confirm identity.
- Suspect is:
  - Unable to provide a home address or mailing address.
  - Combative or uncooperative.

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- Under the influence of drugs or alcohol.
- Has warrants.
- Arrested for a crime other than, or in addition to 503 PC misdmeanor, 484 PC or 459.5 PC.
- On Parole, PRCS or LCS

- Dispatch is aware of theft related contact with suspect in the last 24 hours and upon contacting the on duty patrol Sergeant, he/she has deemed there is a likelihood of crime continuing if subject is not arrested.

### 412.5 CITIZEN ON-LINE REPORTING—PURPOSE AND SCOPE

This portion of the policy establishes guidelines and procedures to determine when the On Line Reporting System may be utilized by community members, business owners or those wishing to make a police report for an incident that occurred in the City of Tracy.

### 412.6 CITIZEN ON-LINE REPORTING--PROCEDURE

The Tracy Police Department will continue to respond to all in-progress incidents and all crimes with evidence or information, where suspects are on scene, likely to immediately return, or their identity is known. Officers will also respond to incidents which have just occurred and there is a reasonable likelihood the suspect may still be in the area.

The only exception to having no "known suspect" on line report is a custody order violation. Simple custody order violations regarding parental exchanges that do not occur at the correct time or place, for example, should be reported on line, as long as the violation is not considered a parental abduction, or restraining order violation.

The reporting party has the option of making an on-line report if the crime falls into one of the below categories. For all reports, the value of the loss or damage must be $5,000 or less. As well, "identifying" information is considered a suspect's name or suspect's vehicle license plate number. A partial license plate of which we have no local record, or a mere photo, video, or description of a suspect or suspect vehicle is not considered identifying information.

The following crimes and reports may be referred to the On-Line Reporting System.

(a) Any theft report where there is no identifying suspect information, which can lead to an arrest.

1. This does not include theft of firearms, theft of cars, theft of license plates, or found materials threatening to public safety, such as explosives or highly toxic substances. These incidents shall have an officer or CSO, (if appropriate), respond to investigate.

(b) Auto burglaries lacking identifying suspect information.

(c) Attempted auto thefts with no forced entry or identifying suspect information.

(d) Vandalism, including graffiti, with no identifying suspect information. If vandalism occurs that is determined to be a Hate Crime, an officer shall be dispatched to the

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scene to conduct an investigation. The on duty Sergeant shall be notified regarding a call for significant apparent Gang graffiti, and will make a determination as to whether or not an Officer or CSO response is necessary.

(e) All annoying telephone calls with no identifying suspect information, (without immediate threats.)

(f) Lost property reports. Even if the victim cannot determine if the property was lost or stolen, the report can be taken On-Line, as long as there is no suspect information.

(g) Non-injury Hit & Run accidents lacking identifying suspect information.

(h) Custody order or court order violations that do not involve physical injury, violence, or credible threats of physical violence. This is the only exception for an on line report with a known suspect.

(i) Identity theft with no identifying suspect information.

(j) Forgery with no identifying suspect information.

(k) Late reported collisions where no injury occurred.

### 412.7 CITIZEN ON-LINE REPORTING--CITIZEN REFERRALS

If a citizen simply wants an incident number, one can be provided by the call-taker, and the incident may be closed out prior to a report being taken. When considering referring a citizen to the On-Line Reporting System, the employee will first determine if the reported incident falls within the guidelines of an On-Line report. If so, the employee shall:

(a) Ask the citizen if they have access to the internet.

(b) Inform the citizen their report can be taken On-Line, which will allow them access to file the report immediately, as well as easily obtain a copy of their report.

(c) Direct the caller to the Tracy Police Department's website, so the citizen can file the report On-Line. Advise them that once they gain access to the Department's website, they will be guided through the On-Line report writing process.

(d) If the citizen would prefer, they can be referred to "Mobile Quick Connect" which allows call takers to transfer an inbound caller reporting a non-emergency incident to the agency's Mobile Quick Connect text service number.

1. Once the caller is transferred to the text service number, he/she will be asked to enter his/her cell phone number. After the caller enters the cell phone number, the system will send a text message to the caller's cell phone containing the URL to the agency's DORS system. The caller will click on the link and then proceed to file a report from their mobile phone using the mobile optimized web pages. If a citizen prefers to file a report with an officer, or if they call back and state they are having difficulty filing the report on-line, the incident will be treated as a call for service and an Officer or CSO shall be dispatched to handle the call for service.

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412.7.1 CITIZEN ON-LINE REPORTING--NON-REFERRALS
The following circumstances describe events when an officer should not refer a citizen to the On-Line Reporting System:

(a) If an officer is flagged down by a citizen or the officer has been dispatched to a call for service, generally the officer shall take the report and not refer the citizen to the On-Line Reporting System.

(b) Officers shall not use the On-Line Crime Reporting System themselves to document crimes reported to them. Rather, officers shall use the standard report writing process to document police reports.

(c) Missing person reports shall never be taken On-Line.

## 412.8 CITIZEN ON-LINE REPORTING--REPORT REVIEW AND APPROVAL

The Tracy Police Department's Records Unit will be responsible for reviewing the reports submitted on-line. It will be their responsibility to check the website daily and review all reports submitted to the system.

If an on-line report has been misclassified, such as an auto burglary being reported as a theft, the Records Unit can re-classify the report according to the elements outlined in the report.

Reviewing personnel should refrain from making grammatical corrections to the on-line reports. An on-line report can be rejected by the reviewer, if it does not fall within the guidelines of our On-Line Reporting System. If the report is rejected, the reason for the rejection shall be noted in an appropriate and professional manner in the rejection box on the form. The On-Line Reporting System will then send a rejection notice to the citizen, via e-mail. An on-line report shall not be rejected solely because it may require further follow-up.

Any approved report involving serialized property, where the numbers are provided by the victim, can be taken on-line, and the serial numbers can be entered into CLETS by the Records Department.

## 412.9 CITIZEN ON-LINE REPORTING--ADDITIONAL FOLLOW UP

Any reports with digital photographs or video will be sent by the Records Supervisor, or his/her designee, to the Crime Scene Investigator Supervisor or his/her designee. The exception is gang graffiti, which will be routed from the Records Supervisor to the Gang Detective Supervisor.

The CSI Supervisor, or his/her designee, will have authority to determine if the photo or video is of good enough quality to distribute to department employees to request identification or information to develop investigative leads.

If potential leads are developed, the entire report and digital information with leads will be forwarded to the General Investigations Unit Sergeant to be assigned for follow-up.

If no investigative leads are developed after disseminating the digital image to department employees after two weeks, there will be no additional investigation into the crime.

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# Foreign Diplomatic and Consular Representatives

## 413.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Tracy Police Department extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

## 413.2 POLICY

The Tracy Police Department respects international laws related to the special privileges and immunities afforded foreign diplomatic and consular representatives assigned to the United States.

All foreign diplomatic and consular representatives shall be treated with respect and courtesy, regardless of any privileges or immunities afforded them.

## 413.3 CLAIMS OF IMMUNITY

If a member comes into contact with a person where law enforcement action may be warranted and the person claims diplomatic or consular privileges and immunities, the member should, without delay:

(a) Notify a supervisor.

(b) Advise the person that his/her claim will be investigated and he/she may be released in accordance with the law upon confirmation of the person's status.

(c) Request the person's identification card, either issued by the U.S. Department of State (DOS), Office of the Chief of Protocol, or in the case of persons accredited to the United Nations, by the U.S. Mission to the United Nations. These are the only reliable documents for purposes of determining privileges and immunities.

(d) Contact the DOS Diplomatic Security Command Center at 571-345-3146 or toll free at 866-217-2089, or at another current telephone number and inform the center of the circumstances.

(e) Verify the immunity status with DOS and follow any instructions regarding further detention, arrest, prosecution and/or release, as indicated by the DOS representative. This may require immediate release, even if a crime has been committed.

Identity or immunity status should not be presumed from the type of license plates displayed on a vehicle. If there is a question as to the status or the legitimate possession of a Diplomat or Consul license plate, a query should be run via the National Law Enforcement Telecommunications System (NLETS), designating "US" as the state.

## 413.4 ENFORCEMENT

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

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(a) Generally, all persons with diplomatic and consular privileges and immunities may be issued a citation or notice to appear. However, the person may not be compelled to sign the citation.

(b) All persons, even those with a valid privilege or immunity, may be reasonably restrained in exigent circumstances for purposes of self-defense, public safety or the prevention of serious criminal acts.

(c) An impaired foreign diplomatic or consular representative may be prevented from driving a vehicle, even if the person may not be arrested due to privileges and immunities.

1. Investigations, including the request for field sobriety tests, chemical tests and any other tests regarding impaired driving may proceed but they shall not be compelled.

(d) The following persons may not be detained or arrested, and any property or vehicle owned by these persons may not be searched or seized:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers
5. Whenever an officer arrests and incarcerates, or detains for investigation for over two hours, a person with diplomatic and consular privileges and immunities, the officer shall promptly advise the person that he/she is entitled to have his/her government notified of the arrest or detention (Penal Code § 834c). If the individual wants his/her government notified, the officer shall begin the notification process.

## 413.5 DOCUMENTATION

All contacts with persons who have claimed privileges and immunities afforded foreign diplomatic and consular representatives should be thoroughly documented and the related reports forwarded to DOS.

## 413.6 DIPLOMATIC IMMUNITY TABLE

Reference table on diplomatic immunity:

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| Category | Arrested or Detained | Enter Residence Subject to Ordinary Procedures | Issued Traffic Citation | Subpoenaed as Witness | Prosecuted | Recognized Family Members |
|---|---|---|---|---|---|---|
| **Diplomatic Agent** | No (note (b)) | No | Yes | No | No | Same as sponsor (full immunity & inviolability) |
| **Member of Admin and Tech Staff** | No (note (b)) | No | Yes | No | No | Same as sponsor (full immunity & inviolability) |
| **Service Staff** | Yes (note (a)) | Yes | Yes | Yes | No for official acts. Yes otherwise (note (a)) | No immunity or inviolability (note (a)) |
| **Career Consul Officer** | Yes if for a felony and pursuant to a warrant (note (a)) | Yes (note (d)) | Yes | No for official acts Testimony may not be compelled in any case | No for official acts. Yes otherwise (note (a)) | No immunity or inviolability |
| **Honorable Consul Officer** | Yes | Yes | Yes | No for official acts Yes otherwise. | No for official acts Yes otherwise | No immunity or inviolability |
| **Consulate Employees** | Yes (note (a)) | Yes | Yes | No for official acts Yes otherwise. | No for official acts. Yes otherwise (note (a)) | No immunity or inviolability (note (a)) |
| **Int'l Org Staff (note (b))** | Yes (note (c)) | Yes (note (c)) | Yes | Yes (note (c)) | No for official acts. Yes otherwise (note (c)) | No immunity or inviolability |
| **Diplomatic-Level Staff of Missions to Int'l Org** | No (note (b)) | No | Yes | No | No | Same as sponsor (full immunity & inviolability) |
| **Support Staff of Missions to Int'l Orgs** | Yes | Yes | Yes | Yes | No for official acts Yes otherwise | No immunity or inviolability |

Notes for diplomatic immunity table:

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(a) This table presents general rules. The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(c) A small number of senior officers are entitled to be treated identically to diplomatic agents.

(d) Note that consul residences are sometimes located within the official consular premises. In such cases, only the official office space is protected from police entry.

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# Rapid Response and Deployment

## 414.1 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.

## 414.2 POLICY

The policy of this department in dealing with the crisis situation shall be:

(a) To obtain and maintain complete operative control of the incident.

(b) To explore every reasonably available source of intelligence regarding the circumstances, location, and suspect(s) in the incident.

(c) To attempt, by every means available, to attain any tactical advantage over the responsible individual(s).

(d) 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.

(e) 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.

## 414.3 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding officers should consider reasonable options to reduce, prevent or eliminate the threat. Officers must decide, often under a multitude of difficult and rapidly evolving circumstances, whether to advance on the suspect, take other actions to deal with the threat or wait for additional resources.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, officers should take immediate action, if reasonably practicable, while requesting additional assistance.

Officers should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action officers should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual officer from taking immediate action.

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(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the officers have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

In a case of a barricaded suspect with no hostages and no immediate threat to others, officers should consider summoning and waiting for additional assistance (special tactics and/or hostage negotiation team response).

### 414.3.1 RESPONSE TO SCHOOL THREATS

Upon receiving a threat or perceived threat from a school official that involves grades 6 to 12, officers shall immediately investigate and conduct a threat assessment. The investigation shall include a review of the firearm registry of the California Department of Justice. A reasonable search of the school at issue shall be conducted when the search is justified by reasonable suspicion that it would produce evidence related to the threat or perceived threat (Education Code § 49394).

For purposes of this subsection a "threat" or "perceived threat" means any writing or action of a pupil that creates a reasonable suspicion that the pupil is preparing to commit a homicidal act related to school or a school activity. This may include possession, use, or depictions of firearms, ammunition, shootings, or targets in association with infliction of physical harm, destruction, or death in a social media post, journal, class note, or other media associated with the pupil. It may also include a warning by a parent, pupil, or other individual (Education Code § 49390).

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# Alarm Response

## 415.1 PURPOSE AND SCOPE

Members of this department shall respond to all alarms in a manner most appropriate for the type of alarm. This policy is designed to establish a systematic field response to alarms that will provide a reasonable degree of protection and safety to all persons and property concerned. This policy shall not restrict dispatching calls for service or response procedures when additional information is received indicating the alarm is truly a crime in progress.

Any residence or commercial property that does not possess a valid alarm permit or has (3) three or more false alarms within a 12-month period shall require a verified alarm response.

This policy does not change response to panic, duress, or robbery crimes.

Procedural guidelines, for dispatching alarm related calls for services and police officers responding to such alarms, are outlined in the department's Standard Operating Procedure 13-04.

## 415.2 DEFINITIONS

**Verified Alarm:** Means on-site verification by a responder, which can mean private security, a citizen who observes an intrusion or any other person, to determine whether a police response to a property/intrusion/burglar alarm due to a crime, attempted crime, or other emergency occurring at the premises protected by an alarm is warranted.

Verification of an alarm may be accomplished using audio and/or video monitoring systems maintained by the homeowner or the alarm monitoring company. Witness reports (e.g., private security) of glass breakage, suspicious persons around the area, or suspects observed entering the business/residence, etc. should be considered verification of the alarm.

There may also be any other events or circumstances that indicate the alarm may be valid which include, but not limited to, recent criminal activity in the area and/or no history of false alarms. Examples include:

(a) Audio feedback alarms where the monitoring company has heard evidence of criminal activity.

(b) If responder/key holder is at the scene and requests a walk through by police officers.

(c) Video feedback alarm location showing evidence of possible criminal activity.

(d) Verification by a guard service or private security that has responded to the location.

## 415.3 DISPATCH

The Communications Center receives an alarm call, the Communications Center shall obtain as much information as possible from the alarm monitoring company or homeowner.

If the information received fits the verification criteria, the call shall be entered appropriately for the circumstances (e.g., "459-in progress").

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If there is an unverified alarm, the Communication Center shall broadcast as a BOL only. Officers should pay particular attention to unverified alarms. Officers should consider their knowledge of the history of false alarms at the location, the current patterns of burglaries in the area, and other information they are aware of when determining the response to check the location and the area when the BOL is broadcast.

The Communications Center shall be responsible for the monitoring and tracking of verified alarm locations and permits. Updates will be performed monthly to ensure the most accurate information. As locations are added to the verified response list, a caution flag shall be entered into CAD, and the department's Verified Alarm Response letter shall be mailed to the address on file.

### 415.4 RESPONSE TECHNIQUES

Response techniques should be determined by, but not limited to, the time of day, type of premises involved, and number of police officers available. Upon completion of a response, if the alarm is found to be false, the following information should be entered into the call for service, and the call for service shall be closed out as FAL:

(a) Names and contact information of any person contacted, including any suspicious persons/ circumstances in the area

(b) Any evidence of attempted entry, damage, or unsecured door.

(c) Reason, if known, what activated the alarm.

### 415.5 RECORDS

The Records Unit reports all false alarms, weekly, to the department's third-party alarm administrator for tracking and fine collection.

### 415.6 REFERENCED SOP #13-04

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# Immigration Violations

## 417.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Tracy Police Department relating to immigration and interacting with federal immigration officials.

### 417.1.1 DEFINITIONS

The following definitions apply to this policy (Government Code § 7284.4):

**Criminal immigration violation** - Any federal criminal immigration violation that penalizes a person's presence in, entry, or reentry to, or employment in, the United States. This does not include any offense where a judicial warrant already has been issued.

**Immigration enforcement** - Any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal civil immigration law, including any and all efforts to investigate, enforce, or assist in the investigation or enforcement of any federal criminal immigration law that penalizes a person's presence in, entry or reentry to, or employment in the United States.

**Judicial warrant** - An arrest warrant for a violation of federal criminal immigration law and issued by a federal judge or a federal magistrate judge.

## 417.2 POLICY

It is the policy of the Tracy Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

## 417.3 VICTIMS AND WITNESSES

To encourage crime reporting and cooperation in the investigation of criminal activity, all individuals, regardless of their immigration status, must feel secure that contacting or being addressed by members of law enforcement will not automatically lead to immigration inquiry and/or deportation. While it may be necessary to determine the identity of a victim or witness, members shall treat all individuals equally and not in any way that would violate the United States or California constitutions.

## 417.4 IMMIGRATION INQUIRIES PROHIBITED

Officers shall not inquire into an individual's immigration status for immigration enforcement purposes (Government Code § 7284.6).

### 417.4.1 CALIFORNIA LAW ENFORCEMENT TELECOMMUNICATIONS SYSTEM (CLETS)

Members shall not use information transmitted through CLETS for immigration enforcement purposes except for criminal history information and only when consistent with the California Values Act (Government Code § 15160).

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Members shall not use the system to investigate immigration violations of 8 USC § 1325 (improper entry) if that violation is the only criminal history in an individual's record (Government Code § 15160).

### 417.4.2 CALIFORNIA DEPARTMENT OF MOTOR VEHICLES

Members shall not obtain, access, use, or otherwise disclose noncriminal history information maintained by the DMV for immigration enforcement (Vehicle Code § 1808.48).

## 417.5 DETENTIONS AND ARRESTS

An officer shall not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant (Government Code § 7284.6).

An officer who has a reasonable suspicion that an individual already lawfully contacted or detained has committed a criminal violation of 8 USC § 1326(a) (unlawful reentry) that may be subject to an enhancement due to a previous conviction of an aggravated felony under 8 USC § 1326(b)(2), may detain the person for a reasonable period of time to contact federal immigration officials to verify whether the United States Attorney General has granted the individual permission for reentry and whether the violation is subject to enhancement (Government Code § 7284.6). No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved.

If the officer has facts that establish probable cause to believe that a person already lawfully detained has violated 8 USC § 1326(a) and the penalty may be subject to enhancement due to prior conviction for specified aggravated felonies, he/she may arrest the individual for that offense (Government Code § 7284.6).

An officer shall not detain any individual, for any length of time, for any other criminal immigration violation of federal immigration laws (Government Code § 7284.6).

An officer should notify a supervisor as soon as practicable whenever an individual is arrested for violation of 8 USC § 1326(a).

### 417.5.1 SUPERVISOR RESPONSIBILITIES

When notified that an officer has arrested an individual for violation of 8 USC § 1326(a) or under the authority of a judicial warrant, the supervisor should determine whether it is appropriate to:

(a) Transfer the person to federal authorities.

(b) Transfer the person to jail.

## 417.6 FEDERAL REQUESTS FOR ASSISTANCE

Absent an urgent issue of officer safety or other emergency circumstances, requests by federal immigration officials for assistance from this department should be directed to a supervisor. The supervisor is responsible for determining whether the requested assistance would be permitted under the California Values Act (Government Code § 7284.2 et seq.).

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## 417.7 INFORMATION SHARING

No member of this department will prohibit, or in any way restrict, any other member from doing any of the following regarding the citizenship or immigration status, lawful or unlawful, of any individual (8 USC § 1373; Government Code § 7284.6):

(a) Sending information to, or requesting or receiving such information from federal immigration officials

(b) Maintaining such information in department records

(c) Exchanging such information with any other federal, state, or local government entity

Nothing in this policy restricts sharing information that is permissible under the California Values Act.

### 417.7.1 IMMIGRATION DETAINERS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 (Government Code § 7284.6).

Notification to a federal authority may be made prior to release of an individual who is the subject of a notification request only if the individual meets one of the following conditions (Government Code § 7282.5; Government Code § 7284.6):

(a) The individual has been arrested and had a judicial probable cause determination for a serious or violent felony identified in Penal Code § 667.5(c) or Penal Code § 1192.7(c).

(b) The individual has been arrested and had a judicial probable cause determination for a felony punishable by time in a state prison.

(c) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(d) The individual is a current registrant on the California Sex and Arson Registry.

(e) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

### 417.7.2 NOTICE TO INDIVIDUALS

Individuals in custody shall be given a copy of documentation received from U.S. Immigration and Customs Enforcement (ICE) regarding a hold, notification, or transfer request along with information as to whether the Tracy Police Department intends to comply with the request (Government Code § 7283.1).

If the Tracy Police Department provides ICE with notification that an individual is being, or will be, released on a certain date, the same notification shall be provided in writing to the individual and to his/her attorney or to one additional person who the individual may designate (Government Code § 7283.1).

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### 417.7.3 ICE INTERVIEWS

Before any interview regarding civil immigration violations takes place between ICE personnel and an individual in custody, the Tracy Police Department shall provide the individual with a written consent form that explains the purpose of the interview, that the interview is voluntary, and that he/she may decline to be interviewed or may choose to be interviewed only with his/her attorney present. The consent form must be available in the languages specified in Government Code § 7283.1.

### 417.7.4 TRANSFERS TO IMMIGRATION AUTHORITIES

Members shall not transfer an individual to immigration authorities unless one of the following circumstances exist (Government Code § 7282.5; Government Code § 7284.6):

(a) Transfer is authorized by a judicial warrant or judicial probable cause determination.

(b) The individual has been convicted of an offense as identified in Government Code § 7282.5(a).

(c) The individual is a current registrant on the California Sex and Arson Registry.

(d) The individual is identified by the U.S. Department of Homeland Security's Immigration and Customs Enforcement as the subject of an outstanding federal felony arrest warrant.

### 417.7.5 REPORTING TO CALIFORNIA DEPARTMENT OF JUSTICE

The General Investigations supervisor shall ensure that data regarding the number of transfers of an individual to immigration authorities, as permitted by Government Code § 7284.6(a)(4), and the offense that allowed for the transfer is collected and provided to the Records Supervisor for required reporting to the DOJ (Government Code § 7284.6(c)(2)(see the Records Unit Policy).

## 417.8 U VISA AND T VISA NONIMMIGRANT STATUS

Under certain circumstances, federal law allows temporary immigration benefits, known as a U visa, to victims and witnesses of certain qualifying crimes (8 USC § 1101(a)(15)(U)).

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)).

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the General Investigations supervisor assigned to oversee the handling of any related case. The General Investigations supervisor should:

(a) Consult with the assigned investigator to determine the current status of any related case and whether further documentation is warranted.

(b) Contact the appropriate prosecutor assigned to the case, if applicable, to ensure the certification or declaration has not already been completed and whether a certification or declaration is warranted.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

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1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.
2. Form I-918 Supplement B certification shall be completed if the victim qualifies under Penal Code § 679.10 (multiple serious offenses). The certification shall be completed and not refused for the specified reasons in Penal Code § 679.10(k)(3).
3. Form I-914 Supplement B declaration shall be completed if the victim qualifies under Penal Code § 236.5 or Penal Code § 679.11 (human trafficking). The declaration shall be completed and not refused for completion for the specified reasons in Penal Code § 679.11(j)(3).
4. Forward the completed Form I-918 Supplement B certification or completed Form I-914 declaration B to the victim, family member, or authorized representative (as defined in Penal Code § 679.10 and Penal Code § 679.11) without requiring the victim to provide government-issued identification (Penal Code § 679.10; Penal Code § 679.11)

(d) Ensure that any decision to complete, or not complete, a certification or declaration form is documented in the case file and forwarded to the appropriate prosecutor. Include a copy of any completed form in the case file.

1. If Form I-918 Supplement B is not certified, a written explanation of denial shall be provided to the victim or authorized representative. The written denial shall include specific details of any reasonable requests for cooperation and a detailed description of how the victim refused to cooperate (Penal Code § 679.10).

(e) Inform the victim liaison of any requests and their status.

### 417.8.1 TIME FRAMES FOR COMPLETION

Officers and their supervisors who are assigned to investigate a case of human trafficking as defined by Penal Code § 236.1 shall complete the above process and the documents needed for indicating the individual is a victim for the T visa application within 15 business days of the first encounter with the victim, regardless of whether it is requested by the victim (Penal Code § 236.5).

Officers and their supervisors shall complete the above process and the documents needed certifying victim cooperation for a U visa or T visa application pursuant to Penal Code § 679.10 and Penal Code § 679.11 within 30 days of a request from the victim, victim's family, or authorized representative related to one of their assigned cases. If the victim is in removal proceedings, the certification shall be processed within seven days of the first business day following the day the request was received.

### 417.8.2 REPORTING TO LEGISLATURE

The General Investigations supervisor or the authorized designee should ensure that certification requests are reported to the Legislature in January of each year and include the number of certifications signed and the number denied. The report shall comply with Government Code § 9795 (Penal Code § 679.10; Penal Code § 679.11).

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417.8.3 POLICE REPORTS
Upon request, an officer or supervisor should provide a victim or authorized representative with a copy of the report filed by the victim within seven days of the request (Penal Code § 679.10).

## 417.9 TRAINING
The Training Manager should ensure that all appropriate members receive training on immigration issues.

Training should include:

(a) Identifying civil versus criminal immigration violations.

(b) Factors that may be considered in determining whether a criminal immigration violation has been committed.

(c) Prohibitions contained in the California Values Act (Government Code § 7284 et seq.).

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# Emergency Utility Service

## 418.1 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.

### 418.1.1 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 Dispatch.

### 418.1.2 ELECTRICAL LINES

City Public Works does not maintain electrical lines to street light poles. When a power line poses a hazard, an officer should be dispatched to protect against personal injury or property damage that might be caused by power lines. The Electric Company or Public Works should be promptly notified, as appropriate.

### 418.1.3 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.

### 418.1.4 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for municipal utility emergencies is maintained by Dispatch.

## 418.2 TRAFFIC SIGNAL MAINTENANCE

The City of Tracy maintains all traffic signals within the City, other than those maintained by the State of California.

### 418.2.1 OFFICER'S RESPONSIBILITY

Upon observing a damaged or malfunctioning signal, the officer will advise the Dispatch of the location and problem with the signal. The dispatcher should make the necessary notification to the proper maintenance agency.

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# Patrol Rifles

## 419.1 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 Tracy Police Department will make patrol rifles available to all qualified sworn personnel as an additional and more immediate tactical resource.

## 419.2 PATROL RIFLE

### 419.2.1 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.

## 419.3 SPECIFICATIONS

Only weapons and ammunition that meet agency authorized specifications, approved by the Chief of Police, and approved by the Department may be used by officers in their law enforcement responsibilities.

## 419.4 RIFLE MAINTENANCE

(a) Primary responsibility for maintenance of patrol rifles shall fall on the designated department armorer, who shall inspect and service each patrol rifle on a yearly basis.

(b) Each officer carrying a patrol rifle shall be required to field strip and clean an assigned patrol rifle as needed.

(c) Each 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. allowed, back "in-

(e) Each patrol rifle shall be subject to inspection by a supervisor, the Range Cadre, or Department Armorer at any time.

(f) No modification shall be made to any patrol rifle without prior written authorization from the Department Armorer. At no time, will repairs or modifications be authorized which do not meet manufactures specifications or would otherwise void the manufactures warranty.

## 419.5 TRAINING

Officers shall not carry or utilize the patrol rifle unless they have successfully completed a POST approved patrol or tactical rifle course.

## 419.6 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:

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(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.

(g) When needed to euthanize an animal.

### 419.7 DISCHARGE OF THE PATROL RIFLE

The discharge of the patrol rifle shall be governed by the Department's Deadly Force Policy, Policy Manual § 300.

### 419.8 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.

### 419.9 RIFLE STORAGE

(a) When not in use, department issued patrol rifles will be stored in the department issued soft rifle case and secured in the officer's secured, department issued locker.

(b) When not deployed, in-service patrol rifles and less-lethal options shall be secured in the vehicle in a locked gun rack or locked in the trunk.

(c) At the end of the assigned officer's shift, the patrol rifle will be returned to its soft rifle case and secured in the employees department issued locker.

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# Aircraft Accidents

## 420.1 PURPOSE AND SCOPE

The purpose of this policy is to provide department members with guidelines for handling aircraft accidents.

This policy does not supersede, and is supplementary to, applicable portions of the Crime and Disaster Scene Integrity, Emergency Management Plan and Hazardous Material Response policies.

### 420.1.1 DEFINITIONS

Definitions related to this policy include:

**Aircraft** - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

## 420.2 POLICY

It is the policy of the Tracy Police Department to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

## 420.3 ARRIVAL AT SCENE

Officers or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

## 420.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

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## 420.5 NOTIFICATIONS

When an aircraft accident is reported to this department, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

## 420.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Coroner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this department will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene department supervisor should ensure the accident is still appropriately investigated and documented.

## 420.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

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(d) Evacuation chutes, ballistic parachute systems and composite materials.

## 420.8 DOCUMENTATION

All aircraft accidents occurring within the City of Tracy shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken; the names of TPD members deployed to assist; other City resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

### 420.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

### 420.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

## 420.9 MEDIA RELATIONS

The Public Information Officer (PIO) should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

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## *Aircraft Accidents*

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The PIO should coordinate with other involved entities before the release of information.

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# Field Training Officer Program

## 421.1 PURPOSE AND SCOPE

The Field Training Officer Program is intended to provide a standardized program to facilitate the officer's transition from the academic setting to the actual performance of general law enforcement duties of the Tracy Police Department.

It is the policy of this department to assign all new police officers to a structured Field Training Officer Program that is designed to prepare the new officer to perform in a patrol assignment, and possessing all skills needed to operate in a safe, productive, and professional manner.

The Field Training Officer Program is managed by the Professional Standards and Training Division Commander.

## 421.2 FIELD TRAINING OFFICER - SELECTION AND TRAINING

The Field Training Officer (FTO) is an experienced officer trained in the art of supervising, training, and evaluating entry level and lateral police officers in the application of their previously acquired knowledge and skills. The primary FTO responsibilities are held by officers holding the rank of Police Corporal.

### 421.2.1 SELECTION PROCESS

The rank of Police Corporal is a promotional process. When the need organizational need arises, police officers may be assigned the duties of FTO and shall be compensated as per the TPOA MOU.

Officers will not be utilized in place of a corporal

(a)

(b)

(c)

(d)

(e)

(f)

(g)

(h)

### 421.2.2 TRAINING

An officer selected as a Field Training Officer shall successfully complete a POST certified (40-hour) Field Training Officer’s Course prior to being assigned as an FTO.

All FTOs must complete a 24-hour Field Training Officer update course every three years while assigned to the position of FTO (11 CCR 1004).

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All FTOs must meet any training mandate regarding crisis intervention behavioral health training pursuant to Penal Code § 13515.28.

### 421.3 FIELD TRAINING OFFICER PROGRAM SUPERVISOR

The FTO Program supervisor should be selected from the rank of sergeant or above by the Field Operations Bureau Commander or a designee and should possess, or be eligible to receive, a POST Supervisory Certificate.

The responsibilities of the FTO Program supervisor include the following:

(a) Assignment of trainees to FTOs

(b) Conduct FTO meetings

(c) Maintain and ensure FTO/trainee performance evaluations are completed

(d) Maintain, update, and issue the Field Training Manual to each trainee

(e) Monitor individual FTO performance

(f) Monitor overall FTO Program

(g) Maintain liaison with FTO coordinators of other agencies

(h) Maintain liaison with academy staff on recruit performance during the academy

(i) Develop ongoing training for FTOs

The FTO Program supervisor will be required to successfully complete a POST-approved Field Training Administrator’s Course within one year of appointment to this position (11 CCR 1004(c)).

### 421.4 TRAINEE DEFINED

Any entry level or lateral police officer newly appointed to the Tracy Police Department who has successfully completed a POST approved Basic Academy.

### 421.5 REQUIRED TRAINING

Entry level officers shall be required to successfully complete a POST-approved Field Training Program, consisting of a minimum of 10 weeks (Penal Code § 13515.295; 11 CCR 1004; 11 CCR 1005).

The training period for a lateral officer may be modified depending on the trainee's demonstrated performance and level of experience. A lateral officer may be exempt from the Field Training Program requirement if the officer qualifies for an exemption as provided in 11 CCR 1005(a)(B).

To the extent practicable, entry level and lateral officers should be assigned to a variety of Field Training Officers, shifts, and geographical areas during their Field Training Program.

#### 421.5.1 FIELD TRAINING MANUAL

Each new officer will be issued a Field Training Manual at the beginning of his/her Primary Training Phase. This manual is an outline of the subject matter and/or skills necessary to properly function as an officer with the Tracy Police Department. The officer shall become knowledgeable of the

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subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

The Field Training Manual will specifically cover those policies, procedures, rules, and regulations adopted by the Tracy Police Department.

## 421.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

### 421.6.1 FIELD TRAINING OFFICER

The FTO will be responsible for the following:

(a) Complete and submit a written evaluation on the performance of his/her assigned trainee to the FTO Coordinator on a daily basis.

(b) Review the Daily Trainee Performance Evaluations with the trainee each day.

(c) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d) Sign off all completed topics contained in the Field Training Manual, noting the method(s) of learning and evaluating the performance of his/her assigned trainee.

### 421.6.2 IMMEDIATE SUPERVISOR

The immediate supervisor shall review and approve the Daily Trainee Performance Evaluations and forward them to the Field Training Administrator.

### 421.6.3 FIELD TRAINING ADMINISTRATOR

The Field Training Administrator will review and approve the Daily Trainee Performance Evaluations submitted by the FTO through his/her immediate supervisor.

### 421.6.4 TRAINEE

At the completion of the Field Training Program, the trainee shall submit a confidential performance evaluation on each of their FTOs and on the Field Training Program.

## 421.7 DOCUMENTATION

All documentation of the Field Training Program will be retained in the officer's training files and will consist of the following:

(a) Daily Trainee Performance Evaluations

(b) End-of-phase evaluations

(c) A Certificate of Completion certifying that the trainee has successfully completed the required number of hours of field training

## 421.8 POLICE - REORIENTATION

When an officer has an extended period of time away from the duties in which he/she were originally hired for, (i.e., a special assignment or extended time off for an injury, and has returned

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to full status) the officer will be placed in a reorientation program with an FTO for the purpose of re-acclimating them to the job duties and responsibilities. The purpose of the reorientation is to familiarize or update the officer with any changes in policies or procedures.

## 421.9 COMMUNICATION TRAINER €Š“ SELECTION AND TRAINING

The individual selected to train a new Communication Operator is an experienced dispatcher who is trained in the art of supervising, training and evaluating entry level and lateral employees. A communication trainer is an individual who can facilitate the employee's transition from, in some cases, another agency, to the actual performance of their duties and responsibilities as a Communication Operator at TPD.

### 421.9.1 SELECTION PROCESS FOR COMMUNICATION TRAINER

Trainers will be selected based on the following requirements: a. Desire to be a trainer

b. Demonstrated ability as a positive role model

c. Must have achieved permanent status by the date of appointment and have at least three (3) years of experience as a Communication Operator

d. The applicant's most recent evaluation must not have any unacceptable ratings

e. Candidates for the position will be evaluated on their:

1. Experience

2. Education

3. Job knowledge/Proficiency in Communications Unit procedures

4. Oral and written communication skills

5. Decision making ability/good judgment in stressful situations

6. Knowledge and compliance with the Department regulations, policies and procedures

7. The ability to adopt a quick, effective and reasonable course of action in emergencies

8. The ability to evaluate a trainee's job performance using the Communications Training Officer performance guidelines and complete written performance reports

f. Submit a Special Assignment Application approved by the applicant's supervisor

g. Participate and pass an internal selection process

The communication trainer selection shall be made by the Communications Supervisor and Support Operations Commander subject to approval by the Chief of Police. There is no defined period of time for this special assignment, however, removal can be voluntary or shall be by the recommendation of the Communications Supervisor and Support Operations Commander with the approval by the Chief of Police.

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421.9.2 TRAINING FOR COMMUNICATION TRAINERS

An employee selected as a communications trainer shall successfully complete a one (1) week POST certified Communication Training Officers school, prior to being qualified to train new Communication Operations employees.

In addition, all trainers must complete a 24 hours POST mandated update class every two (2) years. Communication trainers may also be assigned to attend other training courses that are job specific to continue their development and enhance their teaching skills.

## 421.10 COMMUNICATION TRAINING PROGRAM/SUPERVISOR

The Communications Training Program operates within the Communications Unit of the Support Operations Bureau. The Communications Unit Supervisor shall provide managerial oversight of the Communications Training Program and should possess, or be eligible to receive a POST Supervisory Certificate. The Communications Unit Supervisor is under the supervision of the Support Operations Manager. The Communications Unit Supervisor oversees the dispatch training program but will keep the Support Operations Manager informed of any issues with the program or with a trainee. The responsibility of the Communications Unit Supervisor includes the following:

a. Assign trainees to approved trainers

b. Review performance reports and monitor the development of Communications Operator Trainee(s) and lateral Communication Operators during the training period.

c. Ensure the trainers are completing daily performance evaluations on the trainee

d. Monitor the individual performance of each trainer and conduct meetings with them

e. Maintain, update and issue the Training Manual to each trainee

f. Monitor overall Training Program and develop and maintain ongoing training for the trainers

## 421.11 COMMUNICATION OPERATOR TRAINEE DEFINED

An entry level Communications trainee is an individual newly appointed as a communication operator to the Tracy Police Department with no prior experience. This individual must complete a POST certified Complaint Dispatch Course within one year of employment as a Communications Operator with the Tracy Police Department. A lateral communication operator is an individual who has completed a POST Basic course and who has prior dispatching experience from another agency.

## 421.12 REQUIRED TRAINING FOR NEW COMMUNICATION OPERATORS

The training of new communication operators will be as follows:

(a.) The Communications Training Program for trainees shall be a minimum of six (6) months. However, the Communications Supervisor and the Communication Trainer involved with the trainee may recommend early release from the training program. This will be based on the

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trainee's demonstrated performance, documented on both Daily Observational Reports and/or Phase Evaluations.

(b.) Trainees shall be rotated to different Communications trainers in accordance with the unit training program.

(c.) Trainees will be assigned to a patrol FTO for a minimum of three (3), ten (10) hour shifts to familiarize the trainee with the City of Tracy and the patrol function.

(d.) The Communication Supervisor may extend the training period based on the recommendations from the trainers and documented in performance reports.

(e.) At the conclusion of the training program, the Communications Supervisor shall forward a performance report to the Support Operations Commander with a recommendation regarding the trainee's ability to perform as an unsupervised Communications Operator.

421.12.1 TRAINING CERTIFICATION GUIDE FOR NEW COMMUNICATIONS OPERATORS
Each new communication operator will have a Communication Training Certification Guide that will be utilized during their training. This manual is an outline of the subject matter and/or skills necessary to properly function as a communications operator with the Tracy Police Department. The communication operator shall become knowledgeable of the subject matter as outlined. He/she shall also become proficient with those skills as set forth in the manual.

a. The Communication Training Certification Guide shall be utilized by the trainers to train and evaluate trainees.

b. Communication trainers and the Supervisor shall use the guide in reviewing the trainee's performance and progress in bi-weekly meetings and prior to rotating the trainee to another trainer.

c. Phase evaluations will be completed to document the progress of the trainee.

d. At the conclusion of the training period, the guide shall be reviewed, evaluated, and retained as a permanent training record by the Support Operations Bureau.

## 421.13 EVALUATIONS FOR COMMUNICATION OPERATORS

Evaluations are an important component of the training process and shall be completed as outlined below.

421.13.1 TRAINING - COMMUNICATIONS
The communication trainer will be responsible for the following:

(a.) Complete and submit Daily Observational Reports on the performance of his/her assigned trainee to the Communication Unit Supervisor.

(b.) Review the Daily Observational Reports with the trainee each day.

(c.) Complete a detailed end-of-phase performance evaluation on his/her assigned trainee at the end of each phase of training.

(d.) Sign off on all completed topics contained in the Communications Training Certification Guide.

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### 421.14 COMMUNICATIONS €Š“ REORIENTATION

Any Communication Operator who has returned to work after spending five (5) or more months away from the workplace for any reason shall be assigned to a trainer.

(a.) The returning Communication Operator should undergo a minimum of two (2) weeks of training before being released to dispatch independently. The Communication Supervisor or the trainer may recommend early release based on the demonstrated performance of the returning Communication Operator.

(b.) The Communications Training Certification program shall be utilized by the trainer in re-training and evaluating the returning Communications Operator. Daily Observation Reports are required to be filled out by the trainer and submitted to the Communications Supervisor.

(c.) The Communications Supervisor shall ensure the returning Communication Operator completes the re-training program.

(d.) A completed Communications Training Certification shall be placed in the Communication Operator's training file.

(e.) At the conclusion of the re-training program, the Communication Operator shall prepare a final phase evaluation and complete the Re-training Program Performance Report. These documents shall be submitted to the Communications Supervisor and placed in the individual's training file.

### 421.15 TRAINING FOR PER DIEM (ON CALL) COMMUNICATIONS OPERATOR

The Communications Training Program for a Per Diem (On Call) Communications Operator will be a minimum of ninety-six (96) hours to be completed within three (3) consecutive months. The final phase evaluation, the Communication Training Certification and all testing must be completed before the Per Diem Communications Operator is permitted to operate without supervision.

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# Obtaining Air Support

## 422.1 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.

## 422.2 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.

### 422.2.1 REQUEST FOR ASSISTANCE FROM ANOTHER AGENCY

After consideration and approval of the request for a helicopter, the Field Operations Division Commander, or his/her designee, will call the closest agency having helicopter support available. The Patrol Supervisor on duty will apprise that agency of the specific details of the incident prompting the request.

### 422.2.2 CIRCUMSTANCES UNDER WHICH AID MAY BE REQUESTED

Police helicopters may be requested under any of the following conditions:

(a) When the helicopter is activated under existing mutual aid agreements

(b) Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard

(c) When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community

(d) When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard

(e) Vehicle pursuits

While it is recognized that the availability of helicopter support will generally provide valuable assistance to ground personnel, the presence of a helicopter will rarely replace the need for officers on the ground.

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# Contacts and Temporary Detentions

## 423.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for temporarily detaining but not arresting persons in the field, conducting field interviews (FI) and pat-down searches, and the taking and disposition of photographs.

### 423.1.1 DEFINITIONS

Definitions related to this policy include:

**Consensual encounter** - When an officer contacts an individual but does not create a detention through words, actions, or other means. In other words, a reasonable individual would believe that his/her contact with the officer is voluntary.

**Field interview** - The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

**Field photographs** - Posed photographs taken of a person during a contact, temporary detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Audio Video (MAV) system, body-worn camera, or public safety camera when persons are not posed for the purpose of photographing are not considered field photographs.

**Pat-down search** - A type of search used by officers in the field to check an individual for dangerous weapons. It involves a thorough patting-down of clothing to locate any weapons or dangerous items that could pose a danger to the officer, the detainee, or others.

**Reasonable suspicion** - When, under the totality of the circumstances, an officer has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

**Temporary detention** - When an officer intentionally, through words, actions, or physical force, causes an individual to reasonably believe he/she is required to restrict his/her movement without an actual arrest. Temporary detentions also occur when an officer actually restrains a person’s freedom of movement.

## 423.2 POLICY

The Tracy Police Department respects the right of the public to be free from unreasonable searches or seizures. Due to an unlimited variety of situations confronting the officer, the decision to temporarily detain a person and complete a field interview (FI), pat-down search, or field photograph shall be left to the officer based on the totality of the circumstances, officer safety considerations, and constitutional safeguards.

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## 423.3 FIELD INTERVIEWS

Based on observance of suspicious circumstances or upon information from investigation, an officer may initiate the stop of a person, and conduct an FI, when there is articulable, reasonable suspicion to do so. A person, however, shall not be detained longer than is reasonably necessary to resolve the officer's suspicion.

Nothing in this policy is intended to discourage consensual contacts. Frequent casual contact with consenting individuals is encouraged by the Tracy Police Department to strengthen community involvement, community awareness, and problem identification.

### 423.3.1 INITIATING A FIELD INTERVIEW

When initiating the stop, the officer should be able to point to specific facts which, when considered with the totality of the circumstances, reasonably warrant the stop. Such facts include but are not limited to an individual's:

(a) Appearance or demeanor suggesting that he/she is part of a criminal enterprise or is engaged in a criminal act

(b) Actions suggesting that he/she is engaged in a criminal activity

(c) Presence in an area at an inappropriate hour of the day or night

(d) Presence in a particular area is suspicious

(e) Carrying of suspicious objects or items

(f) Excessive clothes for the climate or clothes bulging in a manner that suggest he/she is carrying a dangerous weapon

(g) Location in proximate time and place to an alleged crime

(h) Physical description or clothing worn that matches a suspect in a recent crime

(i) Prior criminal record or involvement in criminal activity as known by the officer

## 423.4 PAT-DOWN SEARCHES

Once a valid stop has been made, and consistent with the officer's training and experience, an officer may pat a suspect's outer clothing for weapons if the officer has a reasonable, articulable suspicion the suspect may pose a safety risk. The purpose of this limited search is not to discover evidence of a crime, but to allow the officer to pursue the investigation without fear of violence. Circumstances that may establish justification for performing a pat-down search include but are not limited to:

(a) The type of crime suspected, particularly in crimes of violence where the use or threat of deadly weapons is involved.

(b) Where more than one suspect must be handled by a single officer.

(c) The hour of the day and the location or neighborhood where the stop takes place.

(d) Prior knowledge of the suspect's use of force and/or propensity to carry weapons.

(e) The actions and demeanor of the suspect.

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(f) Visual indications which suggest that the suspect is carrying a firearm or other weapon.

Whenever practicable, a pat-down search should not be conducted by a lone officer. A cover officershould be positioned to ensure safety and should not be involved in the search.

## 423.5 FIELD PHOTOGRAPHS

All available databases should be searched before photographing any field detainee. If a photograph is not located, or if an existing photograph no longer resembles the detainee, the officer shall carefully consider, among other things, the factors listed below.

### 423.5.1 FIELD PHOTOGRAPHS TAKEN WITH CONSENT

Field photographs may be taken when the subject being photographed knowingly and voluntarily gives consent. When taking a consensual photograph, the officer should have the individual read and sign the appropriate form accompanying the photograph.

### 423.5.2 FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT

Field photographs may be taken without consent only if they are taken during a detention that is based upon reasonable suspicion of criminal activity, and the photograph serves a legitimate law enforcement purpose related to the detention. The officer must be able to articulate facts that reasonably indicate that the subject was involved in or was about to become involved in criminal conduct. The subject should not be ordered to remove or lift any clothing for the purpose of taking a photograph.

If, prior to taking a photograph, the officer's reasonable suspicion of criminal activity has been dispelled, the detention must cease and the photograph should not be taken.

All field photographs and related reports shall be submitted to a supervisor and retained in compliance with this policy.

### 423.5.3 DISPOSITION OF PHOTOGRAPHS

All detainee photographs must be adequately labeled and submitted to the Watch Commander with either an associated FI card or other documentation explaining the nature of the contact. If an individual is photographed as a suspect in a particular crime, the photograph should be submitted as an evidence item in the related case, following standard evidence procedures.

If a photograph is not associated with an investigation where a case number has been issued, the Watch Commander should review and forward the photograph to one of the following locations:

(a) If the photograph and associated FI or documentation is relevant to criminal organization/enterprise enforcement, the Watch Commander will forward the photograph and documents to the designated criminal intelligence system supervisor. The supervisor will ensure the photograph and supporting documents are retained as prescribed in the Criminal Organizations Policy.

(b) Photographs that do not qualify for retention in a criminal intelligence system or temporary information file shall be forwarded to the Records Unit.

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When a photograph is taken in association with a particular case, the investigator may use such photograph in a photo lineup. Thereafter, the individual photograph should be retained as a part of the case file. All other photographs shall be retained in accordance with the established records retention schedule.

#### 423.5.4 SUPERVISOR RESPONSIBILITIES

While it is recognized that field photographs often become valuable investigative tools, supervisors should monitor such practices in view of the above listed considerations. This is not to imply that supervisor approval is required before each photograph is taken.

Access to, and use of, field photographs shall be strictly limited to law enforcement purposes.

## 423.6 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may become unavailable or the integrity of their statements compromised with the passage of time, officers should, when warranted by the seriousness of the case, take reasonable steps to promptly coordinate with an on-scene supervisor and/or criminal investigator to utilize available members for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from those who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, officers should attempt to identify the witness prior to his/her departure.

(b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by Tracy Police Department members.

1. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

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# Criminal Organizations

## 424.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Tracy Police Department appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

### 424.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal intelligence system** - Any record system that receives, stores, exchanges or disseminates information that has been evaluated and determined to be relevant to the identification of a criminal organization or enterprise, its members or affiliates. This does not include temporary information files.

## 424.2 POLICY

The Tracy Police Department recognizes that certain criminal activities, including but not limited to gang crimes and drug trafficking, often involve some degree of regular coordination and may involve a large number of participants over a broad geographical area.

It is the policy of this department to collect and share relevant information while respecting the privacy and legal rights of the public.

## 424.3 CRIMINAL INTELLIGENCE SYSTEMS

No department member may create, submit to or obtain information from a criminal intelligence system unless the Chief of Police has approved the system for department use.

Any criminal intelligence system approved for department use should meet or exceed the standards of 28 CFR 23.20.

A designated supervisor will be responsible for maintaining each criminal intelligence system that has been approved for department use. The supervisor or the authorized designee should ensure the following:

(a) Members using any such system are appropriately selected and trained.

(b) Use of every criminal intelligence system is appropriately reviewed and audited.

(c) Any system security issues are reasonably addressed.

### 424.3.1 SYSTEM ENTRIES

It is the designated supervisor’s responsibility to approve the entry of any information from a report, field interview (FI), photo or other relevant document into an authorized criminal intelligence system. If entries are made based upon information that is not on file with this department, such as open or public source documents or documents that are on file at another agency, the designated supervisor should ensure copies of those documents are retained by the Records Unit. Any supporting documentation for an entry shall be retained by the Records Unit in accordance with

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the established records retention schedule and for at least as long as the entry is maintained in the system.

The designated supervisor should ensure that any documents retained by the Records Unit are appropriately marked as intelligence information. The Records Supervisor may not purge such documents without the approval of the designated supervisor.

### 424.3.2 GANG DATABASES

The Chief of Police may approve participation by the gang unit in a shared criminal gang intelligence database, such as CALGANG®. Members must obtain the requisite training before accessing any such database (11 CCR 751.6).

It is the gang unit supervisor's responsibility to determine whether any report or FI contains information that would qualify for entry into the database. Prior to designating any person as a suspected gang member, associate, or affiliate in a shared gang database; or submitting a document to the Attorney General's office for the purpose of designating a person in a shared gang database; or otherwise identifying the person in a shared gang database, the gang unit supervisor shall provide written notice to the person and, if the person is under the age of 18, to his/her parent or guardian of the designation and the basis for the designation, unless providing that notification would compromise an active criminal investigation or compromise the health or safety of a minor. Notice shall also describe the process to contest the designation (Penal Code § 186.34).

The person, an attorney working on his/her behalf, or his/her parent or guardian (if the person is under 18 years of age) may request, in writing, information as to whether the person is designated as a suspected gang member, associate, or affiliate in a shared gang database accessible by the Department, the basis for that designation, and the name of the agency that made the designation. The Department shall respond to a valid request in writing within 30 days, and shall provide the information requested unless doing so would compromise an active investigation or compromise the health and safety of the person if he/she is under 18 years of age (Penal Code § 186.34).

The person, or his/her parent or guardian if the person is under 18 years of age, may contest the designation by submitting written documentation, which shall be reviewed by the gang unit supervisor. If it is determined that the person is not a suspected gang member, associate, or affiliate, the person shall be removed from the database. The person and the parent or guardian shall be provided written verification of the department's decision within 30 days of receipt of the written documentation contesting the designation and shall include the reason for a denial when applicable (Penal Code § 186.34).

The gang unit supervisor should forward reports or FIs to the Records Unit after appropriate database entries are made. The supervisor should clearly mark the report/FI as gang intelligence information.

It is the responsibility of the Records Unit supervisor to retain reports and FIs in compliance with the database rules and any applicable end user agreement.

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Records contained in a shared gang database shall not be disclosed for employment or military screening purposes, and shall not be disclosed for the purpose of enforcing federal immigration law unless required by state or federal statute or regulation (Penal Code § 186.36).

## 424.4 TEMPORARY INFORMATION FILE

No member may create or keep files on individuals that are separate from the approved criminal intelligence system. However, members may maintain temporary information that is necessary to actively investigate whether a person or group qualifies for entry into the department-approved criminal intelligence system only as provided in this section. Once information qualifies for inclusion, it should be submitted to the supervisor responsible for consideration of criminal intelligence system entries.

### 424.4.1 FILE CONTENTS

A temporary information file may only contain information and documents that, within one year, will have a reasonable likelihood to meet the criteria for entry into an authorized criminal intelligence system.

Information and documents contained in a temporary information file:

(a) Must only be included upon documented authorization of the responsible department supervisor.

(b) Should not be originals that would ordinarily be retained by the Records Unit or Property and Evidence Section, but should be copies of, or references to, retained documents such as copies of reports, FI forms, Dispatch records or booking forms.

(c) Shall not include opinions. No person, organization or enterprise shall be labeled as being involved in crime beyond what is already in the document or information.

(d) May include information collected from publicly available sources or references to documents on file with another government agency. Attribution identifying the source should be retained with the information.

### 424.4.2 FILE REVIEW AND PURGING

The contents of a temporary information file shall not be retained longer than one year. At the end of one year, the contents must be purged.

The designated supervisor shall periodically review the temporary information files to verify that the contents meet the criteria for retention. Validation and purging of files is the responsibility of the supervisor.

## 424.5 INFORMATION RECOGNITION

Department members should document facts that suggest an individual, organization or enterprise is involved in criminal activity and should forward that information appropriately. Examples include, but are not limited to:

(a) Gang indicia associated with a person or residence.

(b) Information related to a drug-trafficking operation.

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(c) Vandalism indicating an animus for a particular group.

(d) Information related to an illegal gambling operation.

Department supervisors who utilize an authorized criminal intelligence system should work with the Training Manager to train members to identify information that may be particularly relevant for inclusion.

## 424.6 RELEASE OF INFORMATION

Department members shall comply with the rules of an authorized criminal intelligence system regarding inquiries and release of information.

Information from a temporary information file may only be furnished to department members and other law enforcement agencies on a need-to-know basis and consistent with the Records Maintenance and Release Policy.

When an inquiry is made by the parent or guardian of a juvenile as to whether that juvenile's name is in a temporary information file, such information should be provided by the supervisor responsible for the temporary information file, unless there is good cause to believe that the release of such information might jeopardize an ongoing criminal investigation.

## 424.7 CRIMINAL STREET GANGS

The General Investigations supervisor should ensure that there are an appropriate number of department members who can:

(a) Testify as experts on matters related to criminal street gangs, and maintain an above average familiarity with:

1. Any organization, associate or group of three or more persons that meets the definition of a criminal street gang under Penal Code § 186.22(f).
2. Identification of a person as a criminal street gang member and criminal street gang-related crimes.
3. The California Street Terrorism Enforcement and Prevention Act (Penal Code § 186.21 et seq.), associated crimes and what defines a criminal street gang (Penal Code § 186.22).

(b) Coordinate with other agencies in the region regarding criminal street gang-related crimes and information.

(c) Train other members to identify gang indicia and investigate criminal street gang-related crimes.

## 424.8 TRAINING

The Training Manager should provide training on best practices in the use of each authorized criminal intelligence system to those tasked with investigating criminal organizations and enterprises. Training should include:

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(a) The protection of civil liberties.

(b) Participation in a multiagency criminal intelligence system.

(c) Submission of information into a multiagency criminal intelligence system or the receipt of information from such a system, including any governing federal and state rules and statutes.

(d) The type of information appropriate for entry into a criminal intelligence system or temporary information file.

(e) The review and purging of temporary information files.

### 424.8.1 SHARED GANG DATABASE TRAINING

The Training Manager should ensure that members who are authorized users of a shared gang database receive the required training from the California Department of Justice (DOJ) or an instructor certified by the DOJ that includes comprehensive and standardized training on the use of shared gang databases, and any other associated training required by the Department (Penal Code § 186.36; 11 CCR 751.6).

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# Patrol Sergeants

### 425.1 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 Sergeant heads each patrol team.

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# Mobile Audio/Video

## 426.1 PURPOSE AND SCOPE

The Tracy Police Department has equipped marked patrol cars with Mobile Audio/Video (MAV) recording systems to provide records of events and assist officers in the performance of their duties. This policy provides guidance on the use of these systems.

### 426.1.1 DEFINITIONS

Definitions related to this policy include:

**Activate** - Any process that causes the MAV system to transmit or store video or audio data in an active mode.

**In-car camera system and Mobile Audio/Video (MAV) system-** Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

**MAV technician** -Personnel certified or trained in the operational use and repair of MAVs, duplicating methods, storage and retrieval methods and procedures, and who have a working knowledge of video forensics and evidentiary procedures.

**Recorded media** - Audio-video signals recorded or digitally stored on a storage device or portable media.

## 426.2 POLICY

It is the policy of the Tracy Police Department to use mobile audio and video technology to more effectively fulfill the department’s mission and to ensure these systems are used securely and efficiently.

## 426.3 OFFICER RESPONSIBILITIES

Prior to going into service, each officer will properly equip him/herself to record audio and video in the field. At the end of the shift, each officer will follow the established procedures for providing to the Department any recordings or used media and any other related equipment. Each officer should have adequate recording media for the entire duty assignment. In the event an officer works at a remote location and reports in only periodically, additional recording media may be issued. Only Tracy Police Department identified and labeled media with tracking numbers is to be used.

At the start of each shift, officers should test the MAV system's operation in accordance with manufacturer specifications and department operating procedures and training.

## 426.4 ACTIVATION OF THE MAV

The MAV system is designed to turn on whenever the unit’s emergency lights are activated. The system remains on until it is turned off manually. The audio portion is independently controlled and should be activated manually by the officer whenever appropriate. When audio is being recorded, the video will also record.

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### 426.4.1 REQUIRED ACTIVATION OF MAV

This policy is not intended to describe every possible situation in which the MAV system may be used, although there are many situations where its use is appropriate. An officer may activate the system any time the officer believes it would be appropriate or valuable to document an incident.

In some circumstances it is not possible to capture images of the incident due to conditions or the location of the camera. However, the audio portion can be valuable evidence and is subject to the same activation requirements as the MAV. The MAV system should be activated in any of the following situations:

(a) All field contacts involving actual or potential criminal conduct within video or audio range:

1. Traffic stops (to include, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops)
2. Priority responses
3. Vehicle pursuits
4. Suspicious vehicles
5. Arrests
6. Vehicle searches
7. Physical or verbal confrontations or use of force
8. Pedestrian checks
9. DWI/DUI investigations including field sobriety tests
10. Consensual encounters
11. Crimes in progress
12. Responding to an in-progress call

(b) All self-initiated activity in which an officer would normally notify Dispatch

(c) Any call for service involving a crime where the recorder may aid in the apprehension and/or prosecution of a suspect:

1. Domestic violence calls
2. Disturbance of peace calls
3. Offenses involving violence or weapons

(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

(e) Any other circumstance where the officer believes that a recording of an incident would be appropriate

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### 426.4.2 CESSATION OF RECORDING

Once activated, the MAV system should remain on until the incident has concluded. For purposes of this section, conclusion of an incident has occurred when all arrests have been made, arrestees have been transported and all witnesses and victims have been interviewed. Recording may cease if an officer is simply waiting for a tow truck or a family member to arrive, or in other similar situations.

Members shall cease audio recording whenever necessary to ensure conversations are not recorded between a person in custody and the person's attorney, religious advisor or physician, unless there is explicit consent from all parties to the conversation (Penal Code § 636).

### 426.4.3 WHEN ACTIVATION IS NOT REQUIRED

Activation of the MAV system is not required when exchanging information with other officers or during breaks, lunch periods, when not in service or actively on patrol.

No member of this department may surreptitiously record a conversation of any other member of this department except with a court order or when lawfully authorized by the Chief of Police or the authorized designee for the purpose of conducting a criminal or administrative investigation.

### 426.4.4 SUPERVISOR RESPONSIBILITIES

Supervisors should determine if vehicles with non-functioning MAV systems should be placed into service. If these vehicles are placed into service, the appropriate documentation should be made, including notification of Dispatch.

At reasonable intervals, supervisors should validate that:

(a) Beginning and end-of-shift recording procedures are followed.

(b) Logs reflect the proper chain of custody, including:

1. The tracking number of the MAV system media.
2. The date it was issued.
3. The law enforcement operator or the vehicle to which it was issued.
4. The date it was submitted.
5. Law enforcement operators submitting the media.
6. Holds for evidence indication and tagging as required.

(c) The operation of MAV systems by new employees is assessed and reviewed no less than biweekly.

When an incident arises that requires the immediate retrieval of the recorded media (e.g., serious crime scenes, officer-involved shootings, department-involved collisions), a supervisor shall respond to the scene and ensure that the appropriate supervisor, MAV technician or crime scene investigator properly retrieves the recorded media. The media may need to be treated as

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evidence and should be handled in accordance with current evidence procedures for recorded media.

Supervisors may activate the MAV system remotely to monitor a developing situation, such as a chase, riot or an event that may threaten public safety, officer safety or both, when the purpose is to obtain tactical information to assist in managing the event. Supervisors shall not remotely activate the MAV system for the purpose of monitoring the conversations or actions of an officer.

### 426.5 REVIEW OF MAV RECORDINGS

All recording media, recorded images and audio recordings are the property of the Department. Dissemination outside of the agency is strictly prohibited, except to the extent permitted or required by law.

To prevent damage to, or alteration of, the original recorded media, it shall not be copied, viewed or otherwise inserted into any device not approved by the department MAV technician or forensic media staff. When reasonably possible, a copy of the original media shall be used for viewing (unless otherwise directed by the courts) to preserve the original media.

Recordings may be reviewed in any of the following situations:

(a) For use when preparing reports or statements

(b) By a supervisor investigating a specific act of officer conduct

(c) By a supervisor to assess officer performance

(d) To assess proper functioning of MAV systems

(e) By department investigators who are participating in an official investigation, such as a personnel complaint, administrative inquiry or a criminal investigation

(f) By department personnel who request to review recordings

(g) By an officer who is captured on or referenced in the video or audio data and reviews and uses such data for any purpose relating to his/her employment

(h) By court personnel through proper process or with permission of the Chief of Police or the authorized designee

(i) By the media through proper process or with permission of the Chief of Police or the authorized designee

(j) To assess possible training value

(k) Recordings may be shown for training purposes. If an involved officer objects to showing a recording, his/her objection will be submitted to the staff to determine if the training value outweighs the officer's objection

(l) In all cases the involved officer(s) shall be notified when video is reviewed unless a criminal investigation.

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Employees desiring to view any previously uploaded or archived MAV recording should submit a request in writing to the Watch Commander. Approved requests should be forwarded to the MAV technician for processing.

In no event shall any recording be used or shown for the purpose of ridiculing or embarrassing any employee.

## 426.6 DOCUMENTING MAV USE

If any incident is recorded with either the video or audio system, the existence of that recording shall be documented in the officer's report. If a citation is issued, the officer May make a notation on the back of the records copy of the citation, indicating that the incident was recorded.

## 426.7 RECORDING MEDIA STORAGE AND INTEGRITY

Once submitted for storage, all recording media will be labeled and stored in a designated secure area. All recording media that is not booked as evidence will be retained for a minimum of one year after which time it will be erased, destroyed or recycled in accordance with the established records retention schedule (Government Code § 34090.6).

### 426.7.1 COPIES OF ORIGINAL RECORDING MEDIA

Original recording media shall not be used for any purpose other than for initial review by a supervisor. Upon proper request, a copy of the original recording media will be made for use as authorized in this policy.

Original recording media may only be released in response to a court order or upon approval by the Chief of Police or the authorized designee. In the event that an original recording is released to a court, a copy shall be made and placed in storage until the original is returned.

### 426.7.2 MAV RECORDINGS AS EVIDENCE

Officers who reasonably believe that a MAV recording is likely to contain evidence relevant to a criminal offense, potential claim against the officer or against the Tracy Police Department should indicate this in an appropriate report. Officers should ensure relevant recordings are preserved.

## 426.8 SYSTEM OPERATIONAL STANDARDS

(a) MAV system vehicle installations should be based on officer safety requirements and the vehicle and device manufacturer’s recommendations.

(b) The MAV system should be configured to minimally record for 30 seconds prior to an event.

(c) The MAV system may not be configured to record audio data occurring prior to activation.

(d) Unless the transmitters being used are designed for synchronized use, only one transmitter, usually the primary initiating officer’s transmitter, should be activated at a scene to minimize interference or noise from other MAV transmitters.

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(e) Officers using digital transmitters that are synchronized to their individual MAV shall activate both audio and video recordings when responding in a support capacity. This is to obtain additional perspectives of the incident scene.

(f) With the exception of law enforcement radios or other emergency equipment, other electronic devices should not be used inside MAV-equipped law enforcement vehicles to minimize the possibility of causing electronic or noise interference with the MAV system.

(g) Officers shall not erase, alter, reuse, modify or tamper with MAV recordings. Only a supervisor, MAV technician or other authorized designee may erase and reissue previous recordings and may only do so pursuant to the provisions of this policy.

(h) To prevent damage, original recordings shall not be viewed on any equipment other than the equipment issued or authorized by the MAV technician.

## 426.9 MAV TECHNICIAN RESPONSIBILITIES

The MAV technician is responsible for:

(a) Ordering, issuing, retrieving, storing, erasing and duplicating of all recorded media.

(b) Collecting all completed media for oversight and verification of wireless downloaded media. Once collected, the MAV technician:

1. Ensures it is stored in a secure location with authorized controlled access.
2. Makes the appropriate entries in the chain of custody log.

(c) Erasing of media:

1. Pursuant to a court order.
2. In accordance with established records retention policies, including reissuing all other media deemed to be of no evidentiary value.

(d) Assigning all media an identification number prior to issuance to the field:

1. Maintaining a record of issued media.

(e) Ensuring that an adequate supply of recording media is available.

(f) Managing the long-term storage of media that has been deemed to be of evidentiary value in accordance with the department evidence storage protocols and the records retention schedule.

## 426.10 TRAINING

All members who are authorized to use the MAV system shall receive training in it's use.

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# Mobile Digital Computer Use

## 427.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper access, use, and application of the Mobile Digital Computer (MDC) system in order to ensure appropriate access to confidential records from local, state, and national law enforcement databases, and to ensure effective electronic communications between department members and Dispatch. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

## 427.2 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

## 427.3 POLICY

Tracy Police Department employees using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

## 427.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use, Protected Information, and CJIS Access, Maintenance, and Security policies.

Members shall not access the MDC system if they have not received prior authorization and the required training. Members shall immediately report unauthorized access or use of the MDC by another member to their supervisors or Watch Commanders.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks, or communications that are directly related to the business, administration, or practices of the Department. In the event that a member has questions about sending a particular message or accessing a particular database, the member should seek prior approval from their supervisor.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the MDC system is prohibited and may result in discipline.

It is a violation of this policy to transmit a message or access a law enforcement database under another member's name or to use the password of another member to log in to the MDC system unless directed to do so by a supervisor. Members are required to log off the MDC or secure the MDC when it is unattended. This added security measure will minimize the potential for unauthorized access or misuse.

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### 427.4.1 USE WHILE DRIVING

Use of the MDC by the vehicle operator should be limited to times when the vehicle is stopped. Information that is required for immediate enforcement, investigative, tactical or safety needs should be transmitted over the radio.

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.

## 427.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by the Watch Commander or other department-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the police radio and electronically via the MDC unless security or confidentiality prevents such broadcasting.

MDC and voice transmissions are used to document the member's daily activity. To ensure accuracy:

(a) All contacts or activity shall be documented at the time of the contact.

(b) Whenever the activity or contact is initiated by voice, it should be documented by a dispatcher.

(c) Whenever the activity or contact is not initiated by voice, the member shall document it via the MDC.

### 427.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the police radio or through the MDC system.

Members responding to in-progress calls should advise changes in status over the radio to assist other members responding to the same incident. Other changes in status can be made on the MDC when the vehicle is not in motion.

### 427.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available officer should respond in accordance with the Officer Response to Calls Policy.

Members should ensure a field supervisor and the Watch Commander are notified of the incident without delay.

Officers not responding to the emergency shall refrain from transmitting on the police radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

## 427.6 EQUIPMENT CONSIDERATIONS

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### 427.6.1 MALFUNCTIONING MDC

Whenever possible, employees will not use vehicles with malfunctioning MDCs. Whenever employees must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the police radio.

### 427.6.2 BOMB CALLS

When investigating reports of possible bombs, employees should not communicate on their MDCs when in the evacuation area of a suspected explosive device. Radio frequency emitted by the MDC could cause some devices to detonate.

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# BODY-WORN CAMERAS

## 428.1 PURPOSE AND SCOPE

This policy is intended to provide officers with instructions on when and how to use body-worn cameras (BWCs) so that officers may reliably record their contacts with the public. The use of the audio and video recordings is to provide documentary evidence for criminal investigations, internal or administrative investigations and to defend the City against potential civil liability. The ultimate purpose of the BWCs is to help Officers protect and serve the community.

Officers shall utilize BWCs in accordance with the provisions in this policy to maximize the effectiveness of the audio/video documentation to achieve operational objectives and to ensure evidence integrity. All recordings are the property of the Tracy Police Department and are considered part of an Officer's Police Report.

## 428.2 RECORDING

Officers who are assigned BWCs are required to wear them when on duty and shall activate them whenever involved in a law enforcement investigatory activity, such as, but not limited to the following:

- Arrests
- Citizen Complaints
- Videotaping for evidentiary purposes
- Pedestrian Stops
- Calls for Service
- Traffic Collisions
- Traffic Stops
- Use of Force
- Critical Incidents
- Adversarial Interaction
- Interviews of victims or witnesses of sexual assault, or parents of child abuse during the field investigation. If extraordinary circumstances prevent the recording of the interview the officer shall document in the report the reason for not recording the interview.

Officers assigned to the General and Special Investigations Units are only required to wear BWCs when serving a search warrant, conducting a probation search or when working patrol.

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### 428.3 PROCEDURE

BWCs will be issued to officers upon completion of approved training. The Training Coordinator will be responsible for providing BWC training. Officers issued a BWC will be responsible for the following:

- Officers shall inspect the BWC for any physical damage and to ensure the device is in working order at the beginning of the shift. Any problems with the BWC will be reported to their supervisor and the system administrator as soon as possible;
- The BWC shall be worn at all times the officer may become involved in an enforcement situation;
- The BWC shall be activated prior to all investigative contacts (i.e. pedestrian and vehicle stops, consensual encounters, calls for service, on-view events) or any contact that turns adversarial;
- Officers shall ensure the BWC is activated prior to arriving at the location of a call for service. If the officer is unable to do so, the reason shall be documented in the report or if no report is completed added to the Computer Aided Dispatch notes or on the back of the citation.
- Once activated officers shall continue to record with both video and audio until the completion of the event, or they have left the scene and are no longer involved in the event; officer shall not mute the audio feature on their BWC. Transportation of prisoners and citizens shall be recorded in its entirety or custody is transferred to another LE agency. This policy does provide situations where the recording can be terminated prior to the completion of the event. If the recording is terminated prior to the event's completion or leaving the scene, the reason shall be documented in the report.
- Officers shall announce prior to entering a private residence that they are wearing and using a BWC when it does not jeopardize officer safety and/or the investigation. If a person objects to the use of a BWC inside of a private residence, the officer has the discretion to turn off the camera and document this in their report or if no report is completed added to the CAD notes.
- Informal community interactions differ from "consensual encounters." Officers interact with citizens for a variety of reasons, including improving community relations, answering questions, providing assistance or conducting welfare checks. Some of the interactions include determining whether there is a reasonable suspicion to detain or probable cause for arrest. To strengthen relationships between police and citizens, officers may use discretion regarding the recording of informal, non-enforcement related interactions with members of the community. However, in the event a public encounter becomes adversarial, the officers shall activate their BWC without compromising their safety or the safety of others.
- The BWCs may not be used by an investigator to surreptitiously record employees during an administrative investigation (without the express consent of the Chief of Police or his designee).

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### 428.4 PROHIBITED RECORDINGS

- Officers are prohibited from utilizing BWCs for personal use.
- Recordings shall not be used for the purpose of ridiculing or embarrassing any employee.
- The BWC shall not be used in locker rooms, restrooms or any other place where there would be a reasonable expectation of privacy unless in the course of a criminal investigation.
- BWC should not be activated in a hospital unless a statement is being taken or a situation at the hospital becomes confrontational. The BWC should be turned off when it is practical to do so.Officers should try to avoid recording any exposed private areas of the body.
- Officers should avoid recording undercover officers or confidential informants, absent a supervisor's approval.
- No type of recording device may be intentionally activated to record the conversations of fellow employees or superiors without their knowledge.

### 428.5 REVIEW AND USE OF RECORDINGS

- All video/audio recordings made while working as an employee of the Tracy Police Department in any capacity are property of the Department and subject to review by the Department and its agents.
- Officers should review recordings to assist with their investigation, prior to the completion of their report. Recorded statements shall be summarized and documented within the narrative of the applicable report. Only official Department devices should be used to review recordings.
- Once uploaded to the evidence storage medium, personnel may view their own recordings by logging into the system and documenting the reason for access in the "NOTES" section prior to viewing any data. Access to videos uploaded in the evidence storage medium is controlled by the system administrator. An audit trail of individuals accessing, viewing or downloading videos will automatically be generated by the system and is accessible by logging into the evidence storage medium.
- BWC recordings will be administratively reviewed and may be used during investigations related to use of force, officer-involved shootings, complaints and pursuits. When recordings are administratively reviewed, use of profanity by officers will be considered within the overall context of the incident. However, officers remain prohibited from engaging in discourteous, disrespectful or discriminatory treatment of the public per Policy 320 - Standards of Conduct.
- While actively recording, the BWC (AB3) has the ability to provide the BWC's location via GPS and can be remotely monitored. The primary purpose of the GPS function is for the enhancement of employee safety. Any administrative use of this function will be at the direction of the Chief of Police.

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- The system administrator will conduct periodic, random audits to ensure the BWC system is operating properly and the camera is being utilized in accordance with this procedure.

### 428.6 PROHIBITED USE OF RECORDINGS

Employees shall not obtain or convert any recordings obtained during the course and scope of their duties for personal use. The following are specifically prohibited:

- Personal copies of official recordings;
- Re-recording of videos with personal devices;
- Posting of official video and/or audio to any non-Department sponsored social networking or other website;
- Posting of BWCs on any Department sponsored site without express permission from the Chief of Police or his designee; any video posted on a Department sponsored social media or other website will thereafter be considered public information.

### 428.7 REQUEST FOR DELETION OF ACCIDENTAL BWC RECORDING

In the event of an accidental or sensitive personal recording using the BWC, where the resulting recording is of no investigative or evidentiary value, the recording employee may request that the file be deleted by submitting a "Request for Deletion" form to their supervisor who will forward the request to the Watch Commander. The Watch Commander will review the request and the recording to confirm what is to be deleted. If the recording is of an unclothed person it shall be reviewed by someone of the same gender. The Watch Commander will then forward the form to the Chief's Office through the chain of command. The Chief of Police or his designee will approve/deny the request. If approved, the form will be forwarded to the system administrator to delete the recording. If the request is denied, the form will be returned to the officer with an explanation as to why it was denied. The approved "Request for Deletion" forms will be retained by the Department as a formal record for two years.

### 428.8 RESPONSIBILITIES

The System Administrator(s) is designated by the Chief of Police and has oversight responsibilities to include, but is not limited to, the following:

(a) System Administrator
    (a) Operation and user administration of the system
    (b) System evaluation
    (c) Training
    (d) Policy and procedure review
    (e) Coordination with IT regarding system related issues
    (f) Ensure BWC recordings of evidentiary value are secure and retained per this policy

(b) Supervisor

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(a) Supervisors shall ensure officers utilize the BWC according to policy guidelines.

(b) Supervisors shall ensure recordings related to critical incidents are uploaded to the evidence storage medium and properly categorized by the officers.

(c) Supervisors may have the ability to immediately resolve citizen complaints by reviewing video captured by the BWC with the complainant during the investigation of the complaint. In those circumstances where a complaint is resolved with no further action needed, supervisors shall add an additional category of citizen complaint to the video/audio and make appropriate notes in the notes section of the recordings database. This will allow Professional Standards personnel to capture the incidents that are resolved by this camera system.

(d) 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.

(e) Supervisors may, with the officers involved permission, use a video/audio for the purposes of training. The Chief of Police can also give permission for a video to be used for training.

(c) Personnel utilizing the BWC shall be responsible for the following:

(a) Ensuring the battery on the controller and in the DVR is fully charged daily and operating properly

(b) Immediately reporting unresolved equipment malfunctions and/or problems to their supervisor

(c) Position the camera on their uniform to facilitate optimum recording field of view

(d) Monitoring system effectiveness and making recommendations for operational improvement and policy revision

(e) Once video/audio of evidentiary value is captured officers shall identify the BWC files by:

(a) Noting the TPD case number in the Case ID Field;

(b) Entering a title.The title should include sufficient information to identify the file, such as crime code, suspect name, location, event, etc.; and

(c) Selecting the appropriate category(s) set forth in Section 450.9).

- Note:Officers shall continue to prepare reports in the same manner as prior to the implementation of the BWC system. Officers should not substitute "refer to video and audio" for a detailed and thorough report. Officers should avoid using exact quotes, but should represent statements in their reports as a summary of what is contained in the statement/video, such as, "In summary the victim related". Occasionally, an exact quote is needed as proof of the crime and in these cases the officer should utilize the recording to ensure the accuracy of the quote documented in his report.

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(f) At the end of their shift, the officers shall place their BWC into the designated docking station for charging and uploading of recordings. Officers should not remove the camera and related equipment from the docking station until the video/audio files are completely uploaded and the battery is fully charged unless there is an emergency.

## 428.9 CATEGORY AND RETENTION

Employees utilizing the BWC shall identify each video/audio by category. Videos/audios in which a case number or FI number have been issued, shall have that number listed in the ID section in the following format. Case numbers listed as: two digit year followed by a five digit case number (example 15-12345). FI numbers listed as: FI prefix followed by two digit year and issued number (example FI15-123). Incident numbers do not need to be entered.

(a) Categories Retention Duration
    (a) Uncategorized Until manually deleted
    (b) 293 PC or Confidential Cases 20 Years
    (c) Animal Control 2 Years
    (d) Citizen Complaints 2 Years
    (e) Critical Incidents Until manually deleted
    (f) Felony 20 Years
    (g) Field Interview 5 Years
    (h) Misdemeanor 10 Years
    (i) No Evidentiary Value 2 Years
    (j) Officer Injury Until manually deleted
    (k) Pending Review Until manually deleted
    (l) Restricted Access – Admin Only Until manually deleted
    (m) Retain Indefinitely Until manually deleted
    (n) Traffic 5 Years
    (o) Training 2 Years
    (p) Use of Force Until manually deleted
    (q) 5150 10 Years

## 428.10 MEDIA/PUBLIC RECORDS ACT REQUESTS

BWC recordings are considered part of a police officer's investigation report and are exempt from disclosure under the California Public Records Act. The primary purpose of recordings is to assist the Department in attaining the highest degree of accuracy in memorializing law enforcement activities in order to protect and serve the community.As set forth in the City's Public Records Act Policy, video recordings will not be released to the public (or media), except in

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unusual circumstances where the public's safety and/or best interest is clearly served by public dissemination of a recording.

The Chief of Police will make all reasonable/lawful efforts to preserve the privacy of community members and the employees of the Tracy Police Department.

### 428.11 COORDINATOR

The Chief of Police or the authorized designee shall appoint a member of the Department to coordinate the use and maintenance of portable video/audio recording devices and the storage of recordings, including (Penal Code § 832.18):

(a) Establishing a system for downloading, storing and security of recordings.

(b) Designating persons responsible for downloading recorded data.

(c) Establishing a maintenance system to ensure availability of operable portable audio/video recording devices.

(d) Establishing a system for tagging and categorizing data according to the type of incident captured.

(e) Establishing a system to prevent tampering, deleting and copying recordings and ensure chain of custody integrity.

(f) Working with counsel to ensure an appropriate retention schedule is being applied to recordings and associated documentation.

(g) Maintaining logs of access and deletions of recordings.

### 428.12 RETENTION OF RECORDINGS

Recordings of the following should be retained for a minimum of two years (Penal Code § 832.18):

(a) Incidents involving use of force by an officer

(b) Officer-involved shootings

(c) Incidents that lead to the detention or arrest of an individual

(d) Recordings relevant to a formal or informal complaint against an officer or the Tracy Police Department

Recordings containing evidence that may be relevant to a criminal prosecution should be retained for any additional period required by law for other evidence relevant to a criminal prosecution (Penal Code § 832.18).

All other recordings should be retained for a period consistent with the requirements of the organization’s records retention schedule but in no event for a period less than 180 days.

Records or logs of access and deletion of recordings should be retained permanently (Penal Code § 832.18).

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### 428.12.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

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# Medical Marijuana

## 429.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this department with guidelines for investigating the acquisition, possession, transportation, delivery, production or use of marijuana under California's medical marijuana laws.

### 429.1.1 DEFINITIONS

Definitions related to this policy include:

**Cardholder** - A person issued a current identification card.

**Compassionate Use Act (CUA)** (Health and Safety Code § 11362.5) - California law intended to provide protection from prosecution to those who are seriously ill and whose health would benefit from the use of marijuana in the treatment of illness for which marijuana provides relief. The CUA does not grant immunity from arrest but rather provides an affirmative defense from prosecution for possession of medical marijuana.

**Identification card** - A valid document issued by the California Department of Public Health to both persons authorized to engage in the medical use of marijuana and also to designated primary caregivers.

**Medical marijuana** - Marijuana possessed by a patient or primary caregiver for legitimate medical purposes.

**Medical Marijuana Program (MMP)** (Health and Safety Code § 11362.7 et seq.) - California laws passed following the CUA to facilitate the prompt identification of patients and their designated primary caregivers in order to avoid unnecessary arrests and provide needed guidance to law enforcement officers. MMP prohibits arrest for possession of medical marijuana in certain circumstances and provides a defense in others.

**Patient** - A person who is entitled to the protections of the CUA because he/she has received a written or oral recommendation or approval from a physician to use marijuana for medical purposes or any person issued a valid identification card.

**Primary caregiver** - A person designated by the patient, who has consistently assumed responsibility for the patient's housing, health or safety, who may assist the patient with the medical use of marijuana under the CUA or the MMP (Health and Safety Code § 11362.5; Health and Safety Code § 11362.7).

**Statutory amount** - No more than 8 ounces of dried, mature, processed female marijuana flowers ("bud") or the plant conversion (e.g., kief, hash, hash oil), and no more than six mature or 12 immature marijuana plants (roots, stems and stem fibers should not be considered) (Health and Safety Code § 11362.77).

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## 429.2 POLICY

It is the policy of the Tracy Police Department to prioritize resources to forgo making arrests related to marijuana that the arresting officer reasonably believes would not be prosecuted by state or federal authorities.

California's medical marijuana laws are intended to provide protection to those who are seriously ill and whose health would benefit from the use of medical marijuana.

However, California medical marijuana laws do not affect federal laws and there is no medical exception under federal law for the possession or distribution of marijuana. The Tracy Police Department will exercise discretion to ensure laws are appropriately enforced without unreasonably burdening both those individuals protected under California law and public resources.

## 429.3 INVESTIGATION

Investigations involving the possession, delivery, production or use of marijuana generally fall into one of several categories:

(a) Investigations when no person makes a medicinal claim.

(b) Investigations when a medicinal claim is made by a cardholder.

(c) Investigations when a medicinal claim is made by a non-cardholder.

### 429.3.1 INVESTIGATIONS WITH NO MEDICINAL CLAIM

In any investigation involving the possession, delivery, production or use of marijuana or drug paraphernalia where no person claims that the marijuana is used for medicinal purposes, the officer should proceed with a criminal investigation if the amount is greater than permitted for personal use under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1; Health and Safety Code § 11362.2). A medicinal defense may be raised at any time, so officers should document any statements and observations that may be relevant to whether the marijuana was possessed or produced for medicinal purposes.

### 429.3.2 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A CARDHOLDER

A cardholder or designated primary caregiver in possession of an identification card shall not be arrested for possession, transportation, delivery or cultivation of medical marijuana at or below the statutory amount unless there is probable cause to believe that (Health and Safety Code § 11362.71; Health and Safety Code § 11362.78):

(a) The information contained in the card is false or falsified.

(b) The card has been obtained or used by means of fraud.

(c) The person is otherwise in violation of the provisions of the MMP.

(d) The person possesses marijuana but not for personal medical purposes.

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Officers who reasonably believe that a person who does not have an identification card in his/her possession has been issued an identification card may treat the investigation as if the person had the card in his/her possession.

Cardholders may possess, transport, deliver or cultivate medical marijuana in amounts above the statutory amount if their doctor has concluded that the statutory amount does not meet the patient's medical needs (Health and Safety Code § 11362.71; Health and Safety Code § 11362.77). Investigations involving cardholders with more than the statutory amount of marijuana should be addressed as provided in this policy for a case involving a medicinal claim made by a non-cardholder.

### 429.3.3 INVESTIGATIONS INVOLVING A MEDICINAL CLAIM MADE BY A NON-CARDHOLDER

No patient or primary caregiver should be arrested for possession or cultivation of an amount of medical marijuana if the officer reasonably believes that marijuana is in a form and amount reasonably related to the qualified patient's current medical needs (Health and Safety Code § 11362.5). This arrest guidance also applies to sales, transportation or delivery of medical marijuana, or maintaining/renting a drug house or building that may be a nuisance if otherwise in compliance with MMP (Health and Safety Code § 11362.765).

Officers are not obligated to accept a person's claim of having a physician's recommendation when the claim cannot be readily verified with the physician but are expected to use their judgment to assess the validity of the person's medical-use claim.

Officers should review any available written documentation for validity and whether it contains the recommending physician's name, telephone number, address and medical license number for verification.

Officers should generally accept verified recommendations by a physician that statutory amounts do not meet the patient's needs (Health and Safety Code § 11362.77).

### 429.3.4 ADDITIONAL CONSIDERATIONS

Officers should consider the following when investigating an incident involving marijuana possession, delivery, production, or use:

(a) Because enforcement of medical marijuana laws can be complex, time consuming, and call for resources unavailable at the time of initial investigation, officers may consider submitting a report to the prosecutor for review, in lieu of making an arrest. This can be particularly appropriate when:

1. The suspect has been identified and can be easily located at a later time.
2. The case would benefit from review by a person with expertise in medical marijuana investigations.
3. Sufficient evidence, such as photographs or samples, has been lawfully obtained.

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4. Other relevant factors, such as available department resources and time constraints prohibit making an immediate arrest.

(b) Whenever the initial investigation reveals an amount of marijuana greater than the statutory amount, officers should consider the following when determining whether the form and amount is reasonably related to the patient's needs:

1. The amount of marijuana recommended by a medical professional to be ingested.
2. The quality of the marijuana.
3. The method of ingestion (e.g., smoking, eating, nebulizer).
4. The timing of the possession in relation to a harvest (patient may be storing marijuana).
5. Whether the marijuana is being cultivated indoors or outdoors.

(c) Before proceeding with enforcement related to collective gardens or dispensaries, officers should consider conferring with a supervisor, an applicable state regulatory agency or other member with special knowledge in this area, and/or appropriate legal counsel (Business and Professions Code § 26010; Business and Professions Code § 26060). Licensing, zoning, and other related issues can be complex. Patients, primary caregivers, and cardholders who collectively or cooperatively cultivate marijuana for medical purposes may be licensed or may have a defense in certain circumstances (Business and Professions Code § 26032; Business and Professions Code § 26033).

(d) Investigating members should not order a patient to destroy marijuana plants under threat of arrest.

### 429.3.5 EXCEPTIONS

This policy does not apply to, and officers should consider taking enforcement action for the following:

(a) Persons who engage in illegal conduct that endangers others, such as driving under the influence of marijuana in violation of the Vehicle Code (Health and Safety Code § 11362.5).

(b) Marijuana possession in jails or other correctional facilities that prohibit such possession (Health and Safety Code § 11362.785).

(c) Smoking marijuana (Health and Safety Code § 11362.79):

1. In any place where smoking is prohibited by law.
2. In or within 1,000 feet of the grounds of a school, recreation center or youth center, unless the medical use occurs within a residence.
3. On a school bus.
4. While in a motor vehicle that is being operated.
5. While operating a boat.

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(d) Use of marijuana by a person on probation or parole, or on bail and use is prohibited by the terms of release (Health and Safety Code § 11362.795).

429.3.6 INVESTIGATIONS INVOLVING A STATE LICENSEE

No person issued a state license under the Business and Professions Code shall be arrested or cited for cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution or sale of medical cannabis or a medical cannabis product related to qualifying patients and primary caregivers when conducted lawfully. Whether conduct is lawful may involve questions of license classifications, local ordinances, specific requirements of the Business and Professions Code and adopted regulations. Officers should consider conferring with a supervisor, the applicable state agency or other member with special knowledge in this area and/or appropriate legal counsel before taking enforcement action against a licensee or an employee or agent (Business and Professions Code § 26032).

## 429.4 FEDERAL LAW ENFORCEMENT

Officers should provide information regarding a marijuana investigation to federal law enforcement authorities when it is requested by federal law enforcement authorities or whenever the officer believes those authorities would have a particular interest in the information.

## 429.5 PROPERTY AND EVIDENCE SECTION SUPERVISOR RESPONSIBILITIES

The Property and Evidence Section supervisor should ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not destroyed pending any charges and without a court order. The Property and Evidence Section supervisor is not responsible for caring for live marijuana plants.

Upon the prosecutor's decision to forgo prosecution, or the dismissal of charges or an acquittal, the Property and Evidence Section supervisor should, as soon as practicable, return to the person from whom it was seized any useable medical marijuana, plants, drug paraphernalia or other related property.

The Property and Evidence Section supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the General Investigations supervisor.

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# Bicycle Patrol Unit

## 430.1 PURPOSE AND SCOPE

The Tracy Police Department has established the Bicycle Patrol Unit (BPU) as a collateral duty 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.

## 430.2 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 Watch Commander or the Field Operations Division Commander.

## 430.3 SELECTION OF PERSONNEL

Interested sworn personnel, who are off probation, shall submit a change of assignment request to their appropriate Division Commander. A copy will be forwarded to the BPU supervisor. Qualified applicants will then be invited to an oral interview. The oral board will consist of the BPU supervisor and second person to be selected by the BPU supervisor. A list of approved applicants will be forwarded to the Chief of Police for final consideration. 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.

(e) Applicants shall have no ratings below standard on their current evaluation.

### 430.3.1 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.

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.

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(d) Evaluating performance of bicycle officers.

(e) Coordinating activities with the Patrol Division.

(f) Other activities as required to maintain the efficient operation of the Bicycle Patrol Unit.

### 430.4 TRAINING

Participants in the program must complete an initial Department approved bicycle-training course after acceptance into the program. Thereafter bicycle patrol officers should receive twice yearly in-service training to improve skills and refresh safety, health and operational procedures. The initial training shall minimally include the following:

- Bicycle patrol strategies.
- Bicycle safety and accident prevention.
- 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.

### 430.5 UNIFORMS AND EQUIPMENT

Officers shall wear the department-approved uniform and safety equipment while operating the department bicycle. Safety equipment includes department-approved helmet, riding gloves, protective eyewear and approved footwear.

The bicycle patrol unit uniform consists of the standard short-sleeve uniform shirt or other department-approved shirt with department badge and patches, and department-approved bicycle patrol pants or shorts.

Optional equipment includes a radio head set and microphone, and jackets in colder weather. Turtleneck shirts 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.

### 430.6 CARE AND USE OF PATROL BICYCLES

Officers will be assigned a specially marked and equipped patrol bicycle, attached gear bag, two batteries and a charger.

Bicycles utilized for uniformed bicycle patrol shall be primarily black or white in with a "POLICE" decal affixed to each side of the crossbar or the bike's 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).

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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 blue 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.

### 430.7 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.

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# Foot Pursuits

## 431.1 PURPOSE AND SCOPE

This policy provides guidelines to assist officers in making the decision to initiate or continue the pursuit of suspects on foot.

### 431.1.1 POLICY

It is the policy of this department when deciding to initiate or continue a foot pursuit that officers must continuously balance the objective of apprehending the suspect with the risk and potential for injury to department personnel, the public or the suspect.

Officers are expected to act reasonably, based on the totality of the circumstances. Absent exigent circumstances, the safety of department personnel and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department personnel.

## 431.2 DECISION TO PURSUE

The safety of department members and the public should be the primary consideration when determining whether a foot pursuit should be initiated or continued. Officers must be mindful that immediate apprehension of a suspect is rarely more important than the safety of the public and department members.

Officers may be justified in initiating a foot pursuit of any individual the officer reasonably believes is about to engage in, is engaging in or has engaged in criminal activity. The decision to initiate or continue such a foot pursuit, however, must be continuously re-evaluated in light of the circumstances presented at the time.

Mere flight by a person who is not suspected of criminal activity shall not serve as justification for engaging in an extended foot pursuit without the development of reasonable suspicion regarding the individual’s involvement in criminal activity or being wanted by law enforcement.

Deciding to initiate or continue a foot pursuit is a decision that an officer must make quickly and under unpredictable and dynamic circumstances. It is recognized that foot pursuits may place department members and the public at significant risk. Therefore, no officer or supervisor shall be criticized or disciplined for deciding not to engage in a foot pursuit because of the perceived risk involved.

If circumstances permit, surveillance and containment are generally the safest tactics for apprehending fleeing persons. In deciding whether to initiate or continue a foot pursuit, an officer should continuously consider reasonable alternatives to a foot pursuit based upon the circumstances and resources available, such as:

(a) Containment of the area.

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(b) Saturation of the area with law enforcement personnel, including assistance from other agencies.

(c) A canine search.

(d) Thermal imaging or other sensing technology.

(e) Air support.

(f) Apprehension at another time when the identity of the suspect is known or there is information available that would likely allow for later apprehension, and the need to immediately apprehend the suspect does not reasonably appear to outweigh the risk of continuing the foot pursuit.

## 431.3 GENERAL GUIDELINES

When reasonably practicable, officers should consider alternatives to engaging in or continuing a foot pursuit when:

(a) Directed by a supervisor to terminate the foot pursuit; such an order shall be considered mandatory

(b) The officer is acting alone.

(c) Two or more officers become separated, lose visual contact with one another, or obstacles separate them to the degree that they cannot immediately assist each other should a confrontation take place. In such circumstances, it is generally recommended that a single officer keep the suspect in sight from a safe distance and coordinate the containment effort.

(d) The officer is unsure of his/her location and direction of travel.

(e) The officer is pursuing multiple suspects and it is not reasonable to believe that the officer would be able to control the suspect should a confrontation occur.

(f) The physical condition of the officer renders him/her incapable of controlling the suspect if apprehended.

(g) The officer loses radio contact with the dispatcher or with assisting or backup officers.

(h) The suspect enters a building, structure, confined space, isolated area or dense or difficult terrain, and there are insufficient officers to provide backup and containment. The primary officer should consider discontinuing the foot pursuit and coordinating containment pending the arrival of sufficient resources.

(i) The officer becomes aware of unanticipated or unforeseen circumstances that unreasonably increase the risk to officers or the public.

(j) The officer reasonably believes that the danger to the pursuing officers or public outweighs the objective of immediate apprehension.

(k) The officer loses possession of his/her firearm or other essential equipment.

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(l) The officer or a third party is injured during the pursuit, requiring immediate assistance, and there are no other emergency personnel available to render assistance.

(m) The suspect's location is no longer definitely known.

(n) The identity of the suspect is established or other information exists that will allow for the suspect's apprehension at a later time, and it reasonably appears that there is no immediate threat to department members or the public if the suspect is not immediately apprehended.

(o) The officer's ability to safely continue the pursuit is impaired by inclement weather, darkness or other environmental conditions.

## 431.4 RESPONSIBILITIES IN FOOT PURSUITS

### 431.4.1 INITIATING OFFICER RESPONSIBILITIES

Unless relieved by another officer or a supervisor, the initiating officer shall be responsible for coordinating the progress of the pursuit. When acting alone and when practicable, the initiating officer should not attempt to overtake and confront the suspect but should attempt to keep the suspect in sight until sufficient officers are present to safely apprehend the suspect.

Early communication of available information from the involved officers is essential so that adequate resources can be coordinated and deployed to bring a foot pursuit to a safe conclusion. Officers initiating a foot pursuit should, at a minimum, broadcast the following information as soon as it becomes practicable and available:

(a) Location and direction of travel

(b) Call sign identifier

(c) Reason for the foot pursuit, such as the crime classification

(d) Number of suspects and description, to include name if known

(e) Whether the suspect is known or believed to be armed with a dangerous weapon

Officers should be mindful that radio transmissions made while running may be difficult to understand and may need to be repeated.

Absent extenuating circumstances, any officer unable to promptly and effectively broadcast this information should terminate the foot pursuit. If the foot pursuit is discontinued for any reason, immediate efforts for containment should be established and alternatives considered based upon the circumstances and available resources.

When a foot pursuit terminates, the officer will notify the dispatcher of his/her location and the status of the pursuit termination (e.g., suspect in custody, lost sight of suspect), and will direct further actions as reasonably appear necessary, to include requesting medical aid as needed for officers, suspects or members of the public.

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### 431.4.2 ASSISTING OFFICER RESPONSIBILITIES

Whenever any officer announces that he/she is engaged in a foot pursuit, all other officers should minimize non-essential radio traffic to permit the involved officers maximum access to the radio frequency.

### 431.4.3 SUPERVISOR RESPONSIBILITIES

Upon becoming aware of a foot pursuit, the supervisor shall make every reasonable effort to ascertain sufficient information to direct responding resources and to take command, control and coordination of the foot pursuit. The supervisor should respond to the area whenever possible; the supervisor does not, however, need not be physically present to exercise control over the foot pursuit. The supervisor shall continuously assess the situation in order to ensure the foot pursuit is conducted within established department guidelines.

The supervisor shall terminate the foot pursuit when the danger to pursuing officers or the public appears to unreasonably outweigh the objective of immediate apprehension of the suspect.

Upon apprehension of the suspect, the supervisor shall promptly proceed to the termination point to direct the post-foot pursuit activity.

### 431.4.4 DISPATCH RESPONSIBILITIES

Upon notification or becoming aware that a foot pursuit is in progress, the dispatcher is responsible for:

(a) Clearing the radio channel of non-emergency traffic.

(b) Coordinating pursuit communications of the involved officers.

(c) Broadcasting pursuit updates as well as other pertinent information as necessary.

(d) Ensuring that a field supervisor is notified of the foot pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Watch Commander as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

## 431.5 REPORTING REQUIREMENTS

The initiating officer shall complete appropriate crime/arrest reports documenting, at minimum:

(a) Date and time of the foot pursuit.

(b) Initial reason and circumstances surrounding the foot pursuit.

(c) Course and approximate distance of the foot pursuit.

(d) Alleged offenses.

(e) Involved vehicles and officers.

(f) Whether a suspect was apprehended as well as the means and methods used.

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1. Any use of force shall be reported and documented in compliance with the Use of Force Policy.

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(j) Name of the supervisor at the scene or who handled the incident.

Assisting officers taking an active role in the apprehension of the suspect shall complete supplemental reports as necessary or as directed.

The supervisor reviewing the report will make a preliminary determination that the pursuit appears to be in compliance with this policy or that additional review and/or follow-up is warranted.

In any case in which a suspect is not apprehended and there is insufficient information to support further investigation, a supervisor may authorize that the initiating officer need not complete a formal report.

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# Homeless Persons

## 432.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that personnel understand the needs and rights of the homeless and to establish procedures to guide officers during all contacts with the homeless, whether consensual or for enforcement purposes. The Tracy Police Department recognizes that members of the homeless community are often in need of special protection and services. The Tracy Police Department will address these needs in balance with the overall mission of this department. Therefore, officers will consider the following when serving the homeless community.

### 432.1.1 POLICY

It is the policy of the Tracy 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.

## 432.2 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 present during any clean-up operation conducted by this department involving the removal of personal property of the homeless to ensure that the rights of the homeless are not violated.

(f) Develop training to assist officers in understanding current legal and social issues relating to the homeless.

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## 432.3 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.

### 432.3.1 OTHER CONSIDERATIONS

Homeless members of the community will receive the same level and quality of service provided to other members of the community. The fact that a victim or witness is homeless can, however, require special considerations for a successful investigation and prosecution. Officers should consider the following when handling investigations involving homeless victims, witnesses or suspects:

(a) Document alternate contact information. This may include obtaining addresses and phone numbers of relatives and friends.

(b) Document places the homeless person may frequent.

(c) Provide homeless victims with victim/witness resources when appropriate.

(d) Obtain statements from all available witnesses in the event that a homeless victim is unavailable for a court appearance.

(e) Consider whether the person may be a dependent adult or elder, and if so, proceed in accordance with the Senior and Disability Victimization Policy.

(f) Arrange for transportation for investigation-related matters, such as medical exams and court appearances.

(g) Consider whether a crime should be reported and submitted for prosecution, even when a homeless victim indicates that he/she does not desire prosecution.

## 432.4 PERSONAL PROPERTY

The personal property of homeless persons must not be treated differently than the property of other members of the public. Officers should use reasonable care when handling, collecting and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested or otherwise removed from a public place, officers should make reasonable accommodations to permit the person to lawfully secure his/her personal property. Otherwise, the personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the officer, a supervisor should be consulted. The property should be photographed and measures should be

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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 appears to belong to a homeless person should not remove or destroy such property and should inform the department Homeless Liaison Officer if such property appears to involve a trespass, blight to the community or is the subject of a complaint. It will be the responsibility of the Homeless Liaison Officer to address the matter in a timely fashion.

## 432.5 MENTAL ILLNESS AND MENTAL IMPAIRMENT

Some homeless persons may suffer from a mental illness or a mental impairment. Officers shall not detain a homeless person under a mental illness commitment unless facts and circumstances warrant such a detention (see the Crisis Intervention Incidents Policy).

When a mental illness hold is not warranted, the contacting officer should provide the homeless person with contact information for mental health assistance as appropriate. In these circumstances, officers may provide transportation to a mental health specialist if requested by the person and approved by a supervisor.

## 432.6 ECOLOGICAL ISSUES

Sometimes homeless encampments can impact the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Officers are encouraged to notify other appropriate agencies or departments when a significant impact to the environment has or is likely to occur. Significant impacts to the environment may warrant a crime report, investigation, supporting photographs and supervisor notification.

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# RESTORATIVE POLICING

## 433.1 RESTORATIVE POLICING/HABITUAL TRANSIENT

### 433.1.1 PURPOSE AND SCOPE

The Tracy Police Department's Community Restorative 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.

### 433.1.2 PROCESS

The Community Restorative Policing Program is comprised of two components; the Neighborhood Resource Officer(s) and the Forensic Multi-Disciplinary Team.

### 433.1.3 NEIGHBORHOOD RESOURCE OFFICERS

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 Neighborhood Resource Officer(s) receives and collects information submitted by either Field or Special Operations Division personnel. The Neighborhood Resource Officer(s) evaluates the information, based on pre-determined criteria and forwards it to the appropriate agencies and resources for possible action. The Neighborhood Resource Officer(s) will also work in collaboration with agencies to organize and implement strategic low-level interventions with these individuals.

### 433.1.4 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 Neighborhood Resource Officer(s) and a representative from the San Joaquin County Mental Health Services. It may further include representatives from law enforcement, Probation, District Attorney's Office, Public Defender's Office, Adult Protective

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Services, other public and private care Providers, and other recognized homeless outreach programs that serve the mentally ill in the community.

### 433.1.5 PROCEDURE

Tracy 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 request AMR for transport of subject to STCH.

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 Tracy Police Department Neighborhood Resource Officer(s).

The Neighborhood Resource Officer(s) 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 investigation, a referral to an outside service provider (mentioned above), and/or prosecution for the criminal activity.

### 433.1.6 CRITERIA FOR REFERRALS

To the Neighborhood Resource Officer(s): Employees of the Tracy 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 Neighborhood Resource Officer(s). The Neighborhood Resource Officer(s) 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 Neighborhood Resource Officer(s):

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.

### 433.1.7 FUNCTION SUPERVISON 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.

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*RESTORATIVE POLICING*

### 433.1.8 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.

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# Public Recording of Law Enforcement Activity

## 435.1 PURPOSE AND SCOPE

This policy provides guidelines for handling situations in which members of the public photograph or audio/video record law enforcement actions and other public activities that involve members of this department. In addition, this policy provides guidelines for situations where the recordings may be evidence.

## 435.2 POLICY

The Tracy Police Department recognizes the right of persons to lawfully record members of this department who are performing their official duties. Members of this department will not prohibit or intentionally interfere with such lawful recordings. Any recordings that are deemed to be evidence of a crime or relevant to an investigation will only be collected or seized lawfully.

Officers should exercise restraint and should not resort to highly discretionary arrests for offenses such as interference, failure to comply or disorderly conduct as a means of preventing someone from exercising the right to record members performing their official duties.

## 435.3 RECORDING LAW ENFORCEMENT ACTIVITY

Members of the public who wish to record law enforcement activities are limited only in certain aspects.

(a) Recordings may be made from any public place or any private property where the individual has the legal right to be present (Penal Code § 69; Penal Code § 148).

(b) Beyond the act of photographing or recording, individuals may not interfere with the law enforcement activity. Examples of interference include, but are not limited to:

1. Tampering with a witness or suspect.
2. Inciting others to violate the law.
3. Being so close to the activity as to present a clear safety hazard to the officers.
4. Being so close to the activity as to interfere with an officer’s effective communication with a suspect or witness.

(c) The individual may not present an undue safety risk to the officers, him/herself or others.

## 435.4 OFFICER RESPONSE

Officers should promptly request that a supervisor respond to the scene whenever it appears that anyone recording activities may be interfering with an investigation or it is believed that the recording may be evidence. If practicable, officers should wait for the supervisor to arrive before taking enforcement action or seizing any cameras or recording media.

Whenever practicable, officers or supervisors should give clear and concise warnings to individuals who are conducting themselves in a manner that would cause their recording or behavior to be unlawful. Accompanying the warnings should be clear directions on what an

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individual can do to be compliant; directions should be specific enough to allow compliance. For example, rather than directing an individual to clear the area, an officer could advise the person that he/she may continue observing and recording from the sidewalk across the street.

If an arrest or other significant enforcement activity is taken as the result of a recording that interferes with law enforcement activity, officers shall document in a report the nature and extent of the interference or other unlawful behavior and the warnings that were issued.

### 435.5 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene when requested or any time the circumstances indicate a likelihood of interference or other unlawful behavior.

The supervisor should review the situation with the officer and:

(a) Request any additional assistance as needed to ensure a safe environment.

(b) Take a lead role in communicating with individuals who are observing or recording regarding any appropriate limitations on their location or behavior. When practical, the encounter should be recorded.

(c) When practicable, allow adequate time for individuals to respond to requests for a change of location or behavior.

(d) Ensure that any enforcement, seizure or other actions are consistent with this policy and constitutional and state law.

(e) Explain alternatives for individuals who wish to express concern about the conduct of Department members, such as how and where to file a complaint.

### 435.6 SEIZING RECORDINGS AS EVIDENCE

Officers should not seize recording devices or media unless (42 USC § 2000aa):

(a) There is probable cause to believe the person recording has committed or is committing a crime to which the recording relates, and the recording is reasonably necessary for prosecution of the person.

1. Absent exigency or consent, a warrant should be sought before seizing or viewing such recordings. Reasonable steps may be taken to prevent erasure of the recording.

(b) There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

(c) The person consents.

1. To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

2. If the original recording is provided, a copy of the recording should be provided to the recording party, if practicable. The recording party should be permitted to be present while the copy is being made, if feasible. Another way to obtain the evidence is to transmit a copy of the recording from a device to a department-owned device.

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Recording devices and media that are seized will be submitted within the guidelines of the Property and Evidence Policy.

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# First Amendment Assemblies

## 436.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

## 436.2 POLICY

The Tracy Police Department respects the rights of people to peaceably assemble. It is the policy of this department not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

## 436.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, and loitering. However, officers shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors officers may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Officers should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless an officer is placing a person under lawful arrest.

Supervisors should continually observe department members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

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### 436.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating department performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious, or social views of associations, or the activities of any individual, group, association, organization, corporation, business, or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

## 436.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding officer should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

## 436.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

### 436.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

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- The potential time, duration, scope, and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

### 436.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with City government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

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(t) Parameters for the use of body-worn cameras and other portable recording devices.

436.5.3 MUTUAL AID AND EXTERNAL RESOURCES

The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated (see the Outside Agency Assistance Policy).

## 436.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

**Dispersal Order Example**: "I am (peace officer's name and rank), a peace officer for the City of Tracy Police Department. I hereby declare this to be an unlawful assembly, and in the name of the People of the State of California, command all those assembled at (specific location) to immediately disperse, which means to break up this assembly. If you do not do so, you may be arrested or subject to other police action. Other police action could include the use of force*which may inflict significant pain or result in serious injury. Penal Code section 409 prohibits remaining present at an unlawful assembly. If you remain in the area just described, regardless of your purpose, you will be in violation of Penal Code section 409. The following routes of dispersal are available (routes). You have (reasonable amount of time) minutes to disperse."

## 436.7 USE OF FORCE

Use of force is governed by current department policy and applicable law (see the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies).

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Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and conducted energy devices should be considered only when the participants' conduct reasonably appears to present the potential to harm officers, themselves or others, or will result in substantial property loss or damage (see the Control Devices and Techniques and the Conducted Energy Device policies).

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

## 436.8 USE OF KINETIC ENERGY PROJECTILES AND CHEMICAL AGENTS FOR CROWD CONTROL

Kinetic energy projectiles and chemical agents for crowd control purposes shall only be deployed by officers who have received POST training for crowd control if the use is objectively reasonable to defend against a threat to life or serious bodily injury to any individual, including an officer, or to bring an objectively dangerous and unlawful situation safely and effectively under control and in accordance with the following requirements of Penal Code § 13652.

(a) De-escalation techniques or other alternatives to force have been attempted, when objectively reasonable, and have failed.

(b) Repeated, audible announcements are made announcing the intent to use kinetic energy projectiles and chemical agents and the type to be used, when objectively reasonable to do so. The announcements shall be made from various locations, if necessary, and delivered in multiple languages, if appropriate.

(c) Individuals are given an objectively reasonable opportunity to disperse and leave the scene.

(d) An objectively reasonable effort has been made to identify individuals engaged in violent acts and those who are not, and kinetic energy projectiles or chemical agents are targeted toward those individuals engaged in violent acts. Projectiles shall not be aimed indiscriminately into a crowd or group of individuals.

(e) Kinetic energy projectiles and chemical agents are used only with the frequency, intensity, and in a manner that is proportional to the threat and objectively reasonable.

(f) Officers shall minimize the possible incidental impact of their use of kinetic energy projectiles and chemical agents on bystanders, medical personnel, journalists, or other unintended targets.

(g) An objectively reasonable effort has been made to extract individuals in distress.

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(h) Medical assistance is promptly provided, if properly trained personnel are present, or procured, for injured persons, when it is reasonable and safe to do so.

(i) Kinetic energy projectiles shall not be aimed at the head, neck, or any other vital organs.

(j) Kinetic energy projectiles or chemical agents shall not be used solely due to any of the following:

1. A violation of an imposed curfew.
2. A verbal threat.
3. Noncompliance with a law enforcement directive.

(k) If the chemical agent to be deployed is tear gas, only an Incident Commander at the scene of the assembly, protest, or demonstration may authorize its use.

436.8.1 USE SUMMARY

The Field Operations Bureau Commander or the authorized designee should ensure that a summary of each deployment of kinetic energy projectiles or chemical agents for crowd control purposes is prepared and published on the department website within 60 days of each incident. The time frame may be extended for another 30 days where just cause is demonstrated, but no longer than 90 days from the time of the incident. The summary shall be limited to the information known to the Department at the time of the report and include the information required in Penal Code § 13652.1.

## 436.9 TRAINING

Department members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management (Penal Code § 13514.5). The Department should, when practicable, train with its external and mutual aid partners.

Officers should also receive periodic training on the standards for the use of kinetic energy projectiles and chemical agents for crowd control purposes as identified in Penal Code § 13652.

## 436.10 ARRESTS

The Tracy Police Department should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of officers and arrestees.

(b) Dedicated arrest, booking and report writing teams.

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(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts (see the Cite and Release Policy).

## 436.11 MEDIA RELATIONS

The Public Information Officer should use all available avenues of communication, including press releases, briefings, press conferences, and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event (see the Media Relations Policy).

### 436.11.1 MEDIA ACCESS

If officers close the immediate area surrounding any emergency field command post or any other command post, or establish a police line, or rolling closure at a demonstration, march, protest, or rally where individuals are engaged in a protected activity pursuant to the First Amendment, officers shall comply with the requirements of Penal Code § 409.7 relating to media access (i.e., access to closed areas, obtaining information) (Penal Code § 409.7).

## 436.12 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

## 436.13 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, Dispatch records/tapes

(g) Media accounts (print and broadcast media)

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### 436.13.1 AFTER-ACTION REPORTING

The Incident Commander should work with City legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

## 436.14 ANTI-REPRODUCTIVE RIGHTS CALLS

Officer response to public assemblies or demonstrations relating to anti-reproductive rights should be consistent with this policy (Penal Code § 13778.1).

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# Civil Disputes

## 437.1 PURPOSE AND SCOPE

This policy provides members of the Tracy Police Department with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing any potential for violence or criminal acts.

The Domestic Violence Policy will address specific legal mandates related to domestic violence court orders. References in this policy to “court orders” apply to any order of a court that does not require arrest or enforcement by the terms of the order or by California law.

## 437.2 POLICY

The Tracy Police Department recognizes that a law enforcement presence at a civil dispute can play an important role in the peace and safety of the community. Subject to available resources, members of this department will assist at the scene of civil disputes with the primary goal of safeguarding persons and property, preventing criminal activity and maintaining the peace. When handling civil disputes, members will remain impartial, maintain a calm presence, give consideration to all sides and refrain from giving legal or inappropriate advice.

## 437.3 GENERAL CONSIDERATIONS

When appropriate, Officers handling a civil dispute should encourage the involved parties to seek the assistance of resolution services or take the matter to the civil courts. Officers must not become personally involved in disputes and shall at all times remain impartial.

While not intended to be an exhaustive list, Officers should give considerations to the following when handling civil disputes:

(a) Civil disputes tend to be confrontational and Officers should be alert that they can escalate to violence very quickly. De-escalation techniques should be used when appropriate.

(b) Officers should not dismiss alleged or observed criminal violations as a civil matter and should initiate the appropriate investigation and report when criminal activity is apparent.

(c) Officers shall not provide legal advice, however, when appropriate, Officers should inform the parties when they are at risk of violating criminal laws.

(d) Officers are reminded that they shall not enter a residence or other non-public location without legal authority including valid consent.

(e) Officers should not take an unreasonable amount of time assisting in these matters and generally should contact a supervisor if it appears that peacekeeping efforts longer than 30 minutes are warranted.

## 437.4 COURT ORDERS

Disputes involving court orders can be complex. Where no mandate exists for an officer to make an arrest for a violation of a court order, the matter should be addressed by documenting any

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apparent court order violation in a report. This report can be made on-line if the circumstances meet the on-line reporting criteria.

If a person appears to be violating the terms of a court order but is disputing the validity of the order or its applicability, the investigating officer should document the following:

(a) The person's knowledge of the court order or whether proof of service exists.

(b) Any specific reason or rationale the involved person offers for not complying with the terms of the order.

A copy of the court order should be attached to the report when available. The report should be forwarded to the appropriate prosecutor. The report should also be forwarded to the court issuing the order with a notice that the report was also forwarded to the prosecutor for review.

#### 437.4.1 STANDBY REQUESTS

Officer responding to a call for standby assistance to retrieve property should meet the person requesting assistance at a neutral location to discuss the process. The person should be advised that items that are disputed will not be allowed to be removed. The member may advise the person to seek private legal advice as to the distribution of disputed property.

Officers should accompany the person to the location of the property. Officers should ask if the other party will allow removal of the property or whether the other party would remove the property. Officers shall not violate existing, valid court orders by escorting people seeking property, to a location or person from which they are restrained.

If the other party is uncooperative, the person requesting standby assistance should be instructed to seek private legal advice and obtain a court order to obtain the items. Officers should not order the other party to allow entry or the removal of any items. If there is a restraining or similar order against the person requesting standby assistance, that person should be asked to leave the scene or they may be subject to arrest for violation of the order.

If the other party is not present at the location, the member will not allow entry into the location or the removal of property from the location.

### 437.5 VEHICLES AND PERSONAL PROPERTY

Officers may be faced with disputes regarding possession or ownership of vehicles or other personal property. Officers may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, officers should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

### 437.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

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# Medical Aid and Response

## 438.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons in need of medical aid and establishes a law enforcement response to such situations.

## 438.2 POLICY

It is the policy of the Tracy Police Department that all officers and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

## 438.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR, use of an automated external defibrillator (AED)) in accordance with their training and current certification levels. This should be done for those in need of immediate care and only when the member can safely do so.

Prior to initiating medical aid, the member should contact Dispatch and request response by Emergency Medical Services (EMS) as the member deems appropriate.

Members should follow universal precautions when providing medical aid, such as wearing gloves and avoiding contact with bodily fluids, consistent with the Communicable Diseases Policy. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

(a) The location where EMS is needed.

(b) The nature of the incident.

(c) Any known scene hazards.

(d) Information on the person in need of EMS, such as:

    1. Signs and symptoms as observed by the member.
    2. Changes in apparent condition.
    3. Number of patients, sex, and age, if known.
    4. Whether the person is conscious, breathing, and alert, or is believed to have consumed drugs or alcohol.
    5. Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

Members should stabilize the scene whenever practicable while awaiting the arrival of EMS.

Members should not direct EMS personnel whether to transport the person for treatment.

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### 438.4 TRANSPORTING ILL AND INJURED PERSONS

Except in extraordinary cases where alternatives are not reasonably available, members should not transport persons who are unconscious, who have serious injuries or who may be seriously ill. EMS personnel should be called to handle patient transportation.

Officers should search any person who is in custody before releasing that person to EMS for transport.

An officer should accompany any person in custody during transport in an ambulance when requested by EMS personnel, when it reasonably appears necessary to provide security, when it is necessary for investigative purposes or when so directed by a supervisor.

Members should not provide emergency escort for medical transport or civilian vehicles.

### 438.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, an officer shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where mental illness may be a factor, the officer should consider proceeding with a 72-hour treatment and evaluation commitment (5150 commitment) process in accordance with the Mental Illness Commitments Policy.

If an officer believes that a person who is in custody requires EMS care and the person refuses, he/she should encourage the person to receive medical treatment. The officer may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person who is in custody still refuses, the officer will require the person to be transported to the nearest medical facility. In such cases, the officer should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

### 438.6 MEDICAL ATTENTION RELATED TO USE OF FORCE

Specific guidelines for medical attention for injuries sustained from a use of force may be found in the Use of Force, Handcuffing and Restraints, Control Devices and Techniques, and Conducted Energy Device policies.

### 438.7 AIR AMBULANCE

Generally, when on-scene, EMS personnel will be responsible for determining whether an air ambulance response should be requested. An air ambulance may be appropriate when there are victims with life-threatening injuries or who require specialized treatment (e.g., gunshot wounds, burns, obstetrical cases), and distance or other known delays will affect the EMS response.

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## 438.8 AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE

A member may use an AED only after receiving appropriate training from an approved public safety first aid and CPR course (22 CCR 100014; 22 CCR 100017; 22 CCR 100018).

### 438.8.1 AED USER RESPONSIBILITY

Members who are issued AEDs for use in department vehicles should check the AED at the beginning of the shift to ensure it is properly charged and functioning. Any AED that is not functioning properly will be taken out of service and given to the Training Manager who is responsible for ensuring appropriate maintenance.

Following use of an AED, the device shall be cleaned and/or decontaminated as required. The electrodes and/or pads will be replaced as recommended by the AED manufacturer.

Any member who uses an AED should contact Dispatch as soon as possible and request response by EMS.

### 438.8.2 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

### 438.8.3 AED TRAINING AND MAINTENANCE

The Training Manager should ensure appropriate training and refresher training is provided to members authorized to use an AED. A list of authorized members and training records shall be made available for inspection by the local EMS agency (LEMSA) or EMS authority upon request (22 CCR 100021; 22 CCR 100022; 22 CCR 100029).

The Training Manager is responsible for ensuring AED devices are appropriately maintained and will retain records of all maintenance in accordance with the established records retention schedule (22 CCR 100021).

## 438.9 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION (NALOXONE/NARCAN)

438.9 ADMINISTRATION OF OPIOD OVERDOSE MEDICATION (Naloxone/Narcan)

### 438.9.1 SUMMARY

Naloxone (Narcan) to person(s) suspected of experiencing opioid-related overdose. It is the policy of the Tracy Police Department that employees who administer Naloxone shall be properly trained in its use and deployment according to the law and guidelines in this procedure. In 2014, Senate Bill 1438 tasked the California Emergency Medical Services Authority with adopting training and standards for all pre-hospital emergency medical care personnel, including peace officers, with the use and administration of Naloxone Hydrochloride to treat opioid overdoses to reduce fatalities. Peace officers who administer Naloxone are protected from civil and criminal liability if they “act with reasonable care and in good faith” (California Health and Safety Code 1797.197 and Civil Code 1714.22). Naloxone is now in the Public Safety First Responder optional scope of practice under the California Code of Regulations, Title 22, Division 9 Pre-hospital Emergency Medical Services, Chapter 1.5 First Aid and CPR Standards and Training for Public Safety Personnel, specifically section 100019(f).

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438.9.2 DEFINITIONS

1. Opioid: A medication or drug that is derived from the opium poppy or that mimics the effect of an opiate. Opiate drugs are narcotic sedatives that depress activity in the central nervous system; these will reduce pain, induce sleep and in overdose will cause people to stop breathing. First responders often encounter opiates in the form of Morphine, Methadone, Codeine, Heroin, Fentanyl, Oxycodone and Hydrocodone.

2. Naloxone: Prescription medications that can be used to reverse depressed breathing and improve alertness. Specifically, it displaces opiates from the receptors in the brain that control the central nervous system and respiratory system. It is marketed under various trademarks, including Narcan.

438.9.3 ADMINISTRATION OF OPIOID OVERDOSE MEDICATION

Members may administer opioid overdose medication in accordance with protocol specified by the licensed health care provider who prescribed the overdose medication for use by the member and (Civil Code § 1714.22; 22 CCR 100019):

(a) When trained and tested to demonstrate competence following initial instruction.
(b) When authorized by the medical director of the LEMSA.
(c) In accordance with California Peace Officer Standards and Training (POST) standards.

438.9.4 OPIOID OVERDOSE MEDICATION USER RESPONSIBILITIES

Members who are qualified to administer opioid overdose medication, such as Naloxone, shall handle, store and administer the medication consistent with their training. Members should check the medication at the beginning of their shift to ensure they are serviceable and not expired. Any expired medication should be removed from service and given to the Administrative Sergeant.
Any member who administers an opioid overdose medication shall contact the Communications Center as soon as possible and request response by EMS.

438.9.5 OPIOID OVERDOSE MEDICATION REPORTING

Any member administering opioid overdose medication shall detail its use in a documented report and complete the Narcan Use Form.When Naloxone is administered on an individual, officers will collaborate with paramedics to ensure the OCFA Patient Care Report (PCR) documents that Naloxone was administered including the number of doses administered. Additionally, an officer who applies Naloxone shall notify a supervisor and document the details of the application on an Information Report including a description of any evidence of drug use (narcotics, drug paraphernalia, etc.) observed at the scene and witness statements. The supervisor shall document deployment on the Dispatch Log. The supervisor will forward the original Narcan Use Form to the Administrative Sergeant.

438.9.6 OPIOID OVERDOSE MEDICATION TRAINING
The Department Training Manager should ensure initial and refresher training is provided to members authorized to administer opioid overdose medication. Training should be coordinated

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with the local health department and comply with the requirements in 22 CCR 100019 and any applicable POST standards (Civil Code § 1714.22).

### 438.10 SICK OR INJURED ARRESTEE

If an arrestee appears ill or injured, or claims illness or injury, he/she should be medically cleared prior to booking. If the officer has reason to believe the arrestee is feigning injury or illness, the officer should contact a supervisor, who will determine whether medical clearance will be obtained prior to booking.

If the jail or detention facility refuses to accept custody of an arrestee based on medical screening, the officer should note the name of the facility person refusing to accept custody and the reason for refusal, and should notify a supervisor to determine the appropriate action.

Arrestees who appear to have a serious medical issue should be transported by ambulance. Officers shall not transport an arrestee to a hospital without a supervisor's approval.

Nothing in this section should delay an officer from requesting EMS when an arrestee reasonably appears to be exhibiting symptoms that appear to be life threatening, including breathing problems or an altered level of consciousness, or is claiming an illness or injury that reasonably warrants an EMS response in accordance with the officer's training.

### 438.11 FIRST AID TRAINING

The Training Manager should ensure officers receive initial first aid training within one year of employment and refresher training every two years thereafter (22 CCR 100016; 22 CCR 100022).

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# Automated License Plate Readers (ALPRs)

## 439.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for the capture, storage and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology.

## 439.2 POLICY

The policy of the Tracy Police Department is to utilize ALPR technology to capture and store digital license plate data and images while recognizing the established privacy rights of the public.

All data and images gathered by the ALPR are for the official use of this department. Because such data may contain confidential information, it is not open to public review.

## 439.3 ADMINISTRATION

The ALPR technology, also known as License Plate Recognition (LPR), allows for the automated detection of license plates. It is used by the Tracy Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying stolen or wanted vehicles, stolen license plates and missing persons. It may also be used to assist officers in a criminal investigation.

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access, shall be managed by the Bureau of Special Operations Commander. The Bureau of Special Operations Commander will assign members under his/her command to administer the day-to-day operation of the ALPR equipment and data.

### 439.3.1 ALPR ADMINISTRATOR

The Bureau of Special Operations Commander shall be responsible for developing guidelines and procedures to comply with the requirements of Civil Code § 1798.90.5 et seq. This includes, but is not limited to (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) A description of the job title or other designation of the members and independent contractors who are authorized to use or access the ALPR system or to collect ALPR information.

(b) Training requirements for authorized users.

(c) A description of how the ALPR system will be monitored to ensure the security of the information and compliance with applicable privacy laws.

(d) Procedures for system operators to maintain records of access in compliance with Civil Code § 1798.90.52.

(e) The title and name of the current designee in overseeing the ALPR operation.

(f) Working with the Bureau of Support Services Manager on the retention and destruction of ALPR data.

(g) Ensuring this policy and related procedures are conspicuously posted on the department's website.

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### 439.4 OPERATIONS

Use of an ALPR is restricted to the purposes outlined below. Department members shall not use, or allow others to use the equipment or database records for any unauthorized purpose (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

(a) An ALPR shall only be used for official law enforcement business.

(b) An ALPR may be used in conjunction with any routine patrol operation or criminal investigation. Reasonable suspicion or probable cause is not required before using an ALPR.

(c) While an ALPR may be used to canvass license plates around any crime scene, particular consideration should be given to using ALPR-equipped cars to canvass areas around homicides, shootings and other major incidents. Partial license plates reported during major crimes should be entered into the ALPR system in an attempt to identify suspect vehicles.

(d) No member of this department shall operate ALPR equipment or access ALPR data without first completing department-approved training.

(e) No ALPR operator may access department, state or federal data unless otherwise authorized to do so.

(f) If practicable, the officer should verify an ALPR response through the California Law Enforcement Telecommunications System (CLETS) before taking enforcement action that is based solely on an ALPR alert.

### 439.5 DATA COLLECTION AND RETENTION

The Bureau of Special Operations Commander is responsible for ensuring systems and processes are in place for the proper collection and retention of ALPR data. Data will be transferred from vehicles to the designated storage in accordance with department procedures.

All ALPR data downloaded to the server should be stored for a maximum of 30 days. Thereafter, ALPR data should be purged unless it has become, or it is reasonable to believe it will become, evidence in a criminal or civil action or is subject to a discovery request or other lawful action to produce records. In those circumstances, the applicable data should be downloaded from the server onto portable media and booked into evidence.

### 439.6 ACCOUNTABILITY

All data will be closely safeguarded and protected by both procedural and technological means. The Tracy Police Department will observe the following safeguards regarding access to and use of stored data (Civil Code § 1798.90.51; Civil Code § 1798.90.53):

(a) All ALPR data downloaded to the mobile workstation and in storage shall be accessible only through a login/password-protected system capable of documenting all access of information by name, date and time (Civil Code § 1798.90.52).

(b) Members approved to access ALPR data under these guidelines are permitted to access the data for legitimate law enforcement purposes only, such as when the data relate to a specific criminal investigation or administrative action.

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(c) ALPR data may be shared only with verified public law enforcement or prosecutorial agencies for official law enforcement purposes, and only after a formal Data Sharing Agreement is executed that ensures compliance with all applicable laws, including California Civil Code § 1798.90.5 et seq. and the California Values Act. Each agreement must require periodic audits by the requesting agency to monitor data security and legal compliance.

(d) ALPR system audits should be conducted on a monthly basis by the Bureau of Special Operations Commander or his/her designee. Monthly audits conducted by the designated administrator shall be stored in a secure, accessible location. Each audit will review search dates, reasons for searches, and identification numbers to verify compliance with privacy laws and departmental policy. Audit results for the past 30 days will be made publicly available through the department's transparency portal, and the audit scope will include verification of the legitimacy of search reasons and detection of unauthorized use.

For security or data breaches, see the Records Release and Maintenance Policy.

## 439.7 RELEASING ALPR DATA

The ALPR data may be shared only with public agencies and only as otherwise permitted by law (Civil Code § 1798.90.55).

For purposes of this section, a public agency is limited to California state or local agencies, including law enforcement agencies, and does not include out-of-state or federal law enforcement agencies (Civil Code § 1798.90.5).

The following procedures are guidelines for ALPR requests:

(a) The agency makes a written request for the ALPR data that includes:

1. The name of the agency.
2. The name of the person requesting.
3. The intended purpose of obtaining the information.

(b) The request is reviewed by the Bureau of Support Services Bureau Commander or the authorized designee and approved before the request is fulfilled.

(c) The approved request is retained on file.

Requests for ALPR data by non-California public agencies will be processed as provided in the Records Maintenance and Release Policy (Civil Code § 1798.90.55).

## 439.8 TRAINING

The Training Manager should ensure that members receive department-approved training for those authorized to use or access the ALPR system (Civil Code § 1798.90.51; Civil Code § 1798.90.53).

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# Crisis Intervention Incidents

## 440.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires an officer to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

### 440.1.1 DEFINITIONS

Definitions related to this policy include:

**Person in crisis** - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental illness despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

## 440.2 POLICY

The Tracy Police Department is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Department will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

## 440.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental illness

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

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### 440.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Chief of Police should designate an appropriate Bureau Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources, to guide department interaction with those who may be suffering from mental illness or who appear to be in a mental health crisis.

### 440.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to officers; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit an officer's authority to use reasonable force when interacting with a person in crisis.

Officers are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

An officer responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup officers and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

    1. Prior to making contact, and whenever possible and reasonable, conduct a search of the Department of Justice Automated Firearms System via the California Law Enforcement Telecommunications System (CLETS) to determine whether the person is the registered owner of a firearm (Penal Code § 11106.4).

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction, as perceived by the officer.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

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### 440.6 DE-ESCALATION

Officers should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding officers generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

### 440.7 INCIDENT ORIENTATION

When responding to an incident that may involve mental illness or a mental health crisis, the officer should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous police response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

### 440.8 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to the scene of any interaction with a person in crisis. Responding supervisors should:

(a) Attempt to secure appropriate and sufficient resources.

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(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care (see the Handcuffing and Restraints Policy).

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) Conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Bureau Commander.

Evaluate whether a critical incident stress management debriefing for involved members is warranted.

## 440.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to department reporting procedures or other official mental health or medical proceedings.

### 440.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the Mental Illness Commitments Policy.

## 440.10 PROFESSIONAL STAFF INTERACTION WITH PEOPLE IN CRISIS

Professional Staff members may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and animal control issues.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person's behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, an officer should be promptly summoned to provide assistance.

## 440.11 EVALUATION

The Bureau Commander designated to coordinate the crisis intervention strategy for this department should ensure that a thorough review and analysis of the department response to

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these incidents is conducted annually. The report will not include identifying information pertaining to any involved individuals, officers or incidents and will be submitted to the Chief of Police through the chain of command.

### 440.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Department will develop and provide comprehensive education and training to all department members to enable them to effectively interact with persons in crisis.

This department will endeavor to provide Peace Officer Standards and Training (POST)-approved advanced officer training on interaction with mentally disabled persons, welfare checks and crisis intervention (Penal Code § 11106.4; Penal Code § 13515.25; Penal Code § 13515.27; Penal Code § 13515.30).

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# Suspicious Activity Reporting

## 441.1 PURPOSE AND SCOPE

This policy provides guidelines for reporting and investigating suspicious and criminal activity.

### 441.1.1 DEFINITIONS

Definitions related to this policy include:

**Involved party** - An individual who has been observed engaging in suspicious activity, as defined in this policy, when no definitive criminal activity can be identified, thus precluding the person's identification as a suspect.

**Suspicious activity** - Any reported or observed activity that a member reasonably believes may have a nexus to any criminal act or attempted criminal act, or to foreign or domestic terrorism. Race, ethnicity, national origin or religious affiliation should not be considered as factors that create suspicion (although these factors may be used as specific suspect descriptions). Examples of suspicious activity may include, but are not limited to:

- Suspected pre-operational surveillance or intelligence gathering (e.g., photographing security features, asking questions about sensitive security-related subjects).
- Tests of security measures and response to incidents (e.g., "dry run," creating false alarms, attempts to enter secure areas without authorization).
- Suspicious purchases (e.g., purchasing large quantities of otherwise legal items, such as fertilizer, that could be used to create an explosive or other dangerous device).
- An individual in possession of such things as a hoax explosive or dispersal device, sensitive materials (e.g., passwords, access codes, classified government information), or coded or ciphered literature or correspondence.
- Prowling as defined by California Penal Code Section 647(h) - Prowler or Penal Code Section 647(i) - Peeping.

**Suspicious Activity Report (SAR)** - An incident report used to document suspicious activity. The officer shall write the report as "Documentation Only" report within Mark 43 and request a copy be forwarded by Records to the appropriate units such as Investigations, Crime Analysis, Special Investigations, or Terrorism Liaison Officer(s).

## 441.2 POLICY

The Tracy Police Department recognizes the need to protect the public from criminal conduct and acts of terrorism and shall lawfully collect, maintain and disseminate information regarding suspicious activities, while safeguarding civil liberties and privacy protections.

## 441.3 RESPONSIBILITIES

The Investigation Bureau Commander and authorized designees will manage SAR activities. Authorized designees should include supervisors who are responsible for department participation in criminal intelligence systems as outlined in the Criminal Organizations Policy.

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The responsibilities of the Investigation Bureau Commander include, but are not limited to:

(a) Remaining familiar with those databases available to the Department that would facilitate the purpose of this policy.

(b) Maintaining adequate training in the area of intelligence gathering to ensure no information is being maintained that would violate the law or civil rights of any individual.

(c) Ensuring a process is available that would allow members to report relevant information. The process should be designed to promote efficient and quick reporting, and should not be cumbersome, duplicative or complicated.

(d) Ensuring that members are made aware of the purpose and value of documenting information regarding suspicious activity, as well as the databases and other information resources that are available to the Department.

(e) Ensuring that SAR information is appropriately disseminated to members in accordance with their job responsibilities.

(f) Coordinating investigative follow-up, if appropriate.

(g) Coordinating with any appropriate agency or fusion center.

(h) Ensuring that, as resources are available, the Department conducts outreach that is designed to encourage members of the community to report suspicious activity and that outlines what they should look for and how they should report it (e.g., website, public service announcements).

## 441.4 REPORTING AND INVESTIGATION

Any department member receiving information regarding suspicious activity shall take any necessary immediate and appropriate action, including a request for tactical response or immediate notification of specialized entities, when applicable. Any professional staff member who receives such information shall ensure that it is passed on to an officer in a timely manner.

If the suspicious activity is not directly related to a reportable crime, the member shall prepare a SAR and include information about involved parties and the circumstances of the incident. If, during any investigation, an officer becomes aware of suspicious activity that is unrelated to the current investigation, the information should be documented separately in a SAR and not included in the original incident report. The report number of the original incident should be included in the SAR as a cross reference. A SAR should be processed as any other incident report.

## 441.5 HANDLING INFORMATION

The Records Unit will forward copies of SARs as appropriate, in a timely manner, to the following:

- General Investigations supervisor
- Crime Analysis Unit
- Terrorism Liaison Officer(s)
- Other authorized designees

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# Chapter 5 - Traffic Operations

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# Traffic Function and Responsibility

## 500.1 PURPOSE AND SCOPE

The ultimate goal of traffic law enforcement is to reduce traffic collisions. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, and traffic conditions. This department provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations, but also in terms of traffic-related needs.

## 500.2 TRAFFIC OFFICER DEPLOYMENT

Several factors are considered in the development of deployment schedules for officers of the Tracy Police Department. Information provided by the California Statewide Integrated Traffic Reporting System (SWITRS) is a valuable resource for traffic accident occurrences and therefore officer deployment. Some of the factors for analysis include:

- Location
- Time
- Day
- Violation factors

All officers assigned to patrol or traffic enforcement functions will emphasize enforcement of accident causing violations during high accident hours and at locations of occurrence. All officers will take directed enforcement action on request, and random enforcement action when appropriate against violators as a matter of routine. All officers shall maintain high visibility while working general enforcement, especially at high accident locations.

Other factors to be considered for deployment are requests from the public, construction zones or special events.

## 500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This department does not establish ticket quotas and the number of arrests or citations issued by any officer shall not be used as the sole criterion for evaluating officer overall performance (Vehicle Code § 41603). The visibility and quality of an officer’s work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions:

### 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.

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500.3.2 CITATIONS

Citations may be issued when an officer believes it is appropriate. It is essential that officers fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Officers should provide the following information at a minimum:

(a) Explanation of the violation or charge

(b) Court appearance procedure including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

500.3.3 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses outlined in the Vehicle Code or Penal Code. These physical arrest cases usually deal with, but are not limited to:

(a) Vehicular manslaughter

(b) Felony and misdemeanor driving under the influence of alcohol/drugs

(c) Felony or misdemeanor hit-and-run

(d) Refusal to sign notice to appear

(e) Any other misdemeanor at the discretion of the officer, such as reckless driving with extenuating circumstances

## 500.4 SUSPENDED OR REVOKED DRIVERS LICENSES

If an officer contacts a traffic violator for driving on a suspended or revoked license, the officer may issue a traffic citation pursuant to Vehicle Code § 14601.

If a computer check of a traffic violator's license status reveals a suspended or revoked driver license and the traffic violator still has his or her license in possession, the license shall be seized by the officer. The officer shall verbally advise the traffic violator of the suspension or revocation and issue the citation. The officer will be responsible for filling out the Verbal Notice form (DMV form DL-310) and causing that form and license to be forwarded to the Department of Motor Vehicles.

## 500.5 HIGH-VISIBILITY VESTS

The Department has provided American National Standards Institute (ANSI) Class II high-visibility vests to increase the visibility of department members who may be exposed to hazards presented by passing traffic, maneuvering or operating vehicles, machinery and equipment (23 CFR 655.601; 8 CCR 1598).

Although intended primarily for use while performing traffic related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the member.

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### 500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn at any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, officers should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used any time a plainclothes officer might benefit from being readily identified as a member of law enforcement.

### 500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in the trunk of each patrol and investigation unit, in the side box of each police motorcycle and in the saddlebag or gear bag of each police bicycle. Each vest should be stored inside the re-sealable plastic bag provided to protect and maintain the vest in a serviceable condition. Before going into service each employee shall ensure a serviceable high-visibility vest is properly stored.

A supply of high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests. The Training Manager should be promptly notified whenever the supply of vests in the equipment room needs replenishing.

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# Traffic Collision Reporting

## 501.1 PURPOSE AND SCOPE

The Tracy Police Department prepares traffic collision reports in compliance with the California Highway Patrol Collision Investigation Manual (CIM) and as a public service makes traffic collision reports available to the community with some exceptions.

## 501.2 RESPONSIBILITY

The Traffic Sergeant will be responsible for distribution of the Collision Investigation Manual. The Traffic Sergeant will receive all changes in the state manual and ensure conformity with this policy.

## 501.3 TRAFFIC COLLISION REPORTING

Alltraffic collision reports taken by members of this department shall be forwarded to the Patrol Supervisor for approval and data entry into the Records Management System.The Records Supervisor will be responsible for monthly and quarterly reports on the traffic collision statistics to be forwarded to the Bureau of Field OperationsCommander, or other persons as required.

502.3.1 FULL INVESTIGATION

A full investigation is required under the following conditions:

(a) A motor vehicle collision results in the death of a person, on or off the highway, or when it appears that the injuries are so severe that there is a probability that a collision-related death will occur.

(b) A collision involving any City of Tracy vehicle (including city contracted vehicles such as transit vehicles), that involve injuries to any involved party, and the injured are transported to the hospital.Traffic Unit personnel should be dispatched as the primary investigator. The investigating officer shall take photographs of the scene and damage to all vehicles and/or property.

502.3.2 SUMMARY CAUSE

A summary cause report shall be made when one of the following conditions apply:

(a) Any non-fatal collision, including late-reported collisions that occur on a roadway, highway or private property whereby an involved party is transported to a medical facility.All non-life threatening collision injuries may be reported under the "Summary/ Cause" format so long as the collision does not involve a City of Tracy vehicle whereby an involved party is transported to the hospital as described in section 502.3.1(b).

(b) A Hit & Run collision with investigative leads, and late reported hit & run collisions with investigative leads.Hit & run injury collisions may be reported under the "Summary/ Cause" format as long as the injuries do not meet the Full Investigation reporting requirements described in section 502.3.1. All Hit & Run reports shall include a "Hit and Run Investigation" heading within the narrative to allow the investigating officer to document steps taken to investigate the Hit & Run.

(c) A collision involving any City of Tracy vehicle (including city contracted vehicles such as transit vehicles), where there are either no reported injuries to any involved

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party, or injuries to any involved party that do not require transport to a hospital, via ambulance.The investigating officer shall take photographs of the scene and damage to all vehicles and/or property.

(d) A collision involving 23152 VC or 23153 VC.Collisions involving 23153 VC (Injury/DUI) may be documented under the "Summary/Cause" format as long as the injuries do not meet the reporting requirements described in section 502.3.1.

(e) At the discretion of a supervisor, any collision that would normally be reported under the Documentation Only format may be reported under the Summary/Cause format.This would typically apply to collisions where there were no reported injuries, but involves significant property damage, and/or collisions that require additional documentation to justify the officer's investigative findings.

502.3.3 DOCUMENTATION ONLY

Documentation only collision reports shall be made when one of the following conditions apply:

(a) A collision that occurs either on a roadway or highways as long as the injuries do not meet the Full Investigation or Summary/Cause reporting requirements described in sections 502.3.1 or 502.3.2.

(b) A Hit and Run collision with no investigative leads and the injuries do not meet the Full Investigation or Summary/Cause reporting requirements described in sections 502.3.1 or 502.3.2.

(c) Any late-reported vehicle collision or counter report and the injuries do not meet the Full Investigation or Summary/Cause reporting requirements described in sections 502.3.1 or 502.3.2.Per CVC 20015, the investigating officer or CSO shall not make a determination of fault when a counter report involving property damage is made.

## 501.4 REPORTING SITUATIONS

501.4.1 TRAFFIC COLLISIONS INVOLVING CITY VEHICLES

Traffic collision reports shall be taken when a City-owned vehicle is involved in a traffic collision upon a roadway or highway or private property wherein any damage or injury results.The collision report shall be forwarded to the appropriate Bureau Commander.

Photographs of the collision scene and vehicle damage shall included.

501.4.2 TRAFFIC COLLISIONS WITH POLICE DEPARTMENT EMPLOYEES

When an employee of this department, either on-duty or off-duty, is involved in a traffic collision within the jurisdiction of the Tracy Police Department resulting in a serious injury or fatality, the Traffic Sergeant or the Patrol Sergeant/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.

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### 501.4.3 TRAFFIC COLLISIONS WITH OTHER CITY EMPLOYEES OR OFFICIALS

The Traffic Sergeant or on-duty Patrol Supervisor may request assistance from the California Highway Patrol for the investigation of any traffic collision involving any City official or employee where a serious injury or fatality has occurred.

### 501.4.4 TRAFFIC COLLISIONS ON PRIVATE PROPERTY

Traffic collision reports may be taken for collisions occurring on private property at the discretion of a supervisor. Collisions on private property that involve a death of a person shall be reported in accordance with section 502.3.1(a). Hit & run collisions that occur on private property with investigative leads shall be reported in accordance with section 502.3.2(b). Hit & run collisions with no invvestigative leads shall be reported in accordance with 502.3.3(b). A collision involving 23152 VC or 23153 VC as the primary collision factor that occurs on private property shall be reported in accordance with section 502.3.2(d).

### 501.4.5 TRAFFIC COLLISIONS INVOLVING BICYCLES

Collisions involving bicycles shall be investigated in accordance with the procedures specified in the CIM and reported under the guidelines specified in this policy. Examples of reportable bicycle collisions would be:

(a) Bicycle vs. Roadway

(b) Bicycle vs. Pedestrian

The reporting format will be the same as that used for motor vehicle collisions in accordance with section 501.3.

### 501.4.6 COLLISIONS INVOLVING TRAINS

Collisions involving trains at or within a railroad crossing shall be investigated by this agency in accordance with the procedures specified in the CIM and reported under the guidelines specified in this policy.

When a collision involving a train does not occur at or within a railroad crossing, the train company shall assume the investigative role. At the direction of a supervisor, this agency may assist or provide support for the investigation.

When a collision involving a train occurs at or within a railroad crossing, the investigating officer will utilize the reporting format in accordance with sections 502.3.1 or 502.3.2. The ‘Documentation Only’ format noted in section 502.3.3 shall not be used.

The investigating officer may identify the train engine operator with a photo-identification, but he/she shall not list their driver’s license number on the collision reporting forms. Train operators cannot be compelled to provide driver’s license information solely for the purpose of a traffic collision investigation. When investigating a collision at or within a railroad crossing, the investigating officer will document the locomotive engine number on the CHP 555 along with the numbers of other involved train cars. Only cars actually involved in the collision need to be listed. The investigating officer shall also note the number for the train signal control box in the narrative

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of their report. When it's been determined that the collision occurred while the railroad controls and signals were fully functional at the time of the collision, the train operator will not be listed as or considered to be the primary party-at-fault.

## 501.5 NOTIFICATION OF TRAFFIC BUREAU SUPERVISION

In the event of a serious injury or death related traffic collision, the Patrol Supervisor shall notify the Watch Commander to relate the circumstances of the traffic collision and seek assistance from the Traffic Safety Unit. In the absence of the Watch Commander, the Patrol Supervisor or any supervisor may assign a trained collision investigator or motor officer to investigate the traffic collision.

## 501.6 COLLISION REVIEW BOARD

502.6.1 Collision Review Board

All traffic collisions involving department personnel while on duty or while operating a city vehicleshall be reported in BlueTeam and subject to review by the Collision Review Board.

The Collision Review Board request shall be forwarded by the Watch Commander to the lieutenant responsible for the Traffic Safety Unit who will ensure the review is completed in a timely manner.

502.6.1 Collision Review Board:

(a) Membership - The Board shall consist of the Traffic Safety Sergeant, or his/her designee to serve as the Coordinator. Other Board members shall include a sergeant or corporal, one police officer, and one other member of the department selected by the involved Officer.

(b) Meetings - The Board shall meet within sixty (60) days after the collision occurs.

(c) Appearances - Members involved in an on-duty collision shall not be required by the Coordinator to make a personal appearance before the Board.

(d) Conclusions - The Board will determine if the incident was avoidable or unavoidable, as defined below:

1. Avoidable- The collision was within the control of the Employee.
2. Unavoidable- The collision was not within the control of the Employee.

The Collision Review Board will also evaluate and may make recommendations with issues or concerns regarding: training, equipment, policy and/or supervision.

502.6.2 Recommendations and Notifications

The Traffic Lieutenant or his/her designee will make any recommendations through their chain of command to the Chief of Police, who will either accept the recommendation, or refer it back to the board for further evaluation. Once a determination has been made and accepted by the Chief of Police, the employee shall be notified of the findings and any recommendations.

502.6.3 Corrective Action and Disposition

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The Chief of Police may direct an Administrative Investigation into any "Avoidable" finding for the purposes of determining if policy violations occurred during the incident. The Administrative Investigation shall be convened in accordance with Policy 1010- Personnel Complaints..

The Chief of Police may receive and accept an "Avoidable" finding in a traffic collision and direct the issuance of a "Supervisory Notes and Observation" (SNO) or "Counseling Memo" to the employee for retention in the employee's supervisory evaluation file for consideration during the next performance evaluation, without initiating an Administrative Investigation.

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# Vehicle Towing and Release

## 502.1 PURPOSE AND SCOPE

This policy provides the procedures for towing a vehicle by or at the direction of the Tracy Police Department. Nothing in this policy shall require the Department to tow a vehicle.

## 502.2 STORAGE AND IMPOUNDS

When circumstances permit, for example when towing a vehicle for parking or registration violations, the handling employee should, prior to having the vehicle towed, make a good faith effort to notify the owner of the vehicle that it is subject to removal. This may be accomplished by personal contact, telephone or by leaving a notice attached to the vehicle at least 24 hours prior to removal. If a vehicle presents a hazard, such as being abandoned on the roadway, it may be towed immediately.

The responsibilities of those employees towing, storing or impounding a vehicle are listed below.

### 502.2.1 VEHICLE STORAGE REPORT

Department members requesting towing, storage, or impound of a vehicle shall complete CHP Form 180 and accurately record the mileage and a description of property within the vehicle (Vehicle Code § 22850). A copy of the storage report should be given to the tow truck operator, and the original shall be submitted to the Records Unit as soon as practicable after the vehicle is stored.

### 502.2.2 REMOVAL FROM TRAFFIC COLLISION SCENES

When a vehicle has been involved in a traffic collision and must be removed from the scene, the officer shall have the driver select a towing company, if possible, and shall relay the request for the specified towing company to the dispatcher. When there is no preferred company requested, or the driver is incapacitated, a company will be selected from the rotational list of towing companies in Dispatch.

The officer will then store the vehicle using a CHP Form 180.

### 502.2.3 STORAGE AT ARREST SCENES

Whenever a person in charge or in control of a vehicle is arrested, it is the policy of this department to provide reasonable safekeeping by storing the arrestee’s vehicle subject to the exceptions described below. The vehicle, however, shall be stored whenever it is needed for the furtherance of the investigation or prosecution of the case, or when the community caretaker doctrine would reasonably suggest that the vehicle should be stored (e.g., traffic hazard, high-crime area).

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.

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- Situations where the vehicle was not used to further the offense for which the driver was arrested.
- Whenever the licensed owner of the vehicle is present, willing, and able to take control of any vehicle not involved in criminal activity.
- Whenever the vehicle otherwise does not need to be stored and the owner requests that it be left at the scene. In such cases, the owner shall be informed that the Department will not be responsible for theft or damages.

### 502.2.4 IMPOUNDMENT AT SOBRIETY CHECKPOINTS

Whenever a driver is stopped at a sobriety checkpoint and the only violation is that the operator is driving without a valid driver's license, the officer shall make a reasonable attempt to identify the registered owner of the vehicle (Vehicle Code § 2814.2). The officer shall release the vehicle to the registered owner if the person is a licensed driver, or to another licensed driver authorized by the registered owner, provided the vehicle is claimed prior to the conclusion of the checkpoint operation.

If the vehicle is released at the checkpoint, the officer shall list on his/her copy of the notice to appear the name and driver's license number of the person to whom the vehicle is released.

When a vehicle cannot be released at the checkpoint, it shall be towed (Vehicle Code § 22651(p)). When a vehicle is removed at the checkpoint, it shall be released during the normal business hours of the storage facility to the registered owner or his/her agent upon presentation of a valid driver's license and current vehicle registration.

### 502.2.5 DRIVING A NON-CITY VEHICLE

Vehicles which have been towed by or at the direction of the Department should not be driven by police personnel unless it is necessary to move a vehicle a short distance to eliminate a hazard, prevent the obstruction of a fire hydrant or to comply with posted signs.

### 502.2.6 DISPATCHER'S RESPONSIBILITIES

Upon receiving a request for towing, the dispatcher shall promptly telephone the specified authorized towing service. The officer shall be advised when the request has been made and the towing service has been dispatched.

When there is no preferred company requested, the dispatcher shall call the next firm in rotation from the list of approved towing companies and shall make appropriate entries on that form to ensure the following firm is called on the next request.

After confirming with the towing Officer that all vehicle information in the call is correct and if there is any additional information that needs to be added, Dispatch shall promptly enter the pertinent data from DMV and the CFS into Stolen Vehicle System. The entry is then placed in the Officer tray in Dispatch for the Officer to turn in with their report (Vehicle Code 22651.5(b); Vehicle Code 22851.3(b); Vehicle Code 22854.5)

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### 502.2.7 RECORDS UNIT RESPONSIBILITY

Within 48 hours, excluding weekends and holidays, of the storage of any such vehicle it shall be the responsibility of the towing Officer to determine the names and addresses of any individuals having an interest in the vehicle through DMV or CLETS computers and submit those notices to the Records Unit within the required 48 hours. The Records Unit will mail any notices for vehicles stored for 30 days via certified mail. Notice shall be sent to all such individuals by first-class mail (Vehicle Code § 22851.3(d); Vehicle Code § 22852(a); Vehicle Code § 14602.6(a)(2)). The notice shall include the following (Vehicle Code § 22852(b)):

(a) The name, address, and telephone number of this Department.

(b) The location of the place of storage and description of the vehicle, which shall include, if available, the name or make, the manufacturer, the license plate number, and the mileage.

(c) The authority and purpose for the removal of the vehicle.

(d) A statement that, in order to receive their post-storage hearing, the owners, or their agents, shall request the hearing in person, in writing, or by telephone within 10 days of the date appearing on the notice.

### 502.2.8 STORING A VEHICLE AT THE TRACY POLICE DEPARTMENT STORAGE FACILITY

When an officer stores a vehicle as evidence, that vehicle should be towed to the Tracy Police Department storage facility by a rotational tow company. Upon the completion of a CHP 180 form, the officer will note the vehicle was delivered to the Tracy Police Department storage facility and place the CHP 180 form under the driver side windshield wiper.

(a) If the officer is storing a vehicle for processing at the request of GIU, SIU, or SET the officer shall send an email to + PD CSI, and the supervisor of the group requesting the evidentiary tow. The email shall contain the person's name (facilitator) requesting the evidentiary tow and what is required.

When evidence processing of a vehicle is completed, the officer who completed the CHP 180, or the person facilitating the evidentiary tow (GIU, SIU or SET) shall attempt to release the vehicle to the registered owner (if they are not a suspect in the crime).

The vehicle's registered owner will have 24 hours to retrieve his/her vehicle and if they do not take custody of the vehicle, the original tow company will be called by Dispatch at the request of the facilitator/officer, to retrieve the vehicle and store it at their facility. Dispatch will then update CLETS with the location of the vehicle and document it as Evidence Hold Released. Prior to the release of an evidentiary vehicle to the original tow company, the officer who completed the original CHP 180, or the facilitator must make sure to update the status of the CHP 180 form to reflect the current status of the vehicle (Example: vehicle is no longer stored for evidence and has been turned over to original towing company for storage). Once the CHP 180 form has been updated and the original towing company has signed the form, a copy of the CHP 180 shall be delivered to Records within 24 hours to ensure the department does not incur any unnecessary storage fees. The legally required notices shall be sent by the person facilitating the storage.

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In instances where an outside agency request the Tracy Police Department store a vehicle pursuant the that agencies request, the vehicle should be towed to the Tracy Police Department storage facility by a rotational tow company. The outside agency shall be advised the Tracy Police Department will only permit the courtesy storage for a 24-hour period, after which the vehicle will be stored with the original tow company. The legally required notices shall be sent by the employee facilitating the storage.

When a vehicle is stored at the evidence facility (North annex), the vehicle should not block the entry/exit rolling doors and also be parked in a manner to not block the vehicle lift.

### 502.3 TOWING SERVICES

The City of Tracy periodically selects a firm to act as the official tow service and awards a contract to that firm. This firm will be used in the following situations:

(a) When it is necessary to safeguard a vehicle due to the inability of the owner or operator to take the required action.

(b) When a vehicle is being held as evidence in connection with an investigation.

(c) When it is otherwise necessary to store a motor vehicle. This would include situations involving the recovery of stolen or abandoned vehicles, and the removal of vehicles obstructing traffic in violation of state or local regulations.

### 502.4 VEHICLE INVENTORY

All property in a stored or impounded vehicle shall be inventoried and listed on the vehicle storage form. This includes the trunk, engine compartment, fuel filler door and any compartments or containers, even if closed and/or locked. Members conducting inventory searches should be as thorough and accurate as practical in preparing an itemized inventory. These inventory procedures are for the purpose of protecting an owner's property while in police custody, to provide for the safety of officers, and to protect the Department against fraudulent claims of lost, stolen, or damaged property.

### 502.5 SECURITY OF VEHICLES AND PROPERTY

Unless it would cause an unreasonable delay in the completion of a vehicle impound/storage or create an issue of officer safety, officers should make reasonable accommodations to permit a driver/owner to retrieve small items of value or personal need (e.g., cash, jewelry, cell phone, prescriptions) that are not considered evidence or contraband.

If a search of a vehicle leaves the vehicle or any property contained therein vulnerable to unauthorized entry, theft, or damage, personnel conducting the search shall take such steps as are reasonably necessary to secure and/or preserve the vehicle or property from such hazards. See Standard Operating Procedure 13-02 on how to process a vehicle release and what information is required.

### 502.6 RELEASE OF VEHICLE

The Department will maintain a listed, 24-hour telephone number to provide information regarding impoundment of vehicles and the right of the registered owner to request a storage hearing.

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Releases for towed vehicles will be made available during regular, non-emergency business hours (Vehicle Code § 14602.6). See SOP 13-02 on how to process a vehicle release and what information is required.

(a) Vehicles removed pursuant to Vehicle Code § 22850 shall be released after proof of current registration is provided by the owner or the person in control of the vehicle and after all applicable fees are paid (Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(b) Vehicles removed that require payment of parking fines or proof of valid driver's license shall only be released upon presentation of proof of compliance, proof of payment, completion of affidavit, and payment of applicable fees related to the removal (Vehicle Code § 22651 et seq., Vehicle Code § 22652 et seq., Vehicle Code § 22850.3; Vehicle Code § 22850.5).

(c) A vehicle removed pursuant to Vehicle Code § 14602.6(a) shall be released to the registered owner or his/her agent with proof of current registration, proof of a valid driver's license, and applicable fees paid prior to the end of the 30-day impoundment period under any of the following circumstances:

1. The vehicle was stolen.
2. If the driver reinstates his/her driver's license or acquires a license and provides proof of proper insurance.
3. Any other circumstance as set forth in Vehicle Code § 14602.6.
4. When there is no remaining community caretaking need to continue impound of the vehicle or the continued impound would not otherwise comply with the Fourth Amendment.

(d) An autonomous vehicle removed under authority of Vehicle Code § 22651(o)(1)(D) shall be released to the registered owner or person in control of the autonomous vehicle if the requirements of Vehicle Code § 22651(o)(3)(B) are met.

Personnel whose duties include releasing towed vehicles should consult the Vehicle Code under which the vehicle was towed or impounded for any specific requirements prior to release.

Employees who suspect that a vehicle was impounded in error should promptly advise a supervisor. Supervisors should approve, when appropriate, the release of the vehicle without requiring the registered owner or his/her agent to request a hearing, as described in the Vehicle Impound Hearings Policy.

### 502.7 TOWING FOR EXPIRED REGISTRATION

Prior to a member removing a vehicle that is found to have expired registration for more than six months, the member shall verify that no current registration exists with the Department of Motor Vehicles (DMV). If current registration exists with the DMV, the vehicle shall not be removed (Vehicle Code § 22651(o)(1)(A)).

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# Vehicle Impound Hearings

## 503.1 PURPOSE AND SCOPE

This policy establishes a procedure for the requirement to provide vehicle storage or impound hearings pursuant to Vehicle Code § 22852.

## 503.2 STORED OR IMPOUND HEARING

When a vehicle is stored or impounded by any member of the Tracy Police Department, a hearing will be conducted upon the request of the registered or legal owner of the vehicle or his/her agent (Vehicle Code § 22650(a); Vehicle Code § 22852(a)).

The hearing shall be conducted within 48 hours of the request, excluding weekends and holidays. The hearing officer must be a person other than the person who directed the storage or impound of the vehicle (Vehicle Code § 22852(c)).

### 503.2.1 HEARING PROCEDURES

The vehicle storage hearing is an informal process to evaluate the validity of an order to store or impound a vehicle. The employee who caused the storage or removal of the vehicle does not need to be present for this hearing.

All requests for a hearing on a stored or impounded vehicle shall be submitted in person, in writing or by telephone within 10 days of the date appearing on the notice (Vehicle Code § 22852(b)). The Traffic Sergeant will generally serve as the hearing officer. The person requesting the hearing may record the hearing at his/her own expense.

The failure of either the registered or legal owner or interested person or his/her agent to request a hearing in a timely manner or to attend a scheduled hearing shall be considered a waiver of and satisfaction of the post-storage hearing requirement (Vehicle Code § 22851.3(e)(2); Vehicle Code § 22852(d)).

Any relevant evidence may be submitted and reviewed by the hearing officer to determine if reasonable grounds have been established for the storage or impound of the vehicle. The initial burden of proof established by a preponderance of the evidence that the storage/impound was based on probable cause rests with the Department.

After consideration of all information, the hearing officer shall determine the validity of the storage or impound of the vehicle in question and then render a decision. The hearing officer shall also consider any mitigating circumstances attendant to the storage that reasonably would warrant the release of the vehicle or a modification or reduction of the period the vehicle is impounded (Vehicle Code §14602.6(b); Vehicle Code § 14602.8(b)).

Aside from those mitigating circumstances enumerated in the Vehicle Code, the registered owner's lack of actual knowledge that the driver to whom the vehicle was loaned was not validly licensed may constitute a mitigating circumstance under Vehicle Code § 14602.6(b) or 14602.8(b), warranting release of the vehicle. This mitigating circumstance exception is not limited to situations

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where the owner made a reasonable inquiry as to the licensed status of the driver before lending the vehicle.

The legislative intent and this department's policy is to prevent unlicensed driving pursuant to Vehicle Code §14602.6. If this purpose is not furthered by the continued impoundment of a vehicle, release is most often appropriate.

(a) If a decision is made that reasonable grounds for storage or impound have been established, the hearing officer shall advise the inquiring party of the decision and that the inquiring party may pursue further civil remedies if desired.

1. If mitigating circumstances are found to be relevant, the hearing officer shall make reasonable adjustments to the impound period, storage or assessment of fees as warranted.

(b) If a decision is made that reasonable grounds for storage or impound have not been established or sufficient mitigating circumstances exist, the vehicle in storage shall be released immediately. Towing and storage fees will be paid at the Department's expense (Vehicle Code § 22852(e)).

(c) If a decision is made that reasonable grounds for storage have not been established or sufficient mitigating circumstances exist, and the vehicle has been released with fees having been paid, the receipt for such fees will be forwarded with a letter to the appropriate Bureau Commander. The hearing officer will recommend to the appropriate Bureau Commander that the fees paid by the registered or legal owner of the vehicle in question or their agent be reimbursed by the Department.

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# Impaired Driving

## 504.1 PURPOSE AND SCOPE

This policy provides guidance to those department members who play a role in the detection and investigation of driving under the influence (DUI).

## 504.2 POLICY

The Tracy Police Department is committed to the safety of the roadways and the community and will pursue fair but aggressive enforcement of California's impaired driving laws.

## 504.3 INVESTIGATIONS

Officers should not enforce DUI laws to the exclusion of their other duties unless specifically assigned to DUI enforcement. All officers are expected to enforce these laws with due diligence.

The Traffic Sergeant will develop and maintain, in consultation with the prosecuting attorney, report forms with appropriate checklists to assist investigating officers in documenting relevant information and maximizing efficiency. Any DUI investigation will be documented using these forms. Information documented elsewhere on the form does not need to be duplicated in the report narrative. Information that should be documented includes, at a minimum:

(a) The field sobriety tests (FSTs) administered and the results.

(b) The officer's observations that indicate impairment on the part of the individual, and the officer's health-related inquiries that may help to identify any serious health concerns (e.g., diabetic shock).

(c) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(d) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(e) The location and time frame of the individual's vehicle operation and how this was determined.

(f) Any prior related convictions in California or another jurisdiction.

## 504.4 FIELD TESTS

The Traffic Sergeant should identify standardized FSTs and any approved alternate tests for officers to use when investigating violations of DUI laws.

## 504.5 CHEMICAL TESTS

A person implies consent to a chemical test or tests, and to providing the associated chemical sample, under any of the following (Vehicle Code § 23612):

(a) The person is arrested for driving a vehicle while under the influence, pursuant to Vehicle Code § 23152.

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(b) The person is under 21 years of age and is arrested by an officer having reasonable cause to believe that the person's blood alcohol content is 0.05 or more (Vehicle Code § 23140).

(c) The person is under 21 years of age and detained by an officer having reasonable cause to believe that the person was driving a vehicle while having a blood alcohol content of 0.01 or more (Vehicle Code § 23136).

(d) The person was operating a vehicle while under the influence and proximately caused bodily injury to another person (Vehicle Code § 23153).

If a person withdraws this implied consent, or is unable to withdraw consent (e.g., the person is unconscious), the officer should consider implied consent revoked and proceed as though the person has refused to provide a chemical sample.

### 504.5.1 CHOICE OF TESTS

Officers shall respect a viable choice of chemical test made by an arrestee, as provided for by law (e.g., breath will not be acceptable for suspected narcotics influence).

A person arrested for DUI has the choice of whether the test is of the person's blood or breath, and the officer shall advise the person that the person has that choice. If the person arrested either is incapable, or states that the person is incapable, of completing the chosen test, the person shall submit to the remaining test.

If the person chooses to submit to a breath test and there is reasonable cause to believe that the person is under the influence of a drug or the combined influence of alcohol and any drug, the officer may also request that the person submit to a blood test. If the person is incapable of completing a blood test, the person shall submit to and complete a urine test (Vehicle Code § 23612(a)(2)(C)).

### 504.5.2 BREATH SAMPLES

The Traffic Sergeant should ensure that all devices used for the collection and analysis of breath samples are properly serviced and tested, and that a record of such service and testing is properly maintained.

Officers obtaining a breath sample should monitor the device for any sign of malfunction. Any anomalies or equipment failures should be noted in the appropriate report and promptly reported to the Traffic Sergeant.

When the arrested person chooses a breath test, the handling officer shall advise the person that the breath-testing equipment does not retain a sample, and the person may, if desired, provide a blood or urine specimen, which will be retained to facilitate subsequent verification testing (Vehicle Code § 23614).

The officer should also require the person to submit to a blood test if the officer has a clear indication that a blood test will reveal evidence of any drug or the combined influence of an

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alcoholic beverage and any drug. Evidence of the officer's belief shall be included in the officer's report (Vehicle Code § 23612(a)(2)(C)).

### 504.5.3 BLOOD SAMPLES

Only persons authorized by law to draw blood shall collect blood samples (Vehicle Code § 23158). The blood draw should be witnessed by the assigned officer. No officer, even if properly certified, should perform this task.

Officers should inform an arrestee that if the arrestee chooses to provide a blood sample, a separate sample can be collected for alternate testing. Unless medical personnel object, two samples should be collected and retained as evidence, so long as only one puncture is required.

The blood sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

If an arrestee cannot submit to a blood draw because the arrestee has a bleeding disorder or has taken medication that inhibits coagulation, the arrestee shall not be required to take a blood test. Such inability to take a blood test should not be considered a refusal. However, that arrestee may be required to complete another available and viable test.

### 504.5.4 URINE SAMPLES

If a urine test will be performed, the arrestee should be promptly transported to the appropriate testing site. The officer shall follow any directions accompanying the urine evidence collection kit.

Urine samples shall be collected and witnessed by an officer or jail staff member of the same sex as the individual giving the sample. The arrestee should be allowed sufficient privacy to maintain the arrestee's dignity, to the extent possible, while still ensuring the accuracy of the sample (Vehicle Code § 23158(i)).

The sample shall be packaged, marked, handled, stored, and transported as required by the testing facility.

### 504.5.5 STATUTORY NOTIFICATIONS

Officers requesting that a person submit to chemical testing shall provide the person with the mandatory warning pursuant to Vehicle Code § 23612(a)(1)(D) and Vehicle Code § 23612(a)(4).

### 504.5.6 PRELIMINARY ALCOHOL SCREENING

Officers may use a preliminary alcohol screening (PAS) test to assist in establishing reasonable cause to believe a person is DUI. The officer shall advise the person that the PAS test is being requested to assist in determining whether the person is under the influence of alcohol or drugs, or a combination of the two. Unless the person is under the age of 21, the person shall be advised that the PAS test is voluntary. The officer shall also advise the person that submitting to a PAS test does not satisfy the person's obligation to submit to a chemical test as otherwise required by law (Vehicle Code § 23612).

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### 504.5.7 PRELIMINARY ALCOHOL SCREENING FOR A PERSON UNDER AGE 21

If an officer lawfully detains a person under 21 years of age who is driving a motor vehicle and the officer has reasonable cause to believe that the person has a blood alcohol content of 0.01 or more, the officer shall request that the person take a PAS test to determine the presence of alcohol in the person, if a PAS test device is immediately available. If a PAS test device is not immediately available, the officer may request the person to submit to chemical testing of the person's blood, breath, or urine, conducted pursuant to Vehicle Code § 23612 (Vehicle Code § 13388).

If the person refuses to take or fails to complete the PAS test or other chemical test, or if the result of either test reveals a blood alcohol content of 0.01 or more, the officer shall proceed to serve the person with a notice of order of suspension pursuant to this policy (Vehicle Code § 13388).

## 504.6 REFUSALS

When an arrestee refuses to provide a viable chemical sample, officers should:

(a) Advise the arrestee of the requirement to provide a sample (Vehicle Code § 23612).

(b) Audio- and/or video-record the admonishment when it is practicable.

(c) Document the refusal in the appropriate report.

### 504.6.1 BLOOD SAMPLE WITHOUT CONSENT

A blood sample may be obtained from a person who refuses a chemical test when any of the following conditions exist:

(a) A search warrant has been obtained (Penal Code § 1524).

(b) The officer can articulate that exigent circumstances exist. Exigency does not exist solely because of the short time period associated with the natural dissipation of alcohol or controlled or prohibited substances in the person’s bloodstream. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

### 504.6.2 ELECTRONIC SEARCH WARRANT SUBMITTAL

San Joaquin Superior Court has deployed a procedure for search warrant submittal to the on-call judge for review and signature. The procedure allows officers to submit search warrants for review and signature without having to travel to the on-call judge’s physical location.

The procedure includes the following steps:

(a) The officer faxes or emails the search warrant to the on-call judge. Search warrants submitted via email must be in PDF format. The fax number is 209-992-5648. The email address is oncalljudge@sjcourts.org

(b) When faxing or emailing the search warrant, include the following information:

- Name of law enforcement agency
- Name of submitting officer

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- Submitting officer’s telephone number (on-call judge will call to swear-in the officer)
- Email address that the reviewed and signed search warrant should be sent back to

The on-call judge will review and sign the search warrant and then email the search warrant back to the officer.

### 504.6.3 FORCED BLOOD SAMPLE

If an arrestee indicates by word or action that the person will physically resist a blood draw, the officer should request a supervisor to respond.

The responding supervisor should:

(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 the person's duty to provide a sample (even if this advisement was previously done by another officer) and attempt to persuade the individual to submit to such a sample without physical resistance.

1. This dialogue should be recorded on audio and/or video if practicable.

(d) Ensure that the blood sample is taken in a medically approved manner.

(e) Ensure the forced blood draw is recorded on audio and/or video when practicable.

(f) Monitor and ensure that the type and level of force applied appears reasonable under the circumstances:

1. Unless otherwise provided in a warrant, force should generally be limited to handcuffing or similar restraint methods.
2. In misdemeanor cases, if the arrestee becomes violent or more resistant, no additional force will be used and a refusal should be noted in the report.
3. In felony cases, force which reasonably appears necessary to overcome the resistance to the blood draw may be permitted.

(g) Ensure the use of force and methods used to accomplish the collection of the blood sample are documented in the related report.

If a supervisor is unavailable, officers are expected to use sound judgment and perform as a responding supervisor, as set forth above.

### 504.6.4 STATUTORY NOTIFICATIONS UPON REFUSAL

Upon refusal to submit to a chemical test as required by law, officers shall personally serve the notice of order of suspension upon the arrestee and take possession of any state-issued license to operate a motor vehicle that is held by that individual (Vehicle Code § 23612(e); Vehicle Code § 23612(f)).

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## 504.7 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.

## 504.8 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to DMV.

Any officer who receives notice of required attendance to an administrative license suspension hearing should promptly notify the prosecuting attorney.

An officer called to testify at an administrative hearing should document the hearing date and DMV file number in a supplemental report. Specific details of the hearing generally should not be included in the report unless errors, additional evidence or witnesses are identified.

## 504.9 TRAINING

The Support Services Bureau 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 Support Services Bureau Manager should confer with the prosecuting attorney's office and update training topics as needed.

## 504.10 ARREST AND INVESTIGATION

### 504.10.1 WARRANTLESS ARREST

In addition to the arrest authority granted to officers pursuant to Penal Code § 836, an officer may make a warrantless arrest of a person that the officer has reasonable cause to believe has been driving under the influence of an alcoholic beverage or any drug, or under the combined influence of the same when (Vehicle Code § 40300.5):

(a) The person is involved in a traffic crash.

(b) The person is observed in or about a vehicle that is obstructing the roadway.

(c) The person will not be apprehended unless immediately arrested.

(d) The person may cause injury to themselves or damage property unless immediately arrested.

(e) The person may destroy or conceal evidence of a crime unless immediately arrested.

### 504.10.2 OFFICER RESPONSIBILITIES

The officer serving the arrested person with a notice of an order of suspension shall immediately (Vehicle Code § 23612):

(a) Forward a copy of the completed notice of suspension or revocation form and any confiscated driver's license to the Department of Motor Vehicles (DMV).

(b) Forward a sworn report to DMV that contains the required information in Vehicle Code § 13380.

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(c) Forward the results to the appropriate forensic laboratory if the person submitted to a blood or urine test.

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# Traffic Citations

## 505.1 PURPOSE AND SCOPE

This policy outlines the responsibility for traffic citations, the procedure for dismissal, correction, and voiding of traffic citations.

## 505.2 RESPONSIBILITIES

The Traffic Sergeant shall be responsible for the development and design of all Department traffic citations in compliance with state law and the Judicial Council.

The Records Unit shall be responsible for the supply and accounting of all traffic citations issued to employees of this department.

## 505.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this department do not have the authority to dismiss a citation once it has been issued. Only the court has the authority to dismiss a citation that has been issued (Vehicle Code § 40500(d)). Any request from a recipient to dismiss a citation shall be referred to a Patrol Lieutenant. Upon a review of the circumstances involving the issuance of the traffic citation, the Patrol Lieutenant may recommend dismissal of the traffic citation. If approved, the citation will be forwarded to the appropriate court with a request for dismissal. All recipients of traffic citations whose request for the dismissal of a traffic citation has been denied shall be referred to the appropriate court.

Should an officer determine during a court proceeding that a traffic citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate the officer may request the court to dismiss the citation.

## 505.4 VOIDING TRAFFIC CITATIONS

Voiding a traffic citation may occur when a traffic citation has not been completed or where it is completed, but not issued. All copies of the citation shall be presented to a supervisor to approve the voiding of the citation. The citation and copies shall then be forwarded to the Records Unit.

## 505.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the officer issuing the citation shall submit the citation and a Citation Amendment Form requesting a specific correction to his/her immediate supervisor. The citation and letter shall then be forwarded to the Records Unit. The Records Unit shall forward the request to the court having jurisdiction and the appropriate documentation to the recipient of the citation.

## 505.6 DISPOSITION OF TRAFFIC CITATIONS

The court and file copies of all traffic citations issued by members of this department shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Unit.

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Upon separation from employment with this department, all employees issued traffic citation books shall return any unused citations to the Records Unit.

## 505.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to Vehicle Code § 40215.

### 505.7.1 APPEAL STAGES

Appeals may be pursued sequentially at three different levels:

(a) Administrative reviews are conducted by the Traffic Unit who will review written/ documentary data. Requests for administrative reviews are available at the front desk or Traffic Unit of the Tracy 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.

### 505.7.2 TIME REQUIREMENTS

Administrative review or appearance before a hearing examiner will not be provided if the mandated time limits are not adhered to by the violator.

(a) Requests for an administrative review must be postmarked within 21 calendar days of issuance of the notice of parking violation, or within 14 calendar days of the mailing of the Notice of Delinquent Parking Violation (Vehicle Code § 40215(a)).

(b) Requests for administrative hearings must be made no later than 21 calendar days following the notification mailing of the results of the administrative review (Vehicle Code § 40215(b)).

(c) An administrative hearing shall be held within 90 calendar days following the receipt of a request for an administrative hearing, excluding time tolled pursuant to Vehicle Code § 40200 - 40225. The person requesting the hearing may request one continuance, not to exceed 21 calendar days (Vehicle Code § 40215).

(d) Registered owners of vehicles may transfer responsibility for the violation via timely affidavit of non-liability when the vehicle has been transferred, rented or under certain other circumstances (Vehicle Code § 40209; Vehicle Code § 40210).

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505.7.3 COSTS

(a) There is no cost for an administrative review.

(b) Appellants must deposit the full amount due for the citation before receiving an administrative hearing, unless the person is indigent, as defined in Vehicle Code § 40220, and provides satisfactory proof of inability to pay (Vehicle Code § 40215).

(c) An appeal through Superior Court requires prior payment of filing costs, including applicable court charges and fees. These costs will be reimbursed to the appellant in addition to any previously paid fines if appellant's liability is overruled by the Superior Court.

## 505.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles may vary slightly from the procedure for adults. The juvenile’s age, place of residency, and the type of offense should be considered before issuing the juvenile a citation.

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# Disabled Vehicles

## 506.1 PURPOSE AND SCOPE

Vehicle Code § 20018 provides that all law enforcement agencies having responsibility for traffic enforcement may develop and adopt a written policy to provide assistance to motorists in disabled vehicles within their primary jurisdiction.

## 506.2 OFFICER RESPONSIBILITY

When an on-duty officer observes a disabled vehicle on the roadway, the officer should make a reasonable effort to provide assistance. If that officer is assigned to a call of higher priority, the dispatcher should be advised of the location of the disabled vehicle and the need for assistance. The dispatcher should then assign another available officer to respond for assistance as soon as practical.

## 506.3 EXTENT OF ASSISTANCE

In most cases, a disabled motorist will require assistance. After arrangements for assistance are made, continued involvement by department personnel will be contingent on the time of day, the location, the availability of departmental resources, and the vulnerability of the disabled motorist.

### 506.3.1 MECHANICAL REPAIRS

Department personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety is not considered a mechanical repair.

### 506.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this department by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

### 506.3.3 RELOCATION OF DISABLED MOTORIST

The relocation of a disabled motorist should only occur with the person’s consent and should be suggested when conditions reasonably indicate that immediate movement is necessary to mitigate a potential hazard. The department member may stay with the disabled motorist or transport him/her to a safe area to await pickup.

## 506.4 PUBLIC ACCESS TO THIS POLICY

This written policy is available upon request.

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# 72-Hour Parking Violations

## 507.1 PURPOSE AND SCOPE

This policy provides procedures for the marking, recording, and storage of vehicles parked in violation of the Tracy City Ordinance regulating 72-hour parking violations and abandoned vehicles under the authority of Vehicle Code § 22669.

## 507.2 MARKING VEHICLES

Vehicles suspected of being in violation of the City of Tracy 72-Hour Parking Ordinance shall be marked and noted on the Tracy Police Department Marked Vehicle Card. No case number is required at this time.

A visible chalk mark should be placed on the left rear tire tread at the fender level unless missing tires or other vehicle conditions prevent marking. Any deviation in markings shall be noted on the Marked Vehicle Card. The investigating employee should make a good faith effort to notify the owner of any vehicle subject to towing prior to having the vehicle removed. This may be accomplished by personal contact, telephone or by leaving notice attached to the vehicle at least 24 hours prior to removal.

All Marked Vehicle Cards shall be submitted to the Traffic Unit for computer data entry.

If a marked vehicle has been moved or the markings have been removed during a 72-hour investigation period, the vehicle shall be marked again for the 72-hour parking violation and a Marked Vehicle Card completed and forwarded to the Traffic Unit.

Parking citations for the 72-hour parking ordinance shall not be issued when the vehicle is stored for the 72-hour parking violation.

### 507.2.1 MARKED VEHICLE FILE

The Traffic Safety Unit shall be responsible for maintaining a file for all Marked Vehicle Cards.

Parking control officers assigned to the Traffic Bureau shall be responsible for the follow up investigation of all 72-hour parking violations noted on the Marked Vehicle Cards.

### 507.2.2 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle storage report shall be completed by the officer authorizing the storage of the vehicle.

The storage report form shall be submitted to the Records Unit immediately following the storage of the vehicle. It shall be the responsibility of the Communications Unit to immediately notify the Stolen Vehicle System (SVS) of the Department of Justice in Sacramento ( Vehicle Code § 22851.3(b)). Notification may also be made to the National Law Enforcement Telecommunications System (NLETS)(Vehicle Code § 22854.5).

Within 48 hours of the storage of any such vehicle, excluding weekends and holidays, it shall be the responsibility of the Towing Officer to determine the names and addresses of any individuals

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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).

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# Stolen Vehicle and License Plates

## 508.1 PURPOSE AND SCOPE

To establish procedures for entering and canceling reported stolen and embezzled vehicles and stolen/lost license plates into the California Law Enforcement Telecommunications System (CLETS), and to set guidelines for returning recovered stolen vehicles to the victim/owner without unnecessary delay. To explain the use of the Tracy Police Department Vehicle Report, and to establish procedures for the storage of license plates in Property/Evidence.

## 508.2 STOLEN OR EMBEZZLED VEHICLE REPORTS / RESPONSIBILITIES

### 508.2.1 INITIATING OFFICER

(a) Complete the California Highway Patrol form 180 (CHP 180) and indicate "Stolen Vehicle/ Component" or "Embezzled Vehicle " by checking the appropriate box on the form.

1.Classify "Contractual Embezzlements" to "Stolen" when there is evidence of fraud, such as "false personation," fictitious name, false Social Security Number, or fictitious business name or address. Also, classify as "Stolen" anyleased or rented vehicle which has not been returned within five days after its owner has made a written demand for its return, by certified or registered mail, following the expiration of the lease or rental agreement (CVC 10500a).Attach copies of the documentation to the report and submit to Records for entry into the Stolen Vehicle System.

(b) Complete an investigation and memorialize the findings in a written report in the Department records management system (RMS) indicating circumstances and investigative information.

(c) Use the nearest actual physical address or cross streets for LOCATION TOWED/STOLEN FROM, for Crime Analysis. (Computer will not accept hundred block).

(d) Advise Dispatch when the CHP 180 has been signed by the victim and the vehicle can be entered in CLETS as stolen. Provide dispatch any additional vehicle description or officer safety information to be entered on the SVS entry.

(e) Clear/Close the event in CAD using Dispo Code FEL.

(f) Collect SVS entry from Communications, attach entry to CHP 180, submit the CHP 180 and entry to the Sergeant's Office by end of shift.

### 508.2.2 COMMUNICATIONS

(a) Upon confirmation of the stolen vehicle from the officer, send an updated BOL message to both on-duty field units via MDT and other regional agencies (1300 and 1400) via teletype.

(b) Enter the vehicle into the Stolen Vehicle System (SVS) and communicate with the officer to ensure the description (stickers, damage, etc.) match what the officer will document in their report. Enter the FCN in the event narrative.

(c) Once entered, a secondary dispatcher shall confirm the information and complete the appropriate stamp.

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(d) Place SVS entry into basket for officer to collect.Email the +PD Hot Sheet the information on the stolen vehicle.

(e) Email the +PD Hot Sheet the information on the stolen vehicle.

508.2.3 RECORDS UNIT
(a) Confirm the entry information is correct and matches the details written on the CHP 180. Add or modify in CLETS if necessary

(b) Add GIU label to report.

## 508.3 RECOVERED STOLEN VEHICLE REPORTS (LOCAL THEFT / LOCAL RECOVERY)

508.3.1 INITIATING OFFICER
(a) Complete a CHP 180 form and check the box for "Recovered -Vehicle/Component.

(b) Use the nearest actual physical address or cross street for LOCATION TOWED/STOLEN FROM, for Crime Analysis Map Info Program.

(c) Process vehicle for latent prints or other evidence. Obtain photographs of the vehicle, and any damage or evidence.

(d) Complete the inventory portion of the CHP 180 form prior to releasing or storing the vehicle, including serialized missing parts that need to remain entered in CLETS.

(e) Complete an investigation and memorialize the findings in a written report in the Department Records Management System (RMS) indicating circumstances and investigative information.

(f) Request Communications to notify the victim/owner.

(g) Provide Dispatch the condition of the vehicle, if both plates are on the vehicle and if there is an in-custody. If plates are missing request dispatch to enter the plate(s) as lost/stole.

(h) If vehicle is cold-plated, remove the plates and book them into evidence as found/evidence plates.

(i) If vehicle is returned to the victim/owner at the recovery location indicate that listing the identifying information on the CHP 180.

(j) Have victim/owner sign for taking possession of the vehicle in the "Signature of Person Taking Possession box."

(k) Prior to the victim/owner leaving the scene, make personal contact (phone/MDC) with Dispatch to confirm the vehicle has been removed from SVS.

(l) If the victim/owner cannot be notified while on scene and the vehicle is stored, check the "Release Vehicle to" box and write "through Tracy Police" in the box below.

(m) Ensure the tow company driver signs the CHP 180.

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(n) Use the same case number as original TPD stolen report. Clear/Close the call using Disposition Code FEL.

508.3.2 COMMUNICATIONS

(a) Upon confirmation from the officer the vehicle has been recovered, clear the vehicle from SVS.

(b) If plate(s) are missing or determined to be cold-plated, enter plate(s) into SVS.

(c) Place the red 10851 notification stamp on the recovery teletypes and complete all necessary information including whether or not the victim/owner was notified, any damage, missing license plates, or parts.

(d) Send an updated message to MDC and regional agencies (1300 and 1400) via teletype to cancel 10851 BOL.

(e) If the victim/owner is not notified while officer is on scene, Communications shall make (2) two additional attempts to contact the victim/owner within 1 hour. After two phone attempts, an officer shall be dispatched to conduct a message delivery. All details shall be noted in the CFS. Attach CFS to SVS entry.

1.Utilize all possible avenues to contact Victim or Registered Owner (i.e. phone call, contact at residence, etc.), to release the vehicle in the field.

a. Notification and/or message delivery shall occur on the same shift as the recovery (24 hours a day, 7 days a week).

2. If unable to make contact via telephone, leave a message at the number originally included in the stolen vehicle report.

(f) Once updated in SVS, a secondary dispatcher shall confirm the information.

(g) Place SVS entry and other documentation in the Records Basket for collection.

508.3.3 RECORDS UNIT

(a) Confirm the entry information is correct and matches the details written on the CHP 180.

(b) Export and complete the fillable 10851 Recovery letter from the original crime report and mail it to victim/owner within 24 hours, (excluding holidays and weekends) indicating the condition and location of the vehicle (CV 10500[a]).

(c) Complete the portion of the red stamp that indicates written notice was sent and initial the stamp.

(d) Un-validate the original crime report and add the status of "recovered" to the vehicle in the original Crime report, then link the "recovered" status to the 10851 Offense card and complete recovery information.

(e) If the recovery is based off a Flock Hit, check the FLOCK/LPR box under Stat Reporting.

(f).Re-validate report and then click on the "add resubmission" button, if applicable.

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(g) Scan any documents received from Dispatch and/or Officer into the original crime report.

(h) Route as required/requested if applicable.

## 508.4 RECOVERED STOLEN VEHICLE REPORTS (LOCAL THEFT / OUTSIDE AGENCY RECOVERY)

508.4.1 COMMUNICATIONS

(a) Upon receipt of a locate from an outside agency, "clear the locate" from SVS.

(b) Create a CFS using the original location of the stolen report as the event location, call type 10851S, documenting, location of recovery, recovering agency, condition of vehicle, if there is an in-custody and if plates are missing.

(c) Communications shall make (2) two attempts to contact the victim/owner within 1 hour. If notification is made the name of the person notified shall be noted in the CFS. Once the CFS is closed, print and attach CFS to SVS entry.

1.Utilize all possible avenues to contact Victim or Registered Owner (i.e. phone call, contact at residence, etc.), to provide them details of the recovery.

a. Notification and/or message delivery shall occur on the same shift as the recovery (24 hours a day, 7 days a week).

2. If unable to make contact via telephone, leave a message at the number originally included in the stolen vehicle report.

(d) Place the red 10851 notification stamp on the recovery teletypes and complete all necessary information including whether or not the victim/owner was notified, any damage, missing license plates, or parts.

(e) If plate(s) are missing, enter as lost/stolen.

(f) Once cleared in SVS, a secondary dispatcher shall confirm the information.

(g) Place SVS entry and other documentation in the Records Basket for collection.

508.4.2 RECORDS UNIT

(a) Complete the portion of the red stamp that indicates written notice was sent and initial the stamp.

(b) Export and complete the 10851 Recovery letter and mail to victim/owner within 24 hours, (excluding holidays and weekends) indicating the condition and location of the vehicle (CV 10500[a]).

(c) Un-validate the original crime report and add the status of "recovered" to the vehicle in the original Crime report, then link the "recovered" status to the 10851 Offense card and complete recovery information.

(d) If the recovery is based off a Flock Hit, check the FLOCK/LPR hit box under the Stat Reporting.

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(e) Re-validate report and then click on the "add resubmission" button, if applicable.

(f) Scan any documents received from Dispatch and/or Officer into the original crime report.

(g) Route as required/requested if applicable.

## 508.5 RECOVERED STOLEN VEHICLE REPORTS (OUTSIDE AGENCY THEFT / LOCAL RECOVERY)

508.5.1 INITIATING OFFICER
(a) Complete a CHP 180 form and check the box for "Recovered – Vehicle/ Component.

(b) Use the nearest actual physical address or cross streets for LOCATION TOWED/STOLEN FROM, for Crime Analysis Map Info Program.

(c) Process vehicle for latent prints or other evidence. Obtain photographs of the vehicle, and any damage or evidence.

(d) Complete the inventory portion of the CHP 180 form prior to releasing or storing the vehicle, including serialized missing parts that need to remain entered in CLETS.

(e) Complete an investigation and memorialize the findings in a written report in the Department Records Management System (RMS) indicating circumstances and investigative information.

(f) Request Communications to send a locate teletype and administrative message to outside law enforcement agency.

(g) Provide Dispatch the condition of the vehicle and if there is an in-custody and both plates are on the vehicle.

(h) If vehicle is cold-plated, remove the plates and book them into evidence as found/evidence plates.

(i) Ensure the tow company driver signs the CHP 180.

(j) Clear/Close the call using Dispo Code FEL.

508.5.2 COMMUNICATIONS
(a) Upon confirmation from the officer the vehicle has been recovered, send a locate and administrative message to outside law enforcement agency.

1. Provide outside law enforcement agency the status of the car including condition of the vehicle, tow information, if there is an in-custody, provide the name of in-custody if known and number of plates on vehicle.

(b) Once updated in SVS, a secondary dispatcher shall confirm the information.

(c) Place SVS entry and other documentation in the Records Basket for collection.

508.5.3 RECORDS UNIT
(a) Verify the Officer' report is completed on a Crime/Incident report type.

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(b) Verify the status of the vehicle in the Vehicle section is "Recovered Stolen Vehicle – Outside Agency."

(c) Verify the Offense is "Recovered Stolen Vehicle | Outside Agency."

(d) Validate and approve the report if all of the above is correct, if not, correct or reject back to Officer.

(e) Scan any documents received from Dispatch and/or Officer into the original crime report.

(f) Route as required/requested if applicable.

### 508.6 STOLEN VEHICLES WITH AN ARREST

Any stolen vehicle recovery resulting in an arrest requires additional applicable report such as a crime report or supplement.

### 508.7 PROPERTY UNIT

Upon receipt of recovered/found license plate(s), return them to the California Department of Motor Vehicles.

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# Chapter 6 - Investigation Operations

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# Investigation and Prosecution

## 600.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines and requirements pertaining to the handling and disposition of criminal investigations.

## 600.2 POLICY

It is the policy of the Tracy Police Department to investigate crimes thoroughly and with due diligence, and to evaluate and prepare criminal cases for appropriate clearance or submission to a prosecutor.

## 600.3 INITIAL INVESTIGATION

### 600.3.1 OFFICER RESPONSIBILITIES

An officer responsible for an initial investigation shall complete no less than the following:

(a) Make a preliminary determination of whether a crime has been committed by completing, at a minimum:
    1. An initial statement from any witnesses or complainants.
    2. A cursory examination for evidence.

(b) If information indicates a crime has occurred, the officer shall:
    1. Preserve the scene and any evidence as required to complete the initial and follow-up investigation.
    2. Determine if additional investigative resources (e.g., investigators or scene processing) are necessary and request assistance as required.
    3. If assistance is warranted, or if the incident is not routine, notify a supervisor or the Watch Commander.
    4. Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.
    5. Collect any evidence.
    6. Take any appropriate law enforcement action.
    7. Complete and submit the appropriate reports and documentation.

(c) If the preliminary determination is that no crime occurred, determine what other action may be necessary, what other resources may be available, and advise the informant or complainant of this information.

### 600.3.2 PROFESSIONAL STAFF MEMBER RESPONSIBILITIES

A professional staff member assigned to any preliminary investigation is responsible for all investigative steps, except making any attempt to locate, contact or interview a suspect face-to-face or take any enforcement action. Should an initial investigation indicate that those steps are required, the assistance of an officer shall be requested.

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## 600.4 CUSTODIAL INTERROGATION REQUIREMENTS

Suspects who are in custody and subjected to an interrogation shall be given the *Miranda* warning, unless an exception applies. Interview or interrogation of a juvenile shall be in accordance with the Temporary Custody of Juveniles Policy.

### 600.4.1 AUDIO/VIDEO RECORDINGS

Any custodial interrogation of an individual who is suspected of having committed any violent felony offense should be recorded (audio or video with audio as available) in its entirety. Regardless of where the interrogation occurs, every reasonable effort should be made to secure functional recording equipment to accomplish such recordings.

Consideration should also be given to recording a custodial interrogation, or any investigative interview, for any other offense when it is reasonable to believe it would be appropriate and beneficial to the investigation and is otherwise allowed by law.

No recording of a custodial interrogation should be destroyed or altered without written authorization from the prosecuting attorney and the General Investigations supervisor. Copies of recorded interrogations or interviews may be made in the same or a different format as the original recording, provided the copies are true, accurate and complete and are made only for authorized and legitimate law enforcement purposes.

Recordings should not take the place of a thorough report and investigative interviews. Written statements from suspects should continue to be obtained when applicable.

### 600.4.2 MANDATORY RECORDING OF ADULTS

Any custodial interrogation of an adult who is suspected of having committed any murder shall be recorded in its entirety. The recording should be video with audio if reasonably feasible (Penal Code § 859.5).

This recording is not mandatory when (Penal Code § 859.5):

(a) Recording is not feasible because of exigent circumstances that are later documented in a report.

(b) The suspect refuses to have the interrogation recorded, including a refusal any time during the interrogation, and the refusal is documented in a report. If feasible, the refusal shall be electronically recorded.

(c) The custodial interrogation occurred in another state by law enforcement officers of that state, unless the interrogation was conducted with the intent to avoid the requirements of Penal Code § 859.5.

(d) The interrogation occurs when no member conducting the interrogation has a reason to believe that the individual may have committed murder. Continued custodial interrogation concerning that offense shall be electronically recorded if the interrogating member develops a reason to believe the individual committed murder.

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(e) The interrogation would disclose the identity of a confidential informant or would jeopardize the safety of an officer, the individual being interrogated or another individual. Such circumstances shall be documented in a report.

(f) A recording device fails despite reasonable maintenance and the timely repair or replacement is not feasible.

(g) The questions are part of a routine processing or booking, and are not an interrogation.

(h) The suspect is in custody for murder and the interrogation is unrelated to a murder. However, if any information concerning a murder is mentioned during the interrogation, the remainder of the interrogation shall be recorded.

The Department shall maintain an original or an exact copy of the recording until a conviction relating to the interrogation is final and all appeals are exhausted or prosecution is barred by law (Penal Code § 859.5).

### 600.5 USE OF CERTAIN DNA SAMPLES

Known samples of DNA collected from a victim of a crime or alleged crime, and known reference samples of DNA from any individual that were voluntarily provided for the purpose of exclusion, are to be used only for the purpose directly related to the incident being investigated and in compliance with the procedures identified in Penal Code § 679.12.

### 600.6 DISCONTINUATION OF INVESTIGATIONS

The investigation of a criminal case or efforts to seek prosecution should only be discontinued if one of the following applies:

(a) All reasonable investigative efforts have been exhausted, no reasonable belief that the person who committed the crime can be identified, and the incident has been documented appropriately.

(b) The perpetrator of a misdemeanor has been identified and a warning is the most appropriate disposition.

1. In these cases, the investigator shall document that the person was warned and why prosecution was not sought.
2. Warnings shall not be given for felony offenses or other offenses identified in this policy or by law that require an arrest or submission of a case to a prosecutor.

(c) The case has been submitted to the appropriate prosecutor but no charges have been filed. Further investigation is not reasonable nor has the prosecutor requested further investigation.

(d) The case has been submitted to the appropriate prosecutor, charges have been filed, and further investigation is not reasonable, warranted, or requested, and there is no need to take the suspect into custody.

(e) Suspects have been arrested, there are no other suspects, and further investigation is either not warranted, or requested.

(f) Investigation has proven that a crime was not committed (see the Sexual Assault Investigations Policy for special considerations in these cases).

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The Domestic Violence, Child Abuse, Sexual Assault Investigations, and Senior and Disability Victimization policies may also require an arrest or submittal of a case to a prosecutor.

## 600.7 COMPUTERS AND DIGITAL EVIDENCE

The collection, preservation, transportation and storage of computers, cell phones and other digital devices may require specialized handling to preserve the value of the related evidence. If it is anticipated that computers or similar equipment will be seized, officers should request that computer forensic examiners assist with seizing computers and related evidence. If a forensic examiner is unavailable, officers should take reasonable steps to prepare for such seizure and use the resources that are available.

## 600.8 INVESTIGATIVE USE OF SOCIAL MEDIA AND INTERNET SOURCES

Use of social media and any other internet source to access information for the purpose of criminal investigation shall comply with applicable laws and policies regarding privacy, civil rights, and civil liberties. Information gathered via the internet should only be accessed by members while on-duty and for purposes related to the mission of this department. If a member encounters information relevant to a criminal investigation while off-duty or while using the member's own equipment, the member should note the dates, times, and locations of the information and report the discovery to the member's supervisor as soon as practicable. The member, or others who have been assigned to do so, should attempt to replicate the finding when on-duty and using department equipment.

Information obtained via the internet should not be archived or stored in any manner other than department-established record keeping systems (see the Records Maintenance and Release and the Criminal Organizations policies).

### 600.8.1 ACCESS RESTRICTIONS

Information that can be accessed from any department computer, without the need of an account, password, email address, alias, or other identifier (unrestricted websites), may be accessed and used for legitimate investigative purposes without supervisory approval.

Accessing information from any internet source that requires the use or creation of an account, password, email address, alias or other identifier, or the use of nongovernment IP addresses, requires supervisor approval prior to access. The supervisor will review the justification for accessing the information and consult with legal counsel as necessary to identify any policy or legal restrictions. Any such access and the supervisor approval shall be documented in the related investigative report.

Accessing information that requires the use of a third party's account or online identifier requires supervisor approval and the consent of the third party. The consent must be voluntary and shall be documented in the related investigative report.

Information gathered from any internet source should be evaluated for its validity, authenticity, accuracy, and reliability. Corroborative evidence should be sought and documented in the related investigative report.

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Any information collected in furtherance of an investigation through an internet source should be documented in the related report. Documentation should include the source of information and the dates and times that the information was gathered.

600.8.2 INTERCEPTING ELECTRONIC COMMUNICATION
Intercepting social media communications in real time may be subject to federal and state wiretap laws. Officers should seek legal counsel before any such interception.

## 600.9 CELLULAR COMMUNICATIONS INTERCEPTION TECHNOLOGY

The Investigation Bureau Commander is responsible for ensuring the following for cellular communications interception technology operations (Government Code § 53166):

(a) Security procedures are developed to protect information gathered through the use of the technology.

(b) A usage and privacy policy is developed that includes:

1. The purposes for which using cellular communications interception technology and collecting information is authorized.
2. Identification by job title or other designation of employees who are authorized to use or access information collected through the use of cellular communications interception technology.
3. Training requirements necessary for those authorized employees.
4. A description of how the Department will monitor the use of its cellular communications interception technology to ensure the accuracy of the information collected and compliance with all applicable laws.
5. Process and time period system audits.
6. Identification of the existence of any memorandum of understanding or other agreement with any other local agency or other party for the shared use of cellular communications interception technology or the sharing of information collected through its use, including the identity of signatory parties.
7. The purpose of, process for and restrictions on the sharing of information gathered through the use of cellular communications interception technology with other local agencies and persons.
8. The length of time information gathered through the use of cellular communications interception technology will be retained, and the process the local agency will utilize to determine if and when to destroy retained information.

Members shall only use approved devices and usage shall be in compliance with department security procedures, the department’s usage and privacy procedures and all applicable laws.

## 600.10 ANTI-REPRODUCTIVE RIGHTS CRIMES

A member should take a report any time a person living within the jurisdiction of the Tracy Police Department reports that the person has been a victim of an anti-reproductive rights crime as defined by Penal Code § 13776 and Penal Code § 423.3. This includes:

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(a) Taking a report, even if the location of the crime is outside the jurisdiction of this department or has not been determined (e.g., online harassment).

(b) Providing the victim with the appropriate information, as set forth in the Victim and Witness Assistance Policy. Members should encourage the person to review the material and should assist with any questions.

A report should also be taken if a person living outside department jurisdiction reports an anti-reproductive rights crime that may have been committed or facilitated within this jurisdiction (e.g., use of a post office box in the city to facilitate the crime).

A member investigating an anti-reproductive rights crime should ensure that the case is referred to the appropriate agency if it is determined that this department should not be the investigating agency. The victim should be advised that the case is being transferred to the agency of jurisdiction. The appropriate entries should be made into any databases that have been authorized for department use and are specific to this type of investigation.

The General Investigations supervisor should provide the Records Supervisor with enough information regarding the number of calls for assistance and number of arrests to meet the reporting requirements to the California Department of Justice as required by Penal Code § 13777. See the Records Unit Policy for additional guidance.

## 600.11 MODIFICATION OF CHARGES FILED

Members are not authorized to recommend to the prosecutor or to any other official of the court that charges on a pending case be amended or dismissed without the authorization of a Bureau Commander or the Chief of Police. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

## 600.12 STATE REQUIREMENTS FOR FIREARM INVESTIGATIONS

### 600.12.1 CALIFORNIA DOJ NOTICE OF LOCATION OF REPORTED LOST OR STOLEN FIREARM

When notification is received from the California Department of Justice (DOJ) that a firearm purchase matches an entry made into the Automated Firearms System by the Department as lost or stolen, the General Investigations supervisor shall assign an officer to retrieve the firearm and book the firearm into evidence in accordance with the Property and Evidence Section Policy. Recovery of the firearm shall be reported pursuant to Penal Code § 11108.2, Penal Code §11108.3, and Penal Code § 11108.5. If appropriate, arrangements may be made to have another state or local law enforcement agency retrieve the firearm on behalf of the Department (Penal Code § 28220).

### 600.12.2 RELINQUISHMENT OF FIREARMS VERIFICATION

The General Investigations supervisor shall designate a member to have access to the Armed Prohibited Persons System (APPS) to receive information regarding individuals in the jurisdiction of the Department who have become a prohibited possessor of a firearm registered in their name and have not provided proof of relinquishment. The member shall document steps taken to verify

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that the individual is no longer in possession of firearms and provide the information to the Records Unit for preparation of a quarterly report to the California DOJ (Penal Code § 29813) (see the Records Unit Policy for additional guidance).

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# Sexual Assault Investigations

## 601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of sexual assaults. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

Mandatory notifications requirements are addressed in the Child Abuse and Senior and Disability Victimization policies.

### 601.1.1 DEFINITIONS

Definitions related to this policy include:

**Sexual assault** - Any crime or attempted crime of a sexual nature, to include but not limited to offenses defined in Penal Code § 243.4, Penal Code § 261 et seq., and Penal Code § 285 et seq.

**Sexual Assault Response Team (SART)** - A multidisciplinary team generally comprised of advocates; law enforcement officers; forensic medical examiners, including sexual assault forensic examiners (SAFEs) or sexual assault nurse examiners (SANEs) if possible; forensic laboratory personnel; and prosecutors. The team is designed to coordinate a broad response to sexual assault victims.

## 601.2 POLICY

It is the policy of the Tracy Police Department that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

## 601.3 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault investigations. These investigators should:

(a) Have specialized training in, and be familiar with, interview techniques and the medical and legal issues that are specific to sexual assault investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to therapy services, victim advocates and support for the victim.

(f) Participate in or coordinate with SART.

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### 601.4 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigation. This includes incidents in which the allegations appear unfounded or unsubstantiated.

### 601.5 RELEASING INFORMATION TO THE PUBLIC

In cases where the perpetrator is not known to the victim, and especially if there are multiple crimes where more than one appear to be related, consideration should be given to releasing information to the public whenever there is a reasonable likelihood that doing so may result in developing helpful investigative leads. The General Investigations supervisor should weigh the risk of alerting the suspect to the investigation with the need to protect the victim and the public, and to prevent more crimes.

### 601.6 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first responders. Training should include:

1. Initial response to sexual assaults.
2. Legal issues.
3. Victim advocacy.
4. Victim's response to trauma.
5. Proper use and handling of the California standardized SAFE kit (Penal Code § 13823.14).

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault victims.
2. SART.
3. Medical and legal aspects of sexual assault investigations.
4. Serial crimes investigations.
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (ViCAP).
6. Techniques for communicating with victims to minimize trauma.

### 601.7 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

Whenever possible, a member of SART should be included in the initial victim interviews. An in-depth follow-up interview should not be conducted until after the medical and forensic

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examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

No opinion of whether the case is unfounded shall be included in the report.

Victims shall not be asked or required to take a polygraph examination (34 USC § 10451; Penal Code § 637.4).

Victims should be apprised of applicable victim's rights provisions, as outlined in the Victim and Witness Assistance Policy.

### 601.7.1 VICTIM RIGHTS

Whenever there is an alleged sexual assault, the assigned officer shall accomplish the following:

(a) Prior to the commencement of the initial interview, advise the victim in writing of the right to have a victim advocate and a support person of the victim's choosing present at any interview or contact by law enforcement, about any other rights of a sexual assault victim pursuant to the sexual assault victim card described in Penal Code § 680.2, and the right to have a person of the same or opposite gender present in the room during any interview with a law enforcement official unless no such person is reasonably available (Penal Code § 679.04).

(b) If the victim is transported to a hospital for any medical evidentiary or physical examination, the officer shall immediately cause the local rape victim counseling center to be notified (Penal Code § 264.2).

    1. The officer shall not discourage a victim from receiving a medical evidentiary or physical examination (Penal Code § 679.04).

    2. A support person may be excluded from the examination by the officer or the medical provider if the support person's presence would be detrimental to the purpose of the examination (Penal Code § 264.2).

### 601.7.2 VICTIM CONFIDENTIALITY

Officers investigating or receiving a report of an alleged sex offense shall inform the victim, or the victim's parent or guardian if the victim is a minor, that their name will become a matter of public record unless the victim requests that their name not be made public. The reporting officer shall document in their report that the victim was properly informed and shall include any related response made by the victim, or if a minor, any response made by the victim's parent or guardian (Penal Code § 293).

Except as authorized by law, members of this department shall not disclose (Penal Code § 293):

(a) The name of any victim of a sex crime who has exercised their right to confidentiality.

(b) The address of a victim of a sex crime.

(c) Names, addresses, or images of a person who alleges to be the victim of human trafficking sexual offense including the alleged victim's immediate family, other than a

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family member who is charged with a criminal offense arising from the same incident, and that information and related images shall be withheld and remain confidential.

## 601.8 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

Whenever possible, a SART member should be involved in the collection of forensic evidence from the victim.

When the facts of the case indicate that collection of biological evidence is warranted, it should be collected regardless of how much time has elapsed since the reported assault.

If a drug-facilitated sexual assault is suspected, urine and blood samples should be collected from the victim as soon as practicable.

Subject to requirements set forth in this policy, biological evidence from all sexual assault cases, including cases where the suspect is known by the victim, should be submitted for testing.

Victims who choose not to assist with an investigation, do not desire that the matter be investigated, or wish to remain anonymous may still consent to the collection of evidence under their control. In these circumstances, the evidence should be collected and stored appropriately (Penal Code § 680).

### 601.8.1 COLLECTION AND TESTING REQUIREMENTS

Members investigating a sexual assault offense should take every reasonable step to ensure that DNA testing of such evidence is performed in a timely manner and within the time periods prescribed by Penal Code § 803(g). SAFE kits should be submitted to the crime lab within 20 days after being booked into evidence (Penal Code § 680).

In order to maximize the effectiveness of such testing and identify the perpetrator of any sexual assault, the assigned officer shall ensure that an information profile for the SAFE kit evidence has been created in the California Department of Justice (DOJ) SAFE-T database within 120 days of collection and should further ensure that the results of any such test have been timely entered into and checked against both the DOJ Cal-DNA database and the Combined DNA Index System (CODIS) (Penal Code § 680.3).

If the assigned officer determines that a SAFE kit submitted to a private laboratory for analysis has not been tested within 120 days after submission, the officer shall update the SAFE-T database to reflect the reason for the delay in testing. The assigned officer shall continue to update the status every 120 days thereafter until the evidence has been analyzed or the statute of limitations has run (Penal Code § 680.3).

If, for any reason, DNA evidence in a sexual assault case in which the identity of the perpetrator is in issue and is not going to be analyzed within 18 months of the crime, the assigned officer shall notify the victim of such fact in writing no less than 60 days prior to the expiration of the 18-month period (Penal Code § 680).

Additional guidance regarding evidence retention and destruction is found in the Property and Evidence Policy.

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### 601.8.2 COLLECTION OF DNA REFERENCE SAMPLES

Reference samples of DNA collected directly from a victim of sexual assault, and reference samples of DNA collected from any individual that were voluntarily provided for the purpose of exclusion, shall be protected as provided in Penal Code § 679.12 (Penal Code § 680).

### 601.8.3 DNA TEST RESULTS

A SART member should be consulted regarding the best way to deliver biological testing results to a victim so as to minimize victim trauma, especially in cases where there has been a significant delay in getting biological testing results (e.g., delays in testing the evidence or delayed DNA databank hits). Members should make reasonable efforts to assist the victim by providing available information on local assistance programs and organizations as provided in the Victim and Witness Assistance Policy.

(a) Upon receipt of a written request from a sexual assault victim or the victim's authorized designee, members investigating sexual assault cases shall inform the victim of the status of the DNA testing of any evidence from the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

2. Absent a written request, no member of this department is required to, but may, communicate with the victim or the victim's authorized designee regarding the status of any DNA testing.

(b) Sexual assault victims shall further have the following rights (Penal Code § 680):

1. To be informed if a DNA profile of the assailant was obtained from the testing of the SAFE kit or other crime scene evidence from their case.

2. To be informed if there is a confirmed match between the DNA profile of the assailant developed from the evidence and a DNA profile contained in the DOJ Convicted Offender DNA Database, providing that disclosure would not impede or compromise an ongoing investigation.

3. To be informed if the DNA profile of the assailant developed from the evidence has been entered into the DOJ Databank or the federal Department of Justice or Federal Bureau of Investigation CODIS database of case evidence.

4. To access the DOJ SAFE-T database portal consistent with Penal Code § 680.3(e) for information involving their own forensic kit and the status of the kit.

(c) Provided that the sexual assault victim or the victim's authorized designee has kept the assigned officer informed with regard to current address, telephone number, and email address (if available), any victim or the victim's authorized designee shall, upon request, be advised of any known significant changes regarding the victim's case (Penal Code § 680).

1. Although such information may be communicated orally, the assigned officer should thereafter follow-up with and retain a copy of confirmation by either written or electronic mail.

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2. No officer shall be required or expected to release any information which might impede or compromise any ongoing investigation.

601.8.4 STANDARDIZED SEXUAL ASSAULT FORENSIC MEDICAL EVIDENCE KIT
The Property and Evidence Section supervisor should make California standardized sexual assault forensic medical evidence (SAFE) kits available to members who may investigate sexual assault cases. Members investigating a sexual assault should use these SAFE kits when appropriate and follow related usage guidelines issued by the California Clinical Forensic Medical Training Center (Penal Code § 13823.14).

## 601.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the General Investigations supervisor.

Classification of a sexual assault case as unfounded requires the General Investigations supervisor to determine that the facts have significant irregularities with reported information and that the incident could not have happened as it was reported. When a victim has recanted his/her original statement, there must be corroborating evidence that the allegations were false or baseless (i.e., no crime occurred) before the case should be determined as unfounded.

## 601.10 CASE REVIEW

The General Investigations supervisor should ensure case dispositions are reviewed on a periodic basis.

The SART and/or victim advocates should be considered for involvement in this audit. Summary reports on these reviews should be forwarded through the chain of command to the Chief of Police.

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# Special Investigation Unit

## 602.1 PURPOSE AND SCOPE

A. To establish guidelines for receiving, processing and investigating complaints of illicit drug activity including, but not limited to, meth labs, narcotics sales, narcotics use, transportation of narcotics and possession of narcotics in and about the city of Tracy.

B. To establish guidelines for receiving, processing and investigating complaints of prostitution, human trafficking and illegal gambling in and about the City of Tracy.

C. To establish criteria to evaluate the accuracy and credibility of initial information regarding the suspected narcotics, prostitution, human trafficking and/or illegal gambling violation to determine the scope and relative importance of the problem, so that a determination can be made on how to investigate the allegations.

## 602.2 RESPONSIBILITY

A. The Special Investigations Bureau is responsible for investigating narcotics, prostitution, human trafficking and illegal gambling activity. It shall be the primary responsibility of the Special Investigations Unit (SIU).

B. The SIU supervisor (sergeant) is responsible for coordinating and overseeing narcotics, prostitution, human trafficking and illegal gambling investigations by members of SIU.

C. The SIU supervisor (sergeant) will ensure that appropriate resources are directed towards follow-up from drug hotline tips. While other units may perform follow-up from drug hotline information as appropriate, the ongoing response to drug hotline information is one of the primary responsibilities of the SIU supervisor.

D. SIU will identify and document known or suspected persons involved in narcotics, prostitution, human trafficking and illegal gambling activity utilizing all available information and resources.

E. SIU investigators will be responsible to substantiate or unfound reports of narcotics, prostitution, human trafficking and illegal gambling violations made by citizen(s), which they have been assigned to investigate by the SIU supervisor.

F. SIU will communicate with other agencies, other units within the Tracy Police Department and other criminal intelligence sources regarding narcotics, prostitution, human trafficking and illegal gambling activities.

G. Where an investigation develops information of gang activity, the SIU investigator will be responsible to share criminal intelligence information with the Tracy PD gang detective.

H. SIU will thoroughly investigate cases, seeking arrest and/or prosecution when appropriate.

I. SIU will work in conjunction with other Tracy Police Department units and allied agencies on joint investigations involving narcotics, prostitution, human trafficking, illegal gambling activities and other crimes.

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### 602.3 DOCUMENTATION

When alleged narcotic, prostitution, human trafficking or illegal gambling activity information is received, it shall be documented, indicating the source, the activity, pertinent dates and times, the name of the person receiving the information, and any other pertinent information.

A. Initial reporting may be by official police report, memorandum, drug hotline tip or Crime Stoppers tip.

B. Narcotics, prostitution, human trafficking and illegal gambling offense arrests shall be documented via arrest/police report.

1. A copy of any offense or arrest report involving actual or suspected illegal activity shall be forwarded to SIU.

2. Other information concerning the known or suspected activity shall be attached to the report, memorandum or drug hotline tip when applicable.

3. The SIU investigator will research the information provided. The information researched shall consist of, but is not limited to, driver's license, probation, parole, prior contacts, children in the home, utilities and known associates. The supervisor may then assign the case, forward the case to another unit, or file the information pending further leads.

### 602.4 SIU NARCOTIC FILES

The SIU supervisor shall maintain a file on narcotic information received from Department sources, outside agencies and citizens. The SIU supervisor shall coordinate investigations based on such information as warranted.

A. This file shall be secure and maintained separately from other Records files, yet be available on a need-to-know/ right-to-know basis to authorized individuals. The requesting individual shall contact the SIU supervisor or designee for viewing of the information.

### 602.5 COMPLAINT PROCEDURES OF ILLEGAL ACTIVITY

Narcotics, prostitution, human trafficking and illegal gambling complaints shall be investigated to the fullest extent possible. Several factors may be used to determine the extent and intensity of the investigation. These factors include but are not limited to:

A. Solvability factors.

B. The relative importance of the problem to the community and the Department.

C. The availability of staffing and resources to conduct a proper investigation.

D. The expertise to conduct a proper investigation.

E. The validity of intelligence information.

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602.5.1 INFORMATION SHARING

The identification and control of narcotics, prostitution, human trafficking and illegal gambling activities can best be accomplished by the mutual cooperation between all Departmental units and outside agencies.

A. Employees receiving information on suspected narcotics, prostitution, human trafficking and illegal gambling activities have the responsibility to make this information known to a SIU investigator or their supervisor.

B. Supervisors should ensure an exchange of relative information through departmental memorandum and at regularly scheduled staff meetings.

C. Special meetings may be conducted as needed to exchange information concerning on-going or possible investigative efforts.

## 602.6 CONFIDENTIAL INFORMANTS

Informants are valuable in the endeavor to control narcotics activities. All informants, and the use of such, shall be in compliance with Tracy Police Manual Section 608 "Confidential Informants."

## 602.7 SURVEILLANCE EQUIPMENT

SIU maintains its own surveillance equipment. The SIU supervisor or designee shall have the responsibility for the surveillance and undercover equipment. The equipment should be stored in a locked room or cabinet. Any unit throughout the department may use the surveillance or undercover equipment. The officer/detective shall obtain SIU supervisory approval to use the equipment. The equipment shall be signed out on the "Equipment Log." The log requires the following information:

A. Name of officer/detective using equipment

B. Name of supervisor authorizing its use

C. Type of investigation or case number

D. Description of equipment

E. Date checked out

When the equipment is returned, the officer/detective shall sign the equipment back in, and note if there were any problems with its usage.

It is the responsibility of the SIU supervisor or designee to properly train the officer/detective in the use of the equipment before being authorized to use it. It is also their responsibility to periodically provide a maintenance check on the surveillance and undercover equipment to be sure it is all in working order. The SIU supervisor shall maintain an inventory of the equipment assigned to the unit.

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### 602.8 EVIDENCE

The handling of all evidence shall be in compliance with Tracy Police Policy Manual section 804 "Property Procedures." All asset forfeitures shall be in compliance with Tracy Police Policy Manual Section 606, "Asset Forfeiture Policy."

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# Narcotics and Vice Special Investigation Funds

## 603.1 PURPOSE AND SCOPE

To establish a procedure for the proper use and maintenance of the Narcotics and Vice Unit "buy funds."

Special Investigations Buy Funds - exist to permit detectives access to monies needed for narcotic and vice investigations. Specifically, it provides for the purchase of controlled substances and funds field investigations (Information concerning illegal activity).

## 603.2 OBTAINING FUNDS FROM SSET FORFEITURE ACCOUNT

(a) When the account falls below $1000, the Vice and Narcotics Unit supervisor will draft a memorandum to the Finance Department, through the Chief of Police, requesting additional funds be drawn from the Undercover Funds account.

(b) When requesting additional monies, the supervisor should consider obtaining enough monies to establish a balance of $3,000. The request is usually $2,500.

(c) The Executive Assistant will prepare a Voucher Request for monies and submit to Finance. Finance will cut the check payable to the Vice and Narcotics Supervisor, who will cash the check and replenish the fund.

## 603.3 SECURITY OF SPECIAL INVESTIGATION FUNDS

(a) Special Investigations Buy Funds will be secured in the Special Investigations Safe, which will be retained in the Narcotics and Vice Unit Sergeant's Office. The safe will be locked at all times, other than when funds are being obtained, or when the supervisor is balancing the appropriate ledger.

(b) The safe is secured with a combination lock. The combination for the safe will be retained by the unit supervisor and the respective division commander.

(c) The combination of the safe shall not be released to any other person; unless there exists an immediate need to access Special Investigations Buy Funds and neither the unit supervisor nor division commander are available.

## 603.4 PROCEDURE FOR OBTAINING AND TRACKING FUNDS

(a) All requests for the use of Special Investigations Buy Funds shall be approved by the unit supervisor, the division commander, or his/her designee.

(b) The employee requesting Special Investigations Buy Funds will fill-out the Petty Cash Log, which will contain the date, DR#, location, activity, case agent, amount taken, amount used and the case agent's initials. The Petty Cash Log will be maintained by the unit supervisor, who will obtain the requested funds from the safe. The supervisor will remove the funds and check that the Petty Cash Log reflects the amount withdrawn.

(c) If none of the funds withdrawn are expended, the supervisor will return the cash to the safe and complete the "Amount Used" section on the Petty Cash Log.

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## 603.5 PROCEDURE FOR RECORDING THE USE OF SPECIAL INVESTIGATION BUY FUNDS

(a) When Special Investigations Buy Funds are expended, the detective shall fill out an Expenditure of Secret Service Funds form (TPD Form N-8).

(b) This form will be turned in to the unit supervisor upon the detective's return from the field, or as soon as practical. Form N-8 shall contain the date funds were expended, a DR number If applicable, the location where funds were spent and a brief narrative explaining the circumstances of the expenditure. The form shall also contain the amount of cash expended and the controlled substance that was obtained by the detective. Prior to submitting the form, the detective shall sign his/her name in the appropriate area.

(c) The unit supervisor shall verify that the information contained on Form N-8 is accurate and sign in the appropriate space (below the employee's signature).

(d) The unit supervisor shall place Form N-8 in the cash box, where it will be retained until the records are reconciled at the end of the month.

## 603.6 SUPERVISOR'S RESPONSIBILITY IN ACCOUNTING FOR THE EXPENDITURE OF FUNDS

(a) The unit supervisor shall be responsible for recording the status of the Special Investigations Buy Funds and ensure that the correct balance is maintained.

(b) The balance of the fund shall be maintained in the ledger. The supervisor shall balance the account at the end of each month.

(c) The unit supervisor shall transfer the information contained on N-8 Forms to the account ledger. The ledger contains space for the date of the expenditure, nature of the investigation and amount spent. When all entries have been completed for the month, the unit supervisor shall ensure that the balance remaining in the cash box reflects the total listed for the reconciled line in the ledger.

(d) Any discrepancies in the account total shall be rechecked for accuracy and if the account fails to balance, the division commander shall immediately be notified.

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# Asset Forfeiture

## 604.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

### 604.1.1 DEFINITIONS

Definitions related to this policy include:

**Fiscal agent** - The person designated by the Chief of Police to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Tracy Police Department seizes property for forfeiture or when the Tracy Police Department is acting as the fiscal agent pursuant to a multi-agency agreement.

**Forfeiture** - The process by which legal ownership of an asset is transferred to a government or other authority.

**Forfeiture reviewer** - The department member assigned by the Chief of Police who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Department and the assigned attorney.

**Property subject to forfeiture** - The following may be subject to forfeiture:

(a) Property related to a narcotics offense, which includes (Heath and Safety Code § 11470; Health and Safety Code § 11470.1):

1. Property (not including real property or vehicles) used, or intended for use, as a container for controlled substances, materials to manufacture controlled substances, etc.
2. Interest in a vehicle (car, boat, airplane, other vehicle) used to facilitate the manufacture, possession for sale or sale of specified quantities of controlled substances.
3. Money, negotiable instruments, securities or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance, proceeds traceable to an exchange, etc.
4. Real property when the owner is convicted of violating Health and Safety Code § 11366, Health and Safety Code § 11366.5 or Health and Safety Code § 11366.6 (drug houses) when the property was not used as a family residence or for other lawful purposes, or property owned by two or more persons, one of whom had no knowledge of its unlawful use.
5. The expenses of seizing, eradicating, destroying or taking remedial action with respect to any controlled substance or its precursors upon conviction for the unlawful manufacture or cultivation of any controlled substance or its precursors.

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(b) Property related to criminal profiteering (may include gang crimes), to include (Penal Code § 186.2; Penal Code § 186.3):

1. Any property interest, whether tangible or intangible, acquired through a pattern of criminal profiteering activity.
2. All proceeds acquired through a pattern of criminal profiteering activity, including all things of value that may have been received in exchange for the proceeds immediately derived from the pattern of criminal profiteering activity.

**Seizure** - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

## 604.2 POLICY

The Tracy Police Department recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Tracy Police Department that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

## 604.3 ASSET SEIZURE

California Health and Safety Code section 11470 provides that certain kinds of property may be forfeited under specified circumstances. Property may be subject to forfeiture if it is used to "facilitate" drug trafficking or it is "proceeds traceable" to drug trafficking. "Facilitation" means anything done to make drug trafficking easier, while "proceeds" refer to things acquired directly in drug transactions. In cases where the seizure is less than $25,000, someone must be convicted in an underlying related criminal action of a California drug-trafficking offense. The qualifying offenses for seizure are:

-Possessing for sale, transportation, selling, furnishing designated controlled substances.

Cocaine/Heroin 11351 H.S Cocaine base 11351.5 H.S Cocaine/Heroin/Cocaine base 11352 H.S Marijuana 11359 H.S, 11360 H.S Phencyclidine 11378.5 H.S, 11379.5 H.S -Sale/furnishing substance falsely represented to be controlled substance (11355 H.S, 11382 H.S)

-Possessing/intending to manufacture Methamphetamine/PCP (11383 H.S).

-Construction or using a false compartment intending to conceal/transport a controlled substance (11366.8 H.S).

-Manufacturing, compounding, converting, producing any controlled (11379.6 H.S).

-Conspiracy to violate any listed offense (182 P.C).

-Real property forfeiture: Maintenance of or providing, fortifying, or utilizing an unlawful place for furnishing/using controlled substance (11366 H.S, 11366.5 H.S and 11366.6 H.S).

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- Using a minor as an agent for transporting, selling, furnishing designated controlled substances (11380 H.S)

-The only exception to the criminal conviction requirement is where cash of **$25,000 or more is seized**. In that case, there is no conviction required and the burden of proof is lowered to "clear and convincing." This allows large forfeiture actions to proceed in civil court independently from criminal action.

### 604.3.1 PROPERTY SUBJECT TO SEIZURE

The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer:

(a) Property subject to forfeiture authorized for seizure under the authority of a search warrant or court order.

(b) Property subject to forfeiture not authorized for seizure under the authority of a search warrant or court order when any of the following apply (Health and Safety Code § 11471; Health and Safety Code § 11488):

1. The property subject to forfeiture is legally seized incident to an arrest.
2. There is probable cause to believe that the property was used or is intended to be used in a violation of the Uniform Controlled Substances Act and the seizing officer can articulate a nexus between the property and the controlled substance offense that would lead to the item being property subject for forfeiture.

Officers aware of assets that may be forfeitable as a result of criminal profiteering or human trafficking should consider contacting the district attorney regarding a court order to protect the assets (Penal Code § 186.6; Penal Code § 236.6).

Whenever practicable, a search warrant or court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

### 604.3.2 PROPERTY NOT SUBJECT TO SEIZURE

The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the forfeiture counsel’s current minimum forfeiture thresholds should not be seized.

(b) Real property is not subject to seizure, absent exigent circumstances, without a court order (Health and Safety Code § 11471).

(c) A vehicle which may be lawfully driven on the highway if there is a community property interest in the vehicle by a person other than the suspect and the vehicle is the sole vehicle available to the suspect’s immediate family (Health and Safety Code § 11470).

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(d) Vehicles, boats or airplanes owned by an “innocent owner,” such as a common carrier with no knowledge of the suspected offense (Health and Safety Code § 11490).

(e) Any property when the associated activity involves the possession of marijuana or related paraphernalia that is permissible under the Control, Regulate and Tax Adult Use of Marijuana Act (Health and Safety Code § 11362.1).

### 604.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS

When property or cash subject to this policy is seized, the officer making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the officer must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The officer will book seized property as evidence with the notation in the comment section of the property form, “Seized Subject to Forfeiture.” Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Officers who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

### 604.5 MAINTAINING SEIZED PROPERTY

The Property and Evidence Section Supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

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(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

### 604.6 FORFEITURE REVIEWER

The Chief of Police will appoint an officer as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a department-approved course on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly Health and Safety Code § 11469 et seq. and Penal Code § 186.2 et seq. and the forfeiture policies of the forfeiture counsel.

(b) Serving as the liaison between the Department and the forfeiture counsel and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Ensuring that property seized under state law is not referred or otherwise transferred to a federal agency seeking the property for federal forfeiture as prohibited by Health and Safety Code § 11471.2.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for department use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to officers. The forms should be available in languages appropriate for the region and should contain spaces for:

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that officers who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished

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through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Department Directives. The training should cover this policy and address any relevant statutory changes and court decisions.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property (Health and Safety Code § 11488.4).
4. Property is promptly released to those entitled to its return (Health and Safety Code § 11488.2).
5. All changes to forfeiture status are forwarded to any supervisor who initiates a forfeiture case.
6. Any cash received is deposited with the fiscal agent.
7. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
8. Current minimum forfeiture thresholds are communicated appropriately to officers.
9. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Ensuring that a written plan that enables the Chief of Police to address any extended absence of the forfeiture reviewer, thereby ensuring that contact information for other law enforcement officers and attorneys who may assist in these matters is available.

(j) Ensuring that the process of selling or adding forfeited property to the department's regular inventory is in accordance with all applicable laws and consistent with the department's use and disposition of similar property.

(k) Keeping a manual that details the statutory grounds for forfeitures and department procedures related to asset forfeiture, including procedures for prompt notice to interest holders, the expeditious release of seized property, where appropriate, and the prompt resolution of claims of innocent ownership (Heath and Safety Code § 11469).

(l) Providing copies of seized business records to the person or business from whom such records were seized, when requested (Heath and Safety Code §11471).

(m) Notifying the California Franchise Tax Board when there is reasonable cause to believe that the value of seized property exceeds $5,000.00 (Health and Safety Code § 11471.5).

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Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and City financial directives (Health and Safety Code § 11495).

## 604.7 DISPOSITION OF FORFEITED PROPERTY

Forfeited funds distributed under Health and Safety Code § 11489 et seq. shall only be used for purposes allowed by law, but in no case shall a peace officer's employment or salary depend upon the level of seizures or forfeitures he/she achieves (Heath and Safety Code § 11469).

The Department may request a court order so that certain uncontaminated science equipment is relinquished to a school or school district for science classroom education in lieu of destruction (Health and Safety Code § 11473; Health and Safety Code § 11473.5).

### 604.7.1 RECEIVING EQUITABLE SHARES

When participating in a joint investigation with a federal agency, the Tracy Police Department shall not receive an equitable share from the federal agency of all or a portion of the forfeiture proceeds absent either a required conviction under Health and Safety Code § 11471.2 or the flight, death or willful failure to appear of the defendant. This does not apply to forfeited cash or negotiable instruments of $40,000 or more.

## 604.8 CLAIM INVESTIGATIONS

An investigation shall be made as to any claimant of a vehicle, boat or airplane whose right, title, interest or lien is on the record in the Department of Motor Vehicles or in an appropriate federal agency. If investigation reveals that any person, other than the registered owner, is the legal owner, and that ownership did not arise subsequent to the date and time of arrest or notification of the forfeiture proceedings or seizure of the vehicle, boat or airplane, notice shall be made to the legal owner at his/her address appearing on the records of the Department of Motor Vehicles or the appropriate federal agency (Health and Safety Code § 11488.4).

## 604.9 TRACY POLICE DEPARTMENT POLICIES AND PROCEDURES.

1). **Requirement for initial seizure.** The law allows any peace officer to seize personal property subject to forfeiture without a court order incident to an arrest or a search under a search warrant or when he or she has probable cause to believe the property was used or is intended to be used in violation of California drug laws. This means that if the officer is in a place he has the right to be, he may, without a court order, constitutionally seize property in plain view, which he has probable cause to believe is subject to forfeiture. The key factor is that the officer must be able to articulate facts, which leads him to believe the property is subject to forfeiture under one or more of the provisions of Health and Safety Code section 11470. Probable cause in an asset forfeiture case means the same probable cause in a criminal case, but deals with facts relating to forfeiture rather than the direct commission of a crime.

2). **Procedures required at initial seizure** A). Assuming Probable cause exists to believe the property is subject to forfeiture, the following steps must be taken to institute a forfeiture:

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The law enforcement agency must give a receipt to the person from whom the property is taken. A TPD Property/Evidence report form will suffice and complies with Penal Code section 1412, regarding property taken from persons arrested by a police officer. If the property is not taken from the personal possession of any person or the person who had personal possession disclaims ownership, the receipt should be given to the person in possession of the premises from which the property was taken. If the person in possession is not present when the seizure is made, the receipt must be left in a prominent place at the premises. B). The law enforcement agency must **decide whether to proceed** to forfeit the property seized within **15 days** of seizure. It is permissible at this stage for the agency to return property to the lawful owner without consulting with the District Attorney's Office. This may happen most often with vehicles, where a minimum value must be established before submitting the case for review.

The property may be held beyond 15 days if it is held as evidence or for some other legal reason. C). The Law Enforcement agency must serve a **Notice of Non-Judicial Forfeiture Proceedings** and a **Claim Opposing Forfeiture within 15 days of the seizure.** In most cases, the notices and claim should be served immediately upon seizing the property. When the notice is served at the time of the seizure, it may also serve as the receipt as mentioned above.

The notice must be **personally served** and an affidavit/declaration of service completed by the person serving the notice. The affidavit/declaration of service is located on the back of the Notice of Non-Judicial Forfeiture Proceedings form.

In order to constitute a valid notice, the Judicial Council Form entitled "Claim Opposing Forfeiture" must be given to the person being served. D. Disclaimers It is not uncommon that property will be seized and the person present will deny knowledge or ownership of the property. In such cases, the person should be requested to sign a "Disclaimer of Ownership of Property" form. The "Notice of Non-Judicial Forfeiture" form should be left in a prominent place at the premises without naming a person. This denial of ownership may well effect the person's standing to the property.

E. Policies Applicable to Cash Cash is usually the easiest kind of property to forfeit. When it is found in close proximity to drugs and sales paraphernalia, such as packaging materials, scales, pay/owe sheets and cell phones. It is important to gather all evidence available, consistent with the standard rules on seizure of evidence, to prove the cash came from drug transactions. In addition, money is subject to forfeiture based on intended use. Thus, the owner should always be questioned about the purpose of the money as well as its source.

-Procedures to account for and safeguard cash must be instituted within the agency. This should include, at a minimum, initial counting in the presence of two officers and strict receipting whenever the cash changes hands.

-It may be necessary to maintain the actual currency as evidence, as where a narcotics dog has given indications that cash has been exposed to controlled substances.

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# Informants

## 605.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

### 605.1.1 DEFINITIONS

Definitions related to this policy include:

**Informant** - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with, the Tracy Police Department for law enforcement purposes. This also includes a person agreeing to supply information to the Tracy Police Department for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

## 605.2 POLICY

The Tracy Police Department recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this department that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

## 605.3 USE OF INFORMANTS

### 605.3.1 INITIAL APPROVAL

Before using an individual as an informant, an officer must receive approval from his/her supervisor. The officer shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this department should not guarantee absolute safety or confidentiality to an informant.

### 605.3.2 JUVENILE INFORMANTS

The use of informants under the age of 13 is prohibited.

Except for the enforcement of laws related to the commercial sale of alcohol, marijuana or tobacco products, a juvenile 13 years of age or older may only be used as an informant with the written consent of each of the following:

(a) The juvenile’s parents or legal guardians

(b) The juvenile’s attorney, if any

(c) The court in which the juvenile’s case is being handled, if applicable (Penal Code § 701.5)

(d) The Chief of Police or the authorized designee

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### 605.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated department informant agreement. The officer using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

## 605.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Chief of Police, Bureau Commander, Special Investigations Unit supervisor or their authorized designees.

1. Identities of informants acting in a confidential capacity shall otherwise be kept confidential.

(b) Criminal activity by informants shall not be condoned.

(c) Informants shall be told they are not acting as police officers, employees or agents of the Tracy Police Department, and that they shall not represent themselves as such.

(d) The relationship between department members and informants shall always be ethical and professional.

1. Members shall not become intimately involved with an informant.
2. Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Special Investigations Unit supervisor.
3. Members shall neither solicit nor accept gratuities or engage in any private business transaction with an informant.

(e) Officers shall not meet with informants in a private place unless accompanied by at least one additional officer or with prior approval of the Special Investigations Unit supervisor.

1. Officers may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, officers shall arrange for the presence of another officer.

(g) In all instances when department funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, officers shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

### 605.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be

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unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Department and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of an officer.

(c) The informant reveals to suspects the identity of an officer or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this department to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of officers or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

### 605.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of department members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Special Investigations Unit. The Special Investigations Unit supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Chief of Police, Bureau Commander, Special Investigations Unit supervisor or their authorized designees.

The Investigation Bureau Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis, but no less than one time per year. If the Special Investigations Unit supervisor is replaced, the files will be audited before the new supervisor takes over management of the files. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

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### 605.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) Places frequented

(i) Briefs of information provided by the informant and his/her subsequent reliability

1. If an informant is determined to be unsuitable, the informant's file is to be marked "unsuitable" and notations included detailing the issues that caused this classification.

(j) Name of the officer initiating use of the informant

(k) Signed informant agreement

(l) Update on active or inactive status of informant

## 605.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Special Investigations Unit supervisor will discuss the above factors with the Field Operations Bureau Commander and recommend the type and level of payment subject to approval by the Chief of Police.

### 605.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

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(a) Payments of $500 and under may be paid in cash from a Special Investigations Unit buy/expense fund.

1. The Special Investigations Unit supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, payable to the officer who will be delivering the payment.

1. The check shall list the case numbers related to and supporting the payment.
2. A written statement of the informant's involvement in the case shall be placed in the informant's file.
3. The statement shall be signed by the informant verifying the statement as a true summary of his/her actions in the case.
4. Authorization signatures from the Chief of Police and the City Manager are required for disbursement of the funds.

(c) To complete the payment process for any amount, the officer delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include the following:
   (a) Date
   (b) Payment amount
   (c) Tracy Police Department case number
   (d) A statement that the informant is receiving funds in payment for information voluntarily rendered.
2. The cash transfer form shall be signed by the informant.
3. The cash transfer form will be kept in the informant's file.

### 605.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of officers or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

In such cases, the informant shall be provided a letter identifying the amount he/she must report on a tax return as “other income” and shall be required to provide a signed acknowledgement of receipt of the letter. The completed acknowledgement form and a copy of the letter shall be retained in the informant’s file.

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### 605.6.3 AUDIT OF PAYMENTS

The Special Investigations Unit supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

At least once every six months, the Chief of Police or the authorized designee should conduct an audit of all informant funds for the purpose of accountability and security of the funds. The funds and related documents (e.g., buy/expense fund records, cash transfer forms, invoices, receipts and logs) will assist with the audit process.

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# Eyewitness Identification

## 606.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this department employ eyewitness identification techniques (Penal Code § 859.7).

### 606.1.1 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.

## 606.2 POLICY

The Tracy Police Department will strive to use eyewitness identification techniques, when appropriate, to enhance the investigative process and will emphasize identifying persons responsible for crime and exonerating the innocent.

## 606.3 INTERPRETIVE SERVICES

Members should make a reasonable effort to arrange for an interpreter before proceeding with eyewitness identification if communication with a witness is impeded due to language or hearing barriers.

Before the interpreter is permitted to discuss any matter with the witness, the investigating member should explain the identification process to the interpreter. Once it is determined that the interpreter comprehends the process and can explain it to the witness, the eyewitness identification may proceed as provided for within this policy.

## 606.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The General Investigations supervisor shall be responsible for the development and maintenance of an eyewitness identification process for use by members when they are conducting eyewitness identifications.

The process should include appropriate forms or reports that provide (Penal Code § 859.7):

(a) The date, time and location of the eyewitness identification procedure.

(b) The name and identifying information of the witness.

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(c) The name of the person administering the identification procedure.

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification.

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness.

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

(k) Any other direction to meet the requirements of Penal Code § 859.7, including direction regarding blind or blinded administrations and filler selection.

The process and related forms should be reviewed at least annually and modified when necessary.

## 606.5 EYEWITNESS IDENTIFICATION

Members are cautioned not to, in any way, influence a witness as to whether any subject or photo presented in a lineup is in any way connected to the case.

Members should avoid mentioning that:

- The individual was apprehended near the crime scene.
- The evidence points to the individual as the suspect.
- Other witnesses have identified or failed to identify the individual as the suspect.

In order to avoid undue influence, witnesses should view suspects or a lineup individually and outside the presence of other witnesses. Witnesses should be instructed to avoid discussing details of the incident or of the identification process with other witnesses.

The eyewitness identification procedure should be audio and video recorded and the recording should be retained according to current evidence procedures. When it is not feasible to make a recording with both audio and visual representations, an audio recording should be made (Penal Code § 859.7).

## 606.6 DOCUMENTATION

A thorough description of the eyewitness process and the result of any eyewitness identification should be documented in the case report.

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If a photographic lineup is utilized, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

606.6.1 DOCUMENTATION RELATED TO RECORDINGS
The handling member shall document the reason that a video recording or any other recording of an identification was not obtained (Penal Code § 859.7).

606.6.2 DOCUMENTATION RELATED TO BLIND ADMINISTRATION
If a presentation of a lineup is not conducted using blind administration, the handling member shall document the reason (Penal Code § 859.7).

## 606.7 PHOTOGRAPHIC LINEUP AND LIVE LINEUP CONSIDERATIONS

When practicable, the member presenting the lineup should not be involved in the investigation of the case or know the identity of the suspect. In no case should the member presenting a lineup to a witness know which photograph or person in the lineup is being viewed by the witness (Penal Code § 859.7). Techniques to achieve this include randomly numbering photographs, shuffling folders, or using a computer program to order the persons in the lineup.

Individuals in the lineup should reasonably match the description of the perpetrator provided by the witness and should bear similar characteristics to avoid causing any person to unreasonably stand out. In cases involving multiple suspects, a separate lineup should be conducted for each suspect. The suspects should be placed in a different order within each lineup (Penal Code § 859.7).

The member presenting the lineup should do so sequentially (i.e., show the witness one person at a time) and not simultaneously. The witness should view all persons in the lineup.

A live lineup should only be used before criminal proceedings have been initiated against the suspect. If there is any question as to whether any criminal proceedings have begun, the investigating member should contact the appropriate prosecuting attorney before proceeding.

606.7.1 OTHER SAFEGUARDS
Witnesses should be asked for suspect descriptions as close in time to the incident as possible and before conducting an eyewitness identification. No information concerning a suspect should be given prior to obtaining a statement from the witness describing how certain he/she is of the identification or non-identification. Members should not say anything to a witness that that may validate or invalidate an eyewitness' identification. In photographic lineups, writings or information concerning any previous arrest of a suspect shall not be visible to the witness (Penal Code § 859.7).

## 606.8 FIELD IDENTIFICATION CONSIDERATIONS

Field identifications, also known as field elimination show-ups or one-on-one identifications, may be helpful in certain cases, where exigent circumstances make it impracticable to conduct a photo or live lineup identifications. A field elimination show-up or one-on-one identification should not be

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used when independent probable cause exists to arrest a suspect. In such cases a live or photo lineup is the preferred course of action if eyewitness identification is contemplated.

When initiating a field identification, the member should observe the following guidelines:

(a) Obtain a complete description of the suspect from the witness.

(b) Assess whether a witness should be included in a field identification process by considering:

1. The length of time the witness observed the suspect.
2. The distance between the witness and the suspect.
3. Whether the witness could view the suspect's face.
4. The quality of the lighting when the suspect was observed by the witness.
5. Whether there were distracting noises or activity during the observation.
6. Any other circumstances affecting the witness's opportunity to observe the suspect.
7. The length of time that has elapsed since the witness observed the suspect.

(c) If safe and practicable, the person who is the subject of the show-up should not be handcuffed or in a patrol vehicle.

(d) When feasible, members should bring the witness to the location of the subject of the show-up, rather than bring the subject of the show-up to the witness.

(e) The person who is the subject of the show-up should not be shown to the same witness more than once.

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should not be required to put on clothing worn by the suspect, to speak words uttered by the suspect or to perform other actions mimicking those of the suspect.

(h) If a witness positively identifies a subject of the show-up as the suspect, members should not conduct any further field identifications with other witnesses for that suspect. In such instances members should document the contact information for any additional witnesses for follow up, if necessary.

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# Brady Material Disclosure

## 607.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

### 607.1.1 DEFINITIONS

Definitions related to this policy include:

***Brady* information** -Information known or possessed by the Tracy Police Department that is both favorable and material to the current prosecution or defense of a criminal defendant.

## 607.2 POLICY

The Tracy 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 Tracy 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.

## 607.3 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.

## 607.4 DISCLOSURE OF PERSONNEL INFORMATION

Upon a sustained finding of policy violation(s), which is determined by the Chief of Police to be possible Brady material, the Chief of Police will notify the District Attorney. The notification shall

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only indicate that potential Brady material exists within the Officer's personnel file. It will be the burden of the District Attorney to pursue legal action to gain access to the Officer's personnel file to evaluate the information.

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(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) Any member who is the subject of such a motion shall be notified in writing that a motion has been filed.

(c) 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.

(d) 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.

## 607.5 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.

## 607.6 TRAINING

Department members should receive periodic training on the requirements of this policy.

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# Warrant Service

## 608.1 PURPOSE AND SCOPE

This policy establishes guidelines for the planning and serving of arrest and search warrants by members of this department. It is understood that this policy cannot address every variable or circumstance that can arise in the service of a search or arrest warrant, as these tasks can involve rapidly evolving and unique circumstances.

This policy is intended to be used in conjunction with the Operations Planning and Deconfliction Policy, which has additional guidance on planning and serving high-risk warrants.

This policy is not intended to address the service of search warrants on locations or property already secured or routine field warrant arrests by patrol officers.

## 608.2 POLICY

It is the policy of the Tracy Police Department to balance the safety needs of the public, the safety of department members, privacy interests and other relevant factors when making decisions related to the service of search and arrest warrants.

## 608.3 OPERATIONS DIRECTOR

The operations director (see the Operations Planning and Deconfliction Policy) shall review all risk assessment forms with the involved supervisor to determine the risk level of the warrant service.

The operations director will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in the Operations Planning and Deconfliction Policy.

## 608.4 SEARCH WARRANTS

The officer will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy). The officer will obtain approval from a supervisor, prior to submitting it to a judge for approval.

## 608.5 ARREST WARRANTS

If an officer reasonably believes that serving an arrest warrant may pose a higher risk than commonly faced on a daily basis, the officer should complete the risk assessment form and submit it to the appropriate supervisor and the operations director for review and classification of risk (see the Operations Planning and Deconfliction Policy).

If the warrant is classified as high risk, service will be coordinated by the operations director. If the warrant is not classified as high risk, the supervisor should weigh the risk of entry into a residence to make an arrest against other alternatives, such as arresting the person outside the residence where circumstances may pose a lower risk.

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### 608.6 WARRANT PREPARATION

An officer who prepares a warrant should ensure the documentation in support of the warrant contains as applicable:

(a) Probable cause to support the search or arrest, including relevant dates and times to demonstrate timeliness and facts to support any request for nighttime or no-knock warrant execution.

(b) A clear explanation of the affiant's training, experience, and relevant education.

(c) Adequately supported opinions, when relevant, that are not left to unsubstantiated conclusions.

(d) A nexus between the place to be searched and the persons or items central to the investigation. The facts supporting this nexus should be clear and current. For example, the affidavit shall explain why there is probable cause to believe that a particular person is currently residing at a particular location or that the items sought are present at a particular location.

(e) Full disclosure of known or suspected residents at the involved location and any indication of separate living spaces at the involved location. For example, it should be disclosed that several people may be renting bedrooms at a single location, even if the exact location of the rooms is not known.

(f) A specific description of the location to be searched, including photographs of the location, if reasonably available.

(g) A sufficient description of the items to be seized.

(h) Full disclosure of any known exculpatory information relevant to the warrant application (refer to the Brady Material Disclosure Policy).

### 608.7 HIGH-RISK WARRANT SERVICE

The operations director or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of officers deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

(c) Evidence is handled and collected only by those members who are designated to do so. All other members involved in the service of the warrant should alert one of the designated members to the presence of potential evidence and not touch or disturb the items.

(d) Reasonable efforts are made during the search to maintain or restore the condition of the location.

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(e) Persons who are detained as part of the warrant service are handled appropriately under the circumstances.

(f) Reasonable care provisions are made for children and dependent adults (see the Child and Dependent Adult Safety Policy).

(g) A list is made of all items seized and a copy provided.

(h) A copy of the search warrant is left at the location.

(i) The condition of the property is documented with video recording or photographs after the search.

## 608.8 DETENTIONS DURING WARRANT SERVICE

Officers must be sensitive to the safety risks of all persons involved with the service of a warrant. Depending on circumstances and facts present, it may be appropriate to control movements of any or all persons present at a warrant service, including those who may not be the subject of a warrant or suspected in the case. However, officers must be mindful that only reasonable force may be used and weapons should be displayed no longer than the officer reasonably believes is necessary (see the Use of Force Policy).

As soon as it can be determined that an individual is not subject to the scope of a warrant and that no further reasonable suspicion or safety concerns exist to justify further detention, the person should be promptly released.

Officers should, when and to the extent reasonable, accommodate the privacy and personal needs of people who have been detained.

## 608.9 ACTIONS AFTER WARRANT SERVICE

The investigator shall ensure that all affidavits, warrants, receipts and returns, regardless of any associated cases, are filed with the issuing judge or magistrate as soon as reasonably possible, but in any event no later than any date specified on the warrant.

## 608.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The operations director will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the operations director. The director should review and confirm the warrant, including the warrant location, and should discuss the service with the appropriate supervisor from the other

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agency. The director should ensure that members of the Tracy Police Department are utilized appropriately. Any concerns regarding the requested use of Tracy Police Department members should be brought to the attention of the Chief of Police or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If the operations director is unavailable, the Watch Commander should assume this role.

If officers intend to serve a warrant outside Tracy Police Department jurisdiction, the operations director should provide reasonable advance notice to the applicable agency, request assistance as needed and work cooperatively on operational planning and the mitigation of risks detailed in this policy.

Officers will remain subject to the policies of the Tracy Police Department when assisting outside agencies or serving a warrant outside Tracy Police Department jurisdiction.

### 608.11 MEDIA ACCESS

No advance information regarding warrant service operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

### 608.12 TRAINING

The Training Manager should ensure officers receive periodic training on this policy and associated topics, such as legal issues, warrant preparation, warrant service and reporting requirements.

### 608.13 DOCUMENTATION

Documentation related to the service of a warrant shall be maintained in accordance with the established records retention schedule.

### 608.14 NO-KNOCK ENTRIES

No-knock entries are only authorized if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer or another person.

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# Operations Planning and Deconfliction

## 609.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

Additional guidance on planning and serving high-risk warrants is provided in the Warrant Service Policy.

### 609.1.1 DEFINITIONS

Definitions related to this policy include:

**High-risk operations** - Operations, including service of search and arrest warrants and sting operations, that are likely to present higher risks than are commonly faced by officers on a daily basis, including suspected fortified locations, reasonable risk of violence or confrontation with multiple persons, or reason to suspect that persons anticipate the operation.

## 609.2 POLICY

It is the policy of the Tracy Police Department to properly plan and carry out high-risk operations, including participation in a regional deconfliction system, in order to provide coordination, enhance the safety of members and the public, decrease the risk of compromising investigations and prevent duplicating efforts.

## 609.3 OPERATIONS DIRECTOR

The Chief of Police will designate a member of this department to be the operations director.

The operations director will develop and maintain a risk assessment form to assess, plan and coordinate operations. This form should provide a process to identify high-risk operations.

The operations director will review risk assessment forms with involved supervisors to determine whether a particular incident qualifies as a high-risk operation. The director will also have the responsibility for coordinating operations that are categorized as high risk.

## 609.4 RISK ASSESSMENT

### 609.4.1 RISK ASSESSMENT FORM PREPARATION

Officers assigned as operational leads for any operation that may qualify as a high-risk operation shall complete a risk assessment form.

When preparing the form, the officer should query all relevant and reasonably available intelligence resources for information about the subject of investigation, others who may be present and the involved location. These sources may include regional intelligence and criminal justice databases, target deconfliction systems, firearm records, commercial databases and property records. Where appropriate, the officer should also submit information to these resources.

The officer should gather available information that includes, but is not limited to:

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(a) Photographs, including aerial photographs, if available, of the involved location, neighboring yards and obstacles.

(b) Maps of the location.

(c) Diagrams of any property and the interior of any buildings that are involved.

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, known drug use, threats against police, gang affiliation, criminal history).

(e) Historical information about others who may be present at the location (e.g., other criminals, innocent third parties, dependent adults, children, animals).

(f) Obstacles associated with the location (e.g., fortification, booby traps, reinforced doors/windows, surveillance measures, number and type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces, availability of keys/door combinations).

(g) Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service).

(h) Other available options that may minimize the risk to officers and others (e.g., making an off-site arrest or detention of the subject of investigation).

### 609.4.2 RISK ASSESSMENT REVIEW

Officers will present the risk assessment form and other relevant documents (such as copies of search warrants and affidavits and arrest warrants) to their supervisor and the operations director.

The supervisor and operations director shall confer and determine the level of risk. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

### 609.4.3 HIGH-RISK OPERATIONS

If the operations director, after consultation with the involved supervisor, determines that the operation is high risk, the operations director should:

(a) Determine what resources will be needed at the location, and contact and/or place on standby any of the following appropriate and available resources:

1. (CRU)
2. Additional personnel
3. Outside agency assistance
4. Special equipment
5. Medical personnel
6. Persons trained in negotiation
7. Additional surveillance

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8. Canines
9. Property and Evidence Section or analytical personnel to assist with cataloguing seizures
10. Forensic specialists
11. Specialized mapping for larger or complex locations

(b) Contact the appropriate department members or other agencies as warranted to begin preparation.

(c) Ensure that all legal documents such as search warrants are complete and have any modifications reasonably necessary to support the operation.

(d) Coordinate the actual operation.

## 609.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The officer who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system to determine if there is reported conflicting activity. This should occur as early in the process as practicable, prior to the commencement of the operation. The officer should also enter relevant updated information when it is received.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

## 609.6 OPERATIONS PLAN

The operations director should ensure that a written operations plan is developed for all high-risk operations. Plans should also be considered for other operations that would benefit from having a formal plan.

The plan should address such issues as:

(a) Operation goals, objectives, and strategies.

(b) Operation location and people:

1. The subject of investigation (e.g., history of weapon possession/use, known mental illness issues, known drug use, threats against police, gang affiliation, criminal history)
2. The location (e.g., fortification, booby traps, reinforced doors/windows, surveillance cameras and/or lookouts, number/type of buildings, geographic and perimeter barriers, the number and types of weapons likely to be present, information that suggests the presence of explosives, chemicals or other hazardous materials, the potential for multiple dwellings or living spaces,

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availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

3. Other environmental factors (e.g., nearby venues such as schools and day care centers, proximity of adjacent homes or other occupied buildings, anticipated pedestrian and vehicle traffic at the time of service)

4. Identification of other people who may be present in or around the operation, such as other criminal suspects, innocent third parties, and children

(c) Information from the risk assessment form by attaching a completed copy in the operational plan.

1. The volume or complexity of the information may indicate that the plan includes a synopsis of the information contained on the risk assessment form to ensure clarity and highlighting of critical information.

(d) Participants and their roles.

1. An adequate number of uniformed officers should be included in the operation team to provide reasonable notice of a legitimate law enforcement operation.

2. How all participants will be identified as law enforcement.

(e) Whether deconfliction submissions are current and all involved individuals, groups, and locations have been deconflicted to the extent reasonably practicable.

(f) Identification of all communications channels and call-signs.

(g) Use of force issues.

(h) Contingencies for handling medical emergencies (e.g., services available at the location, closest hospital, closest trauma center).

(i) Plans for detaining people who are not under arrest.

(j) Contingencies for handling children, dependent adults, animals, and other people who might be at the location in accordance with the Child Abuse, Senior and Disability Victimization, Child and Dependent Adult Safety, and Animal Control policies.

(k) Communications plan.

(l) Responsibilities for writing, collecting, reviewing, and approving reports.

### 609.6.1 OPERATIONS PLAN RETENTION

Since the operations plan contains intelligence information and descriptions of law enforcement tactics, it shall not be filed with the report. The operations plan shall be stored separately and retained in accordance with the established records retention schedule.

## 609.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and responsibilities and ask questions or seek clarification as needed. Anyone who is not present at the briefing should not respond to the operation location without specific supervisory approval.

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(a) The briefing should include a verbal review of plan elements, using visual aids, to enhance the participants' understanding of the operations plan.

(b) All participants should be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be directed to read the search warrant and initial a copy that is retained with the operation plan. Any items to be seized should be identified at the briefing.

(c) The operations director shall ensure that all participants are visually identifiable as law enforcement officers.

1. Exceptions may be made by the operations director for officers who are conducting surveillance or working under cover. However, those members exempt from visual identification should be able to transition to a visible law enforcement indicator at the time of enforcement actions, such as entries or arrests, if necessary.

(d) The briefing should include details of the communications plan.

1. It is the responsibility of the operations director to ensure that Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to officers arriving at the location.
2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.
3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

## 609.8 CRU PARTICIPATION

If the operations director determines that CRU participation is appropriate, the director and the CRU supervisor shall work together to develop a written plan. The CRU supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the CRU supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the officers present.

## 609.9 MEDIA ACCESS

No advance information regarding planned operations shall be released without the approval of the Chief of Police. Any media inquiries or press release after the fact shall be handled in accordance with the Media Relations Policy.

## 609.10 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any CRU debriefing.

## 609.11 TRAINING

The Training Manager should ensure officers and CRU team members who participate in operations subject to this policy should receive periodic training including, but not limited to,

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topics such as legal issues, deconfliction practices, operations planning concepts and reporting requirements.

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# Unmanned Aerial System

## 610.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

### 610.1.1 DEFINITIONS

Definitions related to this policy include:

**Unmanned Aerial System (UAS)** - An unmanned aircraft of any type that is capable of sustaining directed flight, whether preprogrammed or remotely controlled (commonly referred to as an unmanned aerial vehicle (UAV)), and all of the supporting or attached systems designed for gathering information through imaging, recording or any other means.

**Certificate of Authorization (COA)** – Given by the Federal Aviation Administration (FAA) granting permission to fly the UAS within specific boundaries and perimeters.

**Observer** – A member of the Tracy Police Department who is trained and authorized to maintain visual observation of the UAS while in flight.

**Operator** – A member of the Tracy Police Department who is trained, certified and authorized to control a UAS during flight.

**Unmanned Aerial System (UAS)** – Consists of the small, unmanned aircraft weighing less than 55 lbs., the command system, a secure control link and other safety and support systems for operation of the UAS.

**Unmanned Aerial Vehicle (UAV)** – A small, unmanned aircraft weighing less than 55 lbs.

## 610.2 POLICY

Unmanned aerial systems may be utilized to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulation and Tracy Policy Department policy.

## 610.3 PRIVACY

The use of the UAS potentially involves privacy considerations. Absent a warrant or exigent circumstances, operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy.

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Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

### 610.4 PROGRAM COORDINATOR

The Chief of Police will appoint a program coordinator who will be responsible for the management of the UAS program. The program coordinator will ensure that policies and procedures conform to current laws, regulations and best practices and will have the following additional responsibilities:

- Coordinating the FAA Certificate of Waiver or Authorization (COA) application process and ensuring that the COA is current.
- Ensuring that all authorized operators and required observers have completed all required FAA and department-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS.
- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require written authorization of the Chief of Police or the authorized designee, depending on the type of mission.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Implementing a system for public notification of UAS deployment.
- Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities.
- Developing a protocol for fully documenting all missions.
- Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits.
- Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody.
- Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules.
- Facilitating law enforcement access to images and data captured by the UAS.
- Recommending program enhancements, particularly regarding safety and information security.
- Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

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### 610.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS.

UAS operations should only be conducted in accordance with the Tracy Police Department's FAA Certificate of Authorization.

UAS deployment will be considered when an aerial view would assist officers or incident commanders during the following occurrences:

- Accident Investigations
- Missing Persons Investigations
- Search and Rescue Operations
- Foot pursuits
- Area searches for outstanding suspects
- Drug Investigations
- Fires
- Disaster Management
- Crowd Control Situations
- Explosive Ordnance Disposal
- CBRNE Incident (chemical, biological, radiological, nuclear and explosives)
- Crime Scenes
- Supporting criminal investigations
- VIP Security Support
- Perimeter Searches and Security
- Enhance Situational Awareness
- Routine Training

### 610.6 EVIDENCE COLLECTION AND RETENTION

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on actual or perceived characteristics, such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.
- To harass, intimidate, or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

### 610.7

Following a UAS operation, the UAS operator will upload the video evidence from the UAS into AXON Evidence.com, which will be documented by the UAS operator in the appropriate report format.

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Data collected by the UAS shall be retained as provided in the established Tracy Police Department's records retention schedule.

Unauthorized use, duplication and/or distribution of UAS videos is prohibited.Personnel shall not make copies of any UAS videos for their personal use and are prohibited from using a recording device such as a personal camera or any secondary video camera to capture UAS videos.All recorded media, images and audio are the property of the Tracy Police Department and shall 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.

Departmental request for a UAS video, including requests from the District Attorney's Office or City Attorney's Office, shall be forwarded to the Property Unit for appropriate processing.

Non-Departmental requests for a UAS video shall be accepted and processed in accordance with Federal, State and local laws and Departmental policy.

In the event of an accidental activation and recording of the UAS camera system, the recording employee may request that the UAS video be deleted following the procedures outlined in the Body Worn Camera (BWC) policy.

Videos made during authorized Department training will be viewed and/or retained for training purposes and then may be retained or deleted with the authorization of the Program Coordinator.Retained training videos will be stored in approved training files.

UAS video may be utilized as a training tool for individuals, specific units and/or the Department as a whole.The person recommending the utilization of the UAS video for training purposes shall submit the recommendation through the chain of command to the Watch Commander.If approved the Watch Commander or his/her designee may play the video through Evidence.com.

If an involved officer or employee objects to the showing of a UAS video, his/her objection will be submitted to their supervisor to determine if the employee's objections outweigh the training value.The Bureau of Field Operations' Captain will have final determination on showing the video.

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# Chapter 7 - Equipment

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# Department Owned and Personal Property

## 700.1 PURPOSE AND SCOPE

Department employees are expected to properly care for department property assigned or entrusted to them. Employees may also suffer occasional loss or damage to personal or department property while performing their assigned duty. Certain procedures are required depending on the loss and ownership of the item.

## 700.2 CARE OF 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.

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The Department will not replace or repair luxurious or overly expensive items (jewelry, exotic equipment, etc.) that are not reasonably required as a part of work.

### 700.3.1 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

## 700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Officers and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement functions, regardless of jurisdiction, shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

(b) A written report shall be submitted before the employee goes off duty or within the time frame directed by the supervisor to whom the verbal report is made.

### 700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to real or personal property belonging to the City, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as soon as circumstances permit. The employee shall submit a written report before going off duty or as otherwise directed by the supervisor.

These written reports, accompanied by the supervisor's written report, shall promptly be forwarded to the appropriate Division Commander.

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# Personal Communication Devices

## 701.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and communication devices, whether issued or funded by the Department or personally owned, while on-duty or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless capable tablets and similar wireless two-way communications and/or portable Internet access devices. PCD use includes, but is not limited to, placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games and accessing sites or services on the Internet.

## 701.2 POLICY

The Tracy Police Department allows employees to utilize department-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used while on-duty, or used off-duty in any manner reasonably related to the business of the Department, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, 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 member and the member’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.

## 701.3 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 and Office of Professional Standards 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

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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.

701.3.1 CALIFORNIA ELECTRONIC COMMUNICATIONS PRIVACY ACT (CALECPA)
No member is authorized to be the sole possessor of a department-issued PCD. Department-issued PCDs can be retrieved, reassigned, accessed or used by any member as directed by a supervisor without notice. Member use of a department-issued PCD and use of a personal PCD at work or for work-related business constitutes specific consent for access for department purposes. Prior to conducting an administrative search of a PCD, supervisors should consult legal counsel to ensure access is consistent with CalECPA (Penal Code § 1546; Penal Code § 1546.1).

## 701.4 DEPARTMENT-ISSUED PCD

Depending on a member's assignment and the needs of the position, the Department may, at its discretion, issue or fund a PCD. Department-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number shall remain the sole property of the Department and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause.

Unless a member is expressly authorized by the Chief of Police or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

## 701.5 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) The PCD and any associated services shall be purchased, used and maintained solely at the employee's expense.

(d) 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.

(e) The device shall not be utilized to record or disclose any business-related information, including photographs, video or the recording or transmittal of any information or material obtained or made accessible as a result of employment with the Department, without the express authorization of the Chief of Police or the authorized designee.

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(f) Use of a personally owned PCD for business purposes 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 and used for business related purposes, employees will provide the Department with all telephone access numbers for the device.

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.

### 701.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried while on-duty or used to conduct department business:

(a) A PCD shall not be carried in a manner that allows it to be visible while in uniform, unless it is in an approved carrier.

(b) All PCDs in the workplace shall be set to silent or vibrate mode.

(c) A PCD may not be used to conduct personal business while on-duty, except for brief personal communications (e.g., informing family of extended hours). 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 radio communications is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular radio communications.

(e) Employees are prohibited from taking pictures, audio or video recordings or making copies of any such picture or recording media unless it is directly related to official department business. Disclosure of any such information to any third party through any means, without the express authorization of the Chief of Police or the authorized designee, may result in discipline.

(f) Employees will not access social networking sites for any purpose that is not official department business.

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(g) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any member having knowledge of such conduct shall promptly notify a supervisor.

### 701.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring that employees under their command are provided appropriate training on the use of PCDs consistent with this policy.

(b) Monitoring, to the extent practicable, PCD use in the workplace and taking prompt corrective action if a employee is observed or reported to be improperly using a PCD.

1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
2. Before conducting any administrative search of a employee's personally owned device, supervisors should consult with the Chief of Police or the authorized designee.

### 701.8 USE WHILE DRIVING

The use of a PCD while driving can adversely affect safety, cause unnecessary distractions and present a negative image to the public. Officers operating emergency vehicles should restrict the use of these devices to matters of an urgent nature and should, where practicable, stop the vehicle at an appropriate location to use the PCD.

Members who are operating department vehicles that are not authorized emergency vehicles shall not use a PCD while driving unless the device is specifically designed and configured to allow hands-free use. In an emergency, a wireless phone may be used to place an emergency call to the Department or other emergency services agency (Vehicle Code § 23123; Vehicle Code § 23123.5). Hands-free use should be restricted to business-related calls or calls of an urgent nature.

### 701.9 OFFICIAL USE

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

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(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

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# Vehicle Maintenance

## 702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Department vehicles so that they are properly equipped, properly maintained, properly refueled and present a clean appearance.

## 702.2 DEFECTIVE VEHICLES

When a department vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who first becomes aware of the defective condition, describing the correction needed. The paperwork shall be promptly forwarded to vehicle maintenance for repair.

### 702.2.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged, or perform poorly shall be removed from service for inspections and repairs as soon as practicable.

### 702.2.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer’s parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, pursuits or prolonged high-speed operation.

### 702.2.3 REMOVAL OF WEAPONS

All firearms, weapons and control devices shall be removed from a vehicle and properly secured in the department armory prior to the vehicle being released for maintenance, service or repair.

## 702.3 VEHICLE EQUIPMENT

Certain items shall be maintained in all department vehicles for emergency purposes and to perform routine duties.

### 702.3.1 PATROL VEHICLES

Officers shall inspect the patrol vehicle at the beginning of the shift and ensure that the following equipment, at a minimum, is present in the vehicle:

- 10 Emergency road flares
- 2 Sticks yellow crayon or chalk
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- Emergency Response Handbook
- Fire Extinguisher

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### 702.3.2 UNMARKED VEHICLES

An employee driving unmarked department vehicles shall ensure that the minimum following equipment is present in the vehicle:

- 10 Emergency road flares
- 1 Roll Crime Scene Barricade Tape
- 1 First aid kit, CPR mask
- 1 Hazardous Materials Emergency Response Handbook
- Fire Extinguisher

## 702.4 VEHICLE REFUELING

Vehicles shall be returned at the end of shift with no less than 3/4 of a tank. Absent emergency conditions or supervisor approval, officers driving patrol vehicles shall not place a vehicle in service that has less than one-quarter tank of fuel. Vehicles shall only be refueled at the authorized location.

## 702.5 WASHING OF VEHICLES

All units shall be kept clean at all times and weather conditions permitting, shall be washed as necessary to enhance their appearance.

Officers in patrol shall obtain clearance from the dispatcher before responding to the car wash. Only one marked unit should be at the car wash at the same time unless otherwise approved by a supervisor.

Employees using a vehicle shall remove any trash or debris at the end of their shift. Confidential material should be placed in a designated receptacle provided for the shredding of this matter.

## 702.6 PROFESSIONAL STAFF EMPLOYEE USE

Professional Staff employees using marked vehicles shall ensure all weapons are removed from vehicles before going into service. Professional Staff employees shall also prominently display the “out of service” placards or lightbar covers at all times. Professional Staff employees shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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# Vehicle Use

## 703.1 PURPOSE AND SCOPE

The purpose of this policy is to establish a system of accountability to ensure department vehicles are used appropriately. This policy provides guidelines for on- and off-duty use of department vehicles and shall not be construed to create or imply any contractual obligation by the City of Tracy to provide assigned take-home vehicles.

## 703.2 POLICY

The Tracy Police Department provides vehicles for department-related business and may assign patrol and unmarked vehicles based on a determination of operational efficiency, economic impact to the Department, requirements for tactical deployments, and other considerations.

## 703.3 USE OF VEHICLES

### 703.3.1 SHIFT ASSIGNED VEHICLES

The Watch Commander shall ensure a copy of the shift assignment roster indicating member assignments and vehicle numbers is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during the member's shift, the new vehicle number shall be documented on the roster.

### 703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify the Watch Commander. A notation will be made on the shift assignment roster indicating the member’s name and vehicle number.

This subsection does not apply to those who are assigned to vehicle transportation duties to and from the maintenance yard or carwash.

### 703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this department should be inspected prior to placing another person in the vehicle and again after the person is removed. This is to ensure that unauthorized or personal items have not been left in the vehicle.

When transporting any person in custody, the transporting member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

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All department vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No member assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

### 703.3.4 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging). Officers who exit a vehicle rapidly in an emergency situation or to engage in a foot pursuit must carefully balance the need to exit the vehicle quickly with the need to secure the vehicle.

Members shall ensure all weapons are secured while the vehicle is unattended.

### 703.3.5 MDC

Members assigned to vehicles equipped with a Mobile Digital Computer (MDC) shall log onto the MDC with the required information when going on-duty. If the vehicle is not equipped with a working MDC, the member shall notify Dispatch. Use of the MDC is governed by the Mobile Digital Computer Use Policy.

### 703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Chief of Police, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require Bureau Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

### 703.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

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### 703.3.8 AUTHORIZED PASSENGERS

Members operating department vehicles shall not permit persons other than City personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

### 703.3.9 ALCOHOL

Members who have consumed alcohol are prohibited from operating any department vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

### 703.3.10 PARKING

Except when responding to an emergency or when urgent department-related business requires otherwise, members driving department vehicles should obey all parking regulations at all times.

Department vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to department vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

### 703.3.11 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

### 703.3.12 PROFESSIONAL STAFF MEMBER USE

Professional Staff members using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Professional Staff members shall prominently display the "out of service" placards or light bar covers at all times. Professional Staff members shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

## 703.4 INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES

Department vehicles may be assigned to individual members at the discretion of the Chief of Police. Vehicles may be assigned for on-duty and/or take-home use. Assigned vehicles may be changed at any time. Permission to take home a vehicle may be withdrawn at any time.

The assignment of vehicles may be suspended when the member is unable to perform the member's regular assignment.

### 703.4.1 ON-DUTY USE

Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other department members at the discretion of the Chief of Police or the authorized designee.

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### 703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where department vehicles must be used by members to commute to and from a work assignment. Members may take home department vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the department.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the Tracy City limits.

(d) Off-street parking will be available at the member's residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

### 703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the City of Tracy is a prime consideration for assignment of a take-home vehicle. Members who reside outside the City of Tracy may be required to secure the vehicle at a designated location or the Department at the discretion of the Chief of Police.

Department members shall sign a take-home vehicle agreement that outlines certain standards, including, but not limited to, how the vehicle shall be used, where it shall be parked when the member is not on-duty, vehicle maintenance responsibilities and member enforcement actions.

Members are cautioned that under federal and local tax rules, personal use of a City vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Chief of Police or a Bureau Commander gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

1. In circumstances when a member has been placed on call by the Chief of Police or Bureau Commanders and there is a high probability that the member will be called back to duty.

2. When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or travelling to or from a work-related activity or function.

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3. When the member has received permission from the Chief of Police or Bureau Commanders.
4. When the vehicle is being used by the Chief of Police, Bureau Commanders or members who are in on-call administrative positions.
5. When the vehicle is being used by on-call investigators.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

1. No key should be left in the vehicle except when it is necessary that the vehicle be left running (e.g., continued activation of emergency lights, canine safety, equipment charging).
2. All weapons shall be secured while the vehicle is unattended.
3. All department identification, portable radios and equipment should be secured.

(g) Vehicles are to be parked off-street at the member's residence unless prior arrangements have been made with the Chief of Police or the authorized designee. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence (see the Firearms Policy regarding safe storage of firearms at home).

(h) Vehicles are to be secured at the member's residence or the appropriate department facility, at the discretion of the Department when a member will be away (e.g., on vacation) for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Department shall have access to the vehicle.
2. If the member is unable to provide access to the vehicle, it shall be parked at the Department.

(i) The member is responsible for the care and maintenance of the vehicle.

### 703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the Tracy Police Department or while off-duty, an officer shall not initiate enforcement actions except in those circumstances where a potential threat to life or serious property damage exists (see the Off-Duty Law Enforcement Actions and Law Enforcement Authority policies).

Officers may render public assistance when it is deemed prudent (e.g., to a stranded motorist).

Officers driving take-home vehicles shall be armed, appropriately attired and carry their department-issued identification. Officers should also ensure that department radio communication capabilities are maintained to the extent feasible.

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703.4.5 MAINTENANCE

Members are responsible for the cleanliness (exterior and interior) and overall maintenance of their assigned vehicles. Cleaning and maintenance supplies will be provided by the Department. Failure to adhere to these requirements may result in discipline and loss of vehicle assignment. The following should be performed as outlined below:

(a) Members shall make daily inspections of their assigned vehicles for service/ maintenance requirements and damage.

(b) It is the member's responsibility to ensure that the assigned vehicle is maintained according to the established service and maintenance schedule.

(c) All scheduled vehicle maintenance and car washes shall be performed as necessary at a facility approved by the department supervisor in charge of vehicle maintenance.

(d) The Department shall be notified of problems with the vehicle and approve any major repairs before they are performed.

(e) When leaving the vehicle at the maintenance facility, the member will complete a vehicle repair card explaining the service or repair, and leave it on the seat or dash.

(f) All weapons shall be removed from any vehicle left for maintenance.

(g) Supervisors shall make, at a minimum, monthly inspections of vehicles assigned to members under their command to ensure the vehicles are being maintained in accordance with this policy.

## 703.5 UNMARKED VEHICLES

Vehicles are assigned to various bureaus and their use is restricted to the respective bureau and the assigned member, unless otherwise approved by a bureau supervisor. Any member operating an unmarked vehicle shall record vehicle usage on the sign-out log maintained in the bureau for that purpose. Any use of unmarked vehicles by those who are not assigned to the bureau to which the vehicle is assigned shall also record the use with the Watch Commander on the shift assignment roster.

## 703.6 DAMAGE, ABUSE AND MISUSE

When any department vehicle is involved in a traffic collision or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic collision report shall be filed with the agency having jurisdiction (see the Traffic Collision Reporting Policy).

Damage to any department vehicle that was not caused by a traffic collision shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the Watch Commander. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

## 703.7 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating department vehicles on a toll road shall adhere to the following:

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(a) Members operating department vehicles for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit a request for reimbursement from the City for any toll fees incurred in the course of official business.

(b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Bureau Commander within five working days explaining the circumstances.

### 703.8 ATTIRE AND APPEARANCE

When operating any department vehicle while off-duty, members may dress in a manner appropriate for their intended activity. Whenever in view of or in contact with the public, attire and appearance, regardless of the activity, should be suitable to reflect positively upon the Department.

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# Police Facilities Access and Security

## 704.1 PURPOSE AND SCOPE

The purpose of this policy is to establish security procedures to protect the staff of the Tracy Police Department and the integrity of the data and operations unique to police services. The need for greater security in police facilities is of critical importance and police staff should feel a responsibility to confront unfamiliar individuals on the premises and to protect the data and information used in police operations.

## 704.2 BUILDING SECURITY

All doors controlled by key card access or electronically controlled shall remain closed and secured at all times. Inoperative doors shall be immediately reported to the Facility Manager.

The Patrol Sergeant shall inspect the facility at the beginning of their shift to ensure all doors and security functions are in proper order. All malfunctions shall be noted in the Daily Activity Report and reported to the Facility Manager.

The sally port roll-up door shall remain closed at all times unless an employee occupies the sally port area. All exterior doors to the holding facility shall remain locked at all times. No weapons are allowed inside the holding facility. Weapons shall be safely stored inside a gun locker.

### 704.2.1 PANIC ALARMS

(a) Three (3) panic alarm activators are in the Police Facility at the following locations:

1. Temporary holding facility
2. Sally Port
3. Front Lobby Counter

(b) Two (2) annunciator panels for the alarms are at the following locations:

1. Sergeant's Office which only monitors the Sally Port and Booking areas.
2. Communications Center.

(c) Panic Alarm Activation Procedures

1. Communications personnel shall immediately announce on the telephone paging system "CODE RED" and the location of the activation.
2. Communications personnel shall also dispatch the closest officers to the station, advising "CODE RED" and the location.
3. Communications personnel shall attempt to make audio and visual contact with personnel in the area of the activated alarm and shall inform responding personnel of their observations.

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4. Upon receipt of a Code 4, Communications personnel shall announce Code 4 over the paging system and radio.

### 704.3 EMPLOYEE ACCESS

All employees shall display at least one of the following types of identification in plain view at all times while inside the facility:

(a) City or law enforcement uniform

(b) Department badge

(c) Department or City identification card.

The Chief's Executive Assistant will notify supervisors and managers by e-mail when employees or volunteers are separated from City service.

### 704.4 VISITOR ACCESSIBILITY

Officers from other law enforcement agencies in uniform or displaying their department identification may be admitted without an escort.

Visitors to the Tracy Police Department shall be required to wear a visitors badge and be escorted in the building at all times.

The Department employee hosting the visitor shall complete the Visitor Registration Log, receive a visitor's pass from front desk personnel and collect the pass before the visitor leaves the building. Visitor passes shall be issued to persons entering the building on a one-time or occasional basis. Participants in escorted tours are not required to obtain visitor passes. A supply of Visitor passes shall be maintained in the Records Unit at the public counter.

### 704.5 CONTRACTOR ACCESSIBILITY

A Department Building Pass shall be issued to persons who frequent the police facility but are not employees of the Department, such as contractors, and vendors.

The Professional Standards Unit shall be responsible for issuing and tracking building passes. A local records check and a "wants" check will be conducted before issuing a building pass. If the request is denied, the Chief or his/her designee shall notify the supervisor who requested the pass. All building pass requisitions shall be filed in the Professional Standards Unit.

### 704.6 FACILITY PARKING

Parking for employees and visitors is located on the north side of the main police facility. Spaces between the signs *Tracy Police Department Permit Parking Only* are reserved for staff working swing shift hours.

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# Sleep Room / Lactation Room

## 705.1 PURPOSE AND SCOPE

The purpose of this policy is to establish procedures and responsibilities for individuals using the Police Department on site Sleep Room or Lactation Room which are available to all employees of the Police Department.

The Police Department has provided two locations designated for Department personnel to sleep or rest following extended working hours, a court appearance or other work-related activities making it difficult for personnel to return to their home to sleep. Sleep Room #1 in the main police building is also designed as the departments lactation room.This program will assist employees to better utilize their professional and personal time, mutually benefiting the employee and the Department by providing employees the ability to receive adequate rest prior to resuming their duties. The room is not designed for long term stays of more than two days and shall only be used as directed in this policy.

### 705.1.1 SLEEP ROOM

Sleep Room #1 located in the main police building has two reclining chairs designated for both female and male employees. Employees of different gender shall not use the Sleep Room at the same time.

Sleep Room #2 is located in the investigations annex. It has a bunk bed and is located in the men's locker room. Due to its location, it can only be accessed by walking through the men's locker room; it will be designated for male employees only.

Personnel who wish to use the area designated for sleeping shall adhere to the following procedure:

a. Obtain supervisor approval.

b. Sign in on the Sleep Room Log.

c. Sign in on the white board attached to the Sleep Room door and gain access with the key provided by the Watch Commander.

d. Switch the occupancy sign on the sleep room door.

e. Bedding shall be placed on a reclining chair prior to using it for rest or sleeping. Employees are responsible for providing bedding or a sleeping bag and pillow in place of bedding. The Department will not provide bedding. Bedding shall consist of:

- Sheet(s)
- Blanket
- Pillow case
- Or a sleeping bag

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f. When finished using the Sleep Room, it shall be the responsibility of the employee to remove all bedding and replace the pillow. All personal items shall be removed from the Sleep Room prior to exiting. The employee shall erase his/her name from the white board

g. Leave the facility in the same or better condition as found.

h. Complete the Sleep Room Log.

i. Report any maintenance or repair issues of Sleep Room #1 to the Support Operations Manager. Any maintenance or repair issues with Sleep Room #2 should be reported to the BOI Watch Commander.

### 705.1.2 SLEEP ROOM LOG

The Sleep Room #1 Log shall be maintained and posted to the Sleep Room #1 door.. The Watch Commander shall ensure the log is completed appropriately when personnel are authorized to use the Sleep Room and when personnel leave the Sleep Room.

The Sleep Room #2 log shall be maintained outside the men's annex locker room. The BOI Watch Commander shall ensure the log is completed appropriately when personnel are authorized to use the Sleep Room and when personnel leave the Sleep Room.

### 705.1.3 REGULATIONS

a. Personnel shall remain dressed in clothing or sleepwear that is, at minimum, equivalent to a t-shirt and shorts while using the Sleep Room.

b. Department personnel without authorization shall not enter the Sleep Room to visit or communicate with authorized personnel using the room.

c. The Sleep Room is a City facility and as such, all City and Police Department rules and regulations apply.

d. The use of alcohol shall not be permitted in the Sleep Room or adjacent areas.

e. Smoking shall not be permitted in the Sleep Room.

f. No food shall be taken into the Sleep Room.

g. The storage of clothing, bedding, or other personal items shall not be permitted in the Sleep Room beyond the duration of its immediate use.

h. The Sleep Room shall not be used by anyone other than Department personnel without the permission of the Chief of Police.

i. Personnel using the Sleep Room shall ensure that all utilities have been turned off and the door secured upon leaving.

### 705.1.4 WATCH COMMANDER'S RESPONSIBLITIY

The on-duty Watch Commander is responsible for periodic inspections of the Sleep Room #1 to ensure proper maintenance and cleanliness.

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## *Sleep Room / Lactation Room*

The on-duty BOI Watch Commander is responsible for periodic inspections of the Sleep Room #2 to ensure proper maintenance and cleanliness.

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# Cash Handling, Security and Management

## 707.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure department members handle cash appropriately in the performance of their duties.

This policy does not address cash-handling issues specific to the Property and Evidence and Informants policies.

## 707.2 POLICY

It is the policy of the Tracy Police Department to properly handle and document cash transactions and to maintain accurate records of cash transactions in order to protect the integrity of department operations and ensure the public trust.

## 707.3 PETTY CASH FUNDS

The Chief of Police shall designate a person as the fund manager responsible for maintaining and managing the petty cash fund.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of invoices, receipts, cash transfer forms and expense reports by the fund manager.

## 707.4 PETTY CASH TRANSACTIONS

The fund manager shall document all transactions on the ledger and any other appropriate forms. Each person participating in the transaction shall sign or otherwise validate the ledger, attesting to the accuracy of the entry. Transactions should include the filing of an appropriate receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report.

## 707.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the fund manager and at least one command staff member, selected by the Chief of Police, review the transaction ledger and verify the accuracy of the accounting. The fund manager and the participating member shall sign or otherwise validate the ledger attesting to the accuracy of all documentation and fund accounting. A discrepancy in the audit requires documentation by those performing the audit and an immediate reporting of the discrepancy to the Chief of Police.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the Chief of Police or the City.

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### 707.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Special Investigations Unit supervisor duties shall discharge those duties in accordance with the Property and Evidence and Informants policies.

Members who routinely accept payment for department services shall discharge those duties in accordance with the procedures established for those tasks.

### 707.7 OTHER CASH HANDLING

Members of the Department who, within the course of their duties, are in possession of cash that is not their property or that is outside their defined cash-handling responsibilities shall, as soon as practicable, verify the amount, summon another member to verify their accounting, and process the cash for safekeeping or as evidence or found property, in accordance with the Property and Evidence Policy.

Cash in excess of $1,000 requires immediate notification of a supervisor, special handling, verification and accounting by the supervisor. Each member involved in this process shall complete an appropriate report or record entry.

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# Military Equipment

## 708.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the approval, acquisition, and reporting requirements of military equipment (Government Code § 7070; Government Code § 7071; Government Code § 7072).

### 708.1.1 DEFINITIONS

Definitions related to this policy include (Government Code § 7070):

**Governing body** – The elected or appointed body that oversees the Department.

**Military equipment** – Includes but is not limited to the following:

- Unmanned, remotely piloted, powered aerial or ground vehicles.
- Mine-resistant ambush-protected (MRAP) vehicles or armored personnel carriers.
- High mobility multipurpose wheeled vehicles (HMMWV), two-and-one-half-ton trucks, five-ton trucks, or wheeled vehicles that have a breaching or entry apparatus attached.
- Tracked armored vehicles that provide ballistic protection to their occupants.
- Command and control vehicles that are either built or modified to facilitate the operational control and direction of public safety units.
- Weaponized aircraft, vessels, or vehicles of any kind.
- Battering rams, slugs, and breaching apparatuses that are explosive in nature. This does not include a handheld, one-person ram.
- Firearms and ammunition of .50 caliber or greater, excluding standard-issue shotguns and standard-issue shotgun ammunition.
- Specialized firearms and ammunition of less than .50 caliber, including firearms and accessories identified as assault weapons in Penal Code § 30510 and Penal Code § 30515, with the exception of standard-issue firearms.
- Any firearm or firearm accessory that is designed to launch explosive projectiles.
- Noise-flash diversionary devices and explosive breaching tools.
- Munitions containing tear gas or OC, excluding standard, service-issued handheld pepper spray.
- Area denial electroshock devices, microwave weapons, water cannons, long-range acoustic devices (LRADs), acoustic hailing devices, and sound cannons.
- Kinetic energy weapons and munitions.
- Any other equipment as determined by a governing body or a state agency to require additional oversight.

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### 708.2 POLICY

It is the policy of the Tracy Police Department that members of this department comply with the provisions of Government Code § 7071 with respect to military equipment.

### 708.3 MILITARY EQUIPMENT COORDINATOR

The Chief of Police should designate a member of this department to act as the military equipment coordinator. The Professional Standards and Training Lieutenant is designated as the coordinator. The responsibilities of the military equipment coordinator include but are not limited to:

(a) Acting as liaison to the governing body for matters related to the requirements of this policy.

(b) Identifying department equipment that qualifies as military equipment in the current possession of the Department, or the equipment the Department intends to acquire that requires approval by the governing body.

(c) Conducting an inventory of all military equipment at least annually.

(d) Collaborating with any allied agency that may use military equipment within the jurisdiction of Tracy Police Department (Government Code § 7071).

(e) Preparing for, scheduling, and coordinating the annual community engagement meeting to include:

1. Publicizing the details of the meeting.
2. Preparing for public questions regarding the department's funding, acquisition, and use of equipment.

(f) Preparing the annual military equipment report for submission to the Chief of Police and ensuring that the report is made available on the department website (Government Code § 7072).

(g) Establishing the procedure for a person to register a complaint or concern, or how that person may submit a question about the use of a type of military equipment, and how the Department will respond in a timely manner.

### 708.4 MILITARY EQUIPMENT INVENTORY

The following constitutes a list of qualifying equipment for the Department:

1. Mobile Incident Command Post (CP): A vehicle used as a mobile office that provides shelter, access to Department computer systems, and restrooms.

(a) Description, quantity, capabilities, and purchase cost: LDV USA (Custom Build) vehicle, cost: $1,216,812.00 using a grant from the Office of Homeland Security in 2025, quantity: (1). The CP can be utilized for operations involving the Crisis Response Unit (CRU), critical incident management, preplanned large events, searching for missing persons, natural disasters, and community events.

(b) Purpose: Used during specific circumstances such as a critical incident, large events, natural disasters, or community events.

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(c) Authorized Use: Only staff trained in the deployment and operations consistent with policy, law, and training are authorized to operate the CP. Staff must also obtain a Class B drivers' license from the California Department of Motor Vehicles (DMV). The CP is authorized for use during but not limited to critical incidents, emergencies, community events, and natural disasters.

(d) Lifespan: 20 years on chassis and vehicle structure. IT systems currently outdated.

(e) Fiscal Impact: Annual maintenance cost is approximately $4,000.

(f) Training: The driver/operator shall receive training in the safe handling of the vehicle and obtain and maintain a class B license from the California DMV.

(g) Legal and Procedural Rules: It is the policy of this Department to use the CP for official law enforcement purposes in compliance with California state law and the policies of the Tracy Police Department.

2. Armored Vehicle: Commercially produced wheeled vehicle armored vehicle utilized for law enforcement purposes.

(a) Description, quantity, capabilities, and purchase cost: LENCO BEARCAT is an armored rescue vehicle that seats 10-12 personnel with open floor plan that allows for rescue
of down personnel. It can stop various projectiles, which provides greater safety to citizens and officers beyond the protection level of shield and personal body armor, quantity: 1, cost: $281,000; $181,000 from general fund and $100,000 from COPS grant in 2012.

(b) Purpose: Used in response to critical incidents to enhance officer and community safety. In addition, allows for scene containment, stabilization to assist in resolving incidents and as a rescue vehicle to evacuate officers and community members from potential harm.

(c) Authorized Use: The use of armored vehicles shall only be authorized by a sworn supervisor, watch commander, or incident / tactical commander. Armored vehicles shall be used by only officers trained in its deployment and in a manner consistent with training and Department policy.

(d) Lifespan: 25 years.

(e) Fiscal Impact: Annual maintenance cost is approximately $3,500.

(f) Training: All drivers must be attend a department orientation training. No special license is required by California DMV.

(g) Legal and Procedural Rules: It is the policy of this Department to utilize armored vehicles only for legitimate law enforcement purposes and in a manner consistent with State and Federal law.

3. Transport Vehicle: Commercially produced wheeled van utilized for law enforcement purposes.

(a) Description, quantity, capabilities, and purchase cost: 2017 LDV Freightliner transport vehicle, quantity: 1, used to transport personnel and equipment to active scenes where the Crisis Response Unit is deployed and often deployed along with the LENCO

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BEARCAT' cost: $206,000 ($140,000 from State COPS Grant / $66,000 from Asset Forfeiture) in 2016.

(b) Purpose: Used in response to critical incident to transport personnel and equipment to critical incidents to enhance officer and community safety; often deployed with the LENCO BEARCAT.

(c) Authorized Use: The use of the transport vehicle shall only be authorized by a sworn supervisor, watch commander, or incident / tactical commander. Armored vehicles shall be used by only officers trained in its deployment and in a manner consistent with training and Department policy.

(d) Lifespan: 25 years.

(e) Fiscal Impact: Annual maintenance cost is $3,500.00.

(f) Training: All drivers must be attend a department orientation training. No special license is required by California DMV.

(g) Legal and Procedural Rules: It is the policy of this Department to utilize the vehicle only for legitimate law enforcement purposes and in a manner consistent with State and Federal law.

4. Unmanned Aerial System (UAS): An unmanned aircraft and associated equipment necessary to control it remotely.

(a) Description, quantity, capabilities, and purchase cost:

1. DJI Mavic 2 Enterprise Advanced 909 grams, quantity 7; M2EA thermal camera, M2EA Visual Camera, spotlight, strobe with a flight time of approx. 28 minutes. Cost: $6,240 / each.
2. DJI Mini 2 249 grams, quantity: 4, 1/2" CMOS Visual Camera 12mp 4k video with a flight time of approx. 30 minutes. Cost: $599 / each.
3. DJI Mavic Air 570 grams, quantity: 2; 1/2" CMOS visual camera 48mp 4k video with a flight time of approx. 34 minutes. Cost: $988 / each.
4. Brinc Lemur 2.4 lbs, quantity: 1, 1080P HD Camera with IR sensitivity, spotlight, window breach attachment, and cellular two-way communications with a flight time of approx. 31 minutes. Cost: $ 8,999 / each,
5. DJI M30T 8.4 pounds, quantity 4, 1/2" CMOS sensor visual camera,35 minute flight time, Cost: $18,000 each
6. DJI M3T 2.4 pounds, quantity 2, 1/2" CMOS sensor visual camera, 45 minute flight time, Cost: $11,000 ea

(b) Purpose: To be deployed when its view would assist officers or incident commanders with the following situations, which include but are not limited to:

1. major collision investigations.
2. search for missing persons.
3. natural disaster management.

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4. crime scene photography.
5. SWAT, tactical or other public safety and life preservation missions.
6. In response to specific requests from local, state or federal fire authorities for fire response and/or prevention.

(c) Authorized Use: Only assigned operators who have completed the required training shall be permitted to operate any UAS during approved missions.

(d) Lifespan: 5 - 10 years.

(e) Fiscal Impact: Annual maintenance and battery replacement expected to be $4,000 - $6,000.

(f) Training: All Department UAS operators are licensed by the Federal Aviation Administration for UAS operation. In addition, each operator must attend ongoing department training.

(g) Legal and Procedural Rules: Use is established under Tracy Police Department policy 610, FAA Regulation 14 CFR Part 107, It is the policy of the Tracy Police Department to utilize UAS only for official law enforcement purposes, and in a manner that respects the privacy of our community, pursuant to State and Federal law.

5. Robots: A remotely controlled unmanned machine that operates on the ground which is utilized to enhance the safety of the community and officers.

(a) Description, quantity, capabilities, and purchase cost: AVATAR Tactical Robot; quantity 1; enhances the compatibilities of the Crisis Response Unit by allowing to quickly and safely inspect dangerous situations without sending personnel. AVATAR has live feed video and audio with the capability to record; cost: $ 15,132.

(b) Purpose: Used remotely to gain visual and audio access to clear areas in high risk situations.

(c) Authorized Use: Used by trained members of the Crisis Response Unit.

(d) Lifespan: 8 - 10 years.

(e) Fiscal Impact: Annual maintenance cost of between $500.

(f) Training: Training conducted internally by the Crisis Response Unit.

(g) Legal and Procedural Rules: It is the policy of the Tracy Police Department to utilize the robot for official law enforcement purposes and in a manner that reflect the privacy of the community pursuant to Federal and State law.

6. Less Lethal Shotguns / Breaching Shotguns / 40MM Launchers and Munitions: These systems deploy less-lethal impact projectiles and breaching rounds.

(a) Description, quantity, capabilities, and purchase cost:

1. Shotguns and 40MM Launchers:

(a) Less-Lethal Remington 870 Shotgun: quantity 23; The Remington 870 Less Lethal Shotgun is used to deploy the less lethal 12-gauge Super-Sock Beanbag Round up to a distance of 75 feet. The range of the weapon;

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system helps to maintain space between officers and a suspect reducing the immediacy of the threat which is a principle of De-escalation; cost $425/each.

(b) Breaching Remington 870 Shotgun: quantity 2; This weapon allows for breachers to safely utilize shotgun breaching rounds in order to destroy deadbolts, locks, and hinges. The stand-off device that is attached to the end of the barrel allows for positive placement of the shotgun into the correct position and vents gases to prevent overpressure. cost $425/each.

(c) 40MM Defense Technology Launcher (single shot); quantity 7; The 40MM Single Launcher is a single shot launcher. It will fire standard 40mm less-lethal ammunition up to 4..8 inches in length. It will launch a 40MM less lethal round up to 131 feet; cost: $1000/each.

(d) 40MM Defense Technology Multi-Launcher; quantity 2; The 40MM Tactical 4-Shot Launcher is low-profile and lightweight, providing multi-shot capability in an easy to carry launcher; cost $2,000 / each.

2. Munitions:

(a) CTS 12-Gauge Super-Sock beanbag round, cost: $5, quantity: 2000. A less lethal 2.4-inch 12-gauge shotgun round firing a ballistic fiber bag filled with 40 grams of lead shot at a velocity of 270-290 feet per second (FPS). CTS Super-Sock rounds are discharged from a dedicated 12-gauge shotgun that is distinguishable by an orange butt stock and fore grip. This round provides accurate and effective performance
when fired from the approved distance of not fewer than five (5) feet. The maximum effective range of this munition is up to 75 feet from the target

(b) Royal Arms TESAR #1 orange cap 275 grain copper frangible breaching round; fired from a dedicated breaching shotgun and is used to destroy deadbolts, locks, and hinges; quantity 150; cost: $125 per box of 25 rounds.

(c) Royal Arms TESAR #2 black cap 425 grain copper frangible breaching round; fired from a dedicated breaching shotgun and is used to destroy deadbolts, locks, and hinges; quantity 150; cost: $125 per box of 25 rounds.

(d) Royal Arms TESAR #4 yellow cap 750 grain copper frangible breaching round; fired from a dedicated breaching shotgun and is used to destroy deadbolts, locks, and hinges; quantity 100; cost: $125 per box of 25 rounds.

(e) CTS 4557 40MM sponge round, fired from 40MM launcher, quantity 150; the 4557 sponge round is a smokeless, spin stabilized round, 4" long intended to deliver a less-lethal blunt trauma effect; cost $20/per round.

(b) Purpose: To increase opportunities to utilize de-escalation and in an effort to reduce lethal force within law enforcement. To be used in efforts to resolve dynamic incidents where deadly force is not authorized or otherwise undesirable.

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(c) Authorized Use: Situations for use of the less lethal weapon systems may include, but are not limited to:

1. Self-destructive, dangerous and/or combative individuals.
2. Riot/crowd control and civil unrest incidents.
3. Circumstances where a tactical advantage can be obtained.
4. Potentially vicious animals.
5. Training exercises or approved demonstrations

(d) Lifespan: 25 + years for launchers and shotguns. 5 years for munitions.

(e) Fiscal Impact: Annual maintenance of approx. $25-$50 per shotgun and 40MM Launcher. munitions replenished as necessary based on usage and lifespan.

(f) Training: Requires a 4 hours less lethal course by a certified instructor. The 4 hours course is required to be completed annually to maintain certification; the course is reviewed and updated annually to ensure compliance with current law and procedures.

(g) Legal and Procedural Rules: Use of less-lethal shotguns and 40MM launchers is established under policy sections 300 - Use of Force and 303 - Control Devices and Techniques. It is the policy of the Tracy Police Department to utilize less-lethal equipment only for official law enforcement purposes and consistent with State and Federal law regarding use of force.

7. Distraction Devices: A device used to distract potentially dangerous persons.

(a) Description, quantity, capabilities, and purchase cost:

1. Combined Tactical Systems, 7290-9 Flash-Bang, cost: $52, quantity: 50. A non-bursting, non-fragmenting multi-bang device that produces a thunderous bang with an intense bright light. Ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations.
2. Combined Tactical Systems, 7290M Mini Flash-Bang, cost: $55, quantity: 75. The 7290M Flash-Bang exhibits all the same attributes of its larger counterpart but in a smaller and lighter package. Weighing in at 15 ounces the new 7290M is approximately 30% lighter than the 7290 but still has the same 175db output of the 7290 and produces 6-8 million candelas of light.

(b) Purpose: A distraction device is ideal for distracting dangerous suspects during assaults, hostage rescue, room entry or other high-risk arrest situations. To produce atmospheric overpressure and brilliant white light and, as a result, can cause short-term (6 - 8 seconds) physiological/psychological sensory deprivation to give officers a tactical advantage.

(c) Authorized Use: Diversionary Devices shall only be used:

1. By officers who have been trained in their proper use.
2. In hostage and barricaded subject situations.
3. In high risk warrant (search/arrest) services where there may be extreme hazards to officers.

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4. During other high-risk situations where their use would enhance officer safety.
5. During training exercises.

(d) Lifespan: 5 years from date of shipment.

(e) Fiscal Impact: No annual maintenance. Cost is associated with replacement after use.

(f) Training: Prior to use, officers must attend diversionary device training that is conducted by certified instructors.

(g) Legal and Procedural Rules: Use is established under Crisis Response Unit Operational Manual. It is the policy of the Tracy Police Department to utilize diversion devices only for official law enforcement purposes, and pursuant to State and Federal law regarding the use of force.

8. Rifles: Firearms which are shoulder fired having long spiraled rifling within the barrel intended to improve the accuracy of the rifle.

(a) Description, quantity, capabilities, and purchase cost:

1. AR-15/M-4 Platform:

(a) Colt; AR-15 standard rifle with 16" barrel, quantity 84; standard issue rifle which fires a .223 caliber cartridge providing more powerful round than a stand issue handgun with greater accuracy; cost: $1,100/each.

(b) Sionics; AR-15 custom rifle with 11.5" barrel; quantity 11; standard issue rifle which fires a .223 caliber cartridge providing more powerful round than a stand issue handgun with greater accuracy. It is a short-barreled rifle which allows a a trained officer better control inside of structures; cost $1,100/each.

(c) Sons of Liberty; M4-89 custom rifle with 11.5" barrel; quantity 24; standard issue rifle which fires a .223 caliber cartridge providing more powerful round than a stand issue handgun with greater accuracy; cost $1,350/ each.

2. Precision Rifles:

(a) Accuracy International AT .308 caliber bolt action rifle; quantity 4; rifle chambered in .308 caliber. The rifle is primarily used in over watch in critical incidents and other high-risk tactical situations such as hostage rescue and search warrant service, Cost $4,000 / each.

(b) Rock River Arms LAR-8 .308 caliber semi-automatic rifle; quantity 2; rifle chambered in .308 caliber. The rifle is primarily used in over watch in critical incidents and other high-risk tactical situations such as hostage rescue and search warrant service, Cost $2,000 / each.

3. Ammunition:

(a) Speer Gold Dot .223 caliber 62 grain rifle round, quantity 125 cases (500 rounds per case); cost: $285 per case.

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(b) Hornaday A-Max .308 caliber 168 grain rifle round, quantity 5 cases (500 rounds per case); cost: $400 per case.

(c) Hornaday Bonded .308 caliber 165 grain rifles round, quantity 5 cases (500 rounds per case); cost: $400 per case.

(b) Purpose: To be used as precision weapons to address a threat with more precision and/or at greater distances than a handgun.

(c) Authorized Use: Only members who have attended a POST certified course are authorized to use a rifle. Tracy Police Department provides this training to all sworn peace officers.

(d) Lifespan: 15 years.

(e) Fiscal Impact: annual maintenance of approx. $50-100 per rifle.

(f) Training: Prior to using a rifle, officers must be certified by POST instructors in the operation of the rifle. Additionally, all members that operate any rifle are required to pass a range qualification two
times a year.

(g) Legal and Procedural Rules: Use of rifles is established under policy sections 300 - Use of Force, 306 - Firearms, and 419 - Patrol Rifles. It is the policy of the Tracy Police Department to utilize rifles only for official law enforcement purposes and consistent with State and Federal law regarding use of force.

9. Chemical Agent and Smoke Canisters: Canister which contain chemical agents that are released when deployed.

(a) Description, quantity, capabilities, and purchase cost:

1. Remington 870 shotgun dedicated to launch CS; quantity 2; specialized Remington 870 shotgun with th dedicated launching cup for the purpose of launching CS cannisters; cost: $425/each. A 1210,12 gauge launching cartridge is used to deploy the CS cannisters. The launching cartridge is designed to propel the CS cannister further than could be thrown by hand.

2. CTS 5230B - CS Baffled canister grenade, pyro, low flame potential; quantity 100; The 5230B pyrotechnic grenade is designed for indoor use delivering a maximum amount of irritant smoke throughout multiple rooms with minimal risk of fire; cost: $37/each.

3. Defense Technology Spede-Heat Continuous Discharge Grenade, CS; quantity 50; The Spede-Heat CS Grenade is a high-volume continuous burn device. It expels its payload in approx. 30 - 4- seconds. The payload is discharged through four gas ports on the top of the canister, three on the side, and one on the bottom. The canister holds approx. 81.2 grams of CS; cost $25/each.

4. Defense Technology Flameless TRI-CHAMBER CS Grenade, #1032; quantity 50; The design of the Tri-Chamber Flameless CS Grenade allows the contents to burn within an internal can and disperse the agent safely with reduced risk of fire. The grenade is designed primarily for indoor tactical situations to detect and/or dislodge a barricaded subject. This grenade will deliver approximately.70 oz. of

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agent during its 20-25 seconds burn time. The Tri-Chamber Flameless Grenade can be used in crowd control as well as tactical deployment situations by Law Enforcement and Corrections but was designed with the barricade situation in mind. Its applications in tactical situations are primarily to detect and/or dislodge barricaded subjects. The purpose of the Tri-Chamber Flameless Grenade is to minimize the risks to all parties through pain compliance, temporary discomfort, and/or incapacitation of potentially violent or dangerous subjects. The Tri-Chamber Flameless Grenade provides the option of delivering a pyrotechnic chemical device indoors, maximizing the chemicals' effectiveness via heat and vaporization, while minimizing or negatin the chance of fire to the structure; cost $25/each.

5. Defense Technology Ferret 40MM Liquid Barricade Penetrator Round, CS; quantity 100; The Ferret 40mm Round is non-burning and suitable for indoor use. Used primarily by tactical teams, it is designed to penetrate barriers, such as windows, hollow core doors, wallboard and thin plywood. Upon impacting the barrier, the nose cone ruptures and instantaneously delivers a small chemical payload inside of a structure or vehicle. In a tactical deployment situation, the 40mm Ferret is primarily used to dislodge barricaded subjects from confined areas. Its purpose is to minimize the risks to all parties through pain compliance, temporary discomfort and/or incapacitation or potentially violent or dangerous subjects; cots: $23/each.

6. Defense Technology OC Aerosol Grenade 1.3% Fogger, 6oz; quantity 25; The 6 oz. OC Aerosol Grenade will delivery its payload of 1.3% MC% OC in 20-25 seconds. This is a anatomized mist which enhances the pungent 1.3% OC formulation. Ideal for area denial areas like attics, garages, etc. This device has minimum clean up. The canister may also be hand held to direct the spray pattern. This product is designed to provide room clearing ability with minimum clear up requirements; cost: $ 17/each.

7. Defense Technology Maximum HC Smoke Military-Style Canister; quantity 25; The Military-Style Maximum Smoke Grenade comes from the Defense Technology® #3 smoke grenade. It is a slow burning, high volume, continuous discharge grenade designed for outdoor use in crowd management situations. Emits grey-white smoke only for approximately 1.5 to 2 minutes; cost: $30/each.

8. Defense Technology CS HAN-BALL Grenade; quantity 50; The Han-Ball™ CS Grenade is an outdoor use grenade expelling its payload in approximately 15-20 seconds. The rubber ball round has an over all size of 4.8 in. tall, including the fuze head, and 3.1 in. diameter. This launchable grenade holds approximately 1.6 oz. of active agent which is expelled through three ports around the equator of the ball. Due the intense heat generated by this grenade, it should not be used inside a building or near flammable material; cost: $45/each.

9. Golden Eagle Fogger Series 4 CS/OC Fogger; quantity 1; dispenses CS or OC efficiently in riotous situations. Utilizes Pepper Fog CS irritant and Pepper Fog OC; quantity 4 quarts each; cost $60 per quart.

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(b) Purpose: To safely resolve critical situations high risk operations. These are necessary because there are no reasonable alternatives that can achieve the same objective of officer and civilian safety and will safeguard the public's welfare.

(c) Authorized Use: To limit the escalation of conflict where employment of lethal force is prohibited or undesirable. Situations for use of the less lethal weapon systems may include, but are not limited to:

1. Self-destructive, dangerous and/or combative individuals.
2. Riot/crowd control and civil unrest incidents.
3. Circumstances where a tactical advantage can be obtained.
4. Potentially vicious animals.
5. Training exercises or approved demonstrations.

(d) Lifespan: 25 + years for breaching shotguns and 5 years for other materials.

(e) Fiscal Impact: Annual maintenance and replacement is approx. $2,500.

(f) Training: All staff utilzing the equipment must be training by a POST certified chemical agent instructor.

(g) Legal and Procedural Rules: The use of items is established by Department policy and the Crisis Response Unit Operational Manual.Tracy Police Department to utilize rifles only for official law enforcement purposes and consistent with State and Federal law regarding use of force.

708.4.1 MAINTENANCE OF SUPPLY LEVELS

The Department, by authorization of the Chief of Police is authorized to purchase equipment and associated and munitions approved by Council pursuant to this policy as long as it does not go beyond the scope of capabilities currently approved. The Department is authorized to maintain adequate levels of approved munitions, replace defective equipment, and increase quantities of approved equipment as needed to meet operational and safety needs of the Department and community. All purchases shall follow pre-established purchasing guidelines of the City of Tracy.

Purchase of equipment does not have to be the exact make and model listed however, they shall not exceed to capabilities and intended use as described and approved within this policy.

Example(s)

1. An increase in allocated positions by City Council may make necessary the purchase of additional equipment and munitions for both operational and training needs.
2. A manufacturer may stop making a specific model of a product, or that item may become difficult to obtain due to supply chain issues and it may become necessary to locate and purchase a similar product to maintain operation capabilities.
3. An approved military equipment program, may need to expand for operational needs (ex: increase the number of UAS in deployment, or purchase of additional less lethal shotguns).

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It is the stated purpose of this policy section not exceed the scope of City Council approval and any increases in quantity shall be reported to City Council as part of the annual report for Military Equipment.

708.4.2 MILITARY EQUIPMENT USE REPORTING REQUIREMENTS
All military equipment and munitions approved for use by this policy, when deployed in the field shall be documented and reported in PlanIt by the supervisor by the end of their assigned shift using the form titled "AB 481". The patrol Watch Commander shall conduct a weekly audit ensure the deployment data is being properly reported.

The Crisis Response Unit shall document the military equipment deployment as part of their after action report and the Team Leader, or designee shall enter the information into PlanIt using the form titled "AB 481". The Tactical Commander shall conduct a quarterly audit to the date is being property reported.

As part of the annual reporting requirement, the Professional Standards and Training Division shall complete a report to be submitted to City Council in a regular meeting.

As it relates to this policy, the term deployed means to have been utilized it response to a real world incident whether or not the equipment was used (i.e. kinetic energy round fired from platform).

## 708.5 APPROVAL

The Chief of Police or the authorized designee shall obtain approval from the governing body by way of an ordinance adopting the military equipment policy. As part of the approval process, the Chief of Police or the authorized designee shall ensure the proposed military equipment policy is submitted to the governing body and is available on the department website at least 30 days prior to any public hearing concerning the military equipment at issue (Government Code § 7071). The military equipment policy must be approved by the governing body prior to engaging in any of the following (Government Code § 7071):

(a) Requesting military equipment made available pursuant to 10 USC § 2576a.

(b) Seeking funds for military equipment, including but not limited to applying for a grant, soliciting or accepting private, local, state, or federal funds, in-kind donations, or other donations or transfers.

(c) Acquiring military equipment either permanently or temporarily, including by borrowing or leasing.

(d) Collaborating with another law enforcement agency in the deployment or other use of military equipment within the jurisdiction of this department.

(e) Using any new or existing military equipment for a purpose, in a manner, or by a person not previously approved by the governing body.

(f) Soliciting or responding to a proposal for, or entering into an agreement with, any other person or entity to seek funds for, apply to receive, acquire, use, or collaborate in the use of military equipment.

(g) Acquiring military equipment through any means not provided above.

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### 708.6 COORDINATION WITH OTHER JURISDICTIONS

Military equipment used by any member of this Department shall be approved for use and in accordance with this Department policy. Military equipment used by other jurisdictions that are providing mutual aid to this Department, or otherwise engaged in law enforcement operations in this jurisdiction, shall comply with their respective military equipment use policies.

### 708.7 ANNUAL REPORT

Upon approval of a military equipment policy, the Chief of Police or the authorized designee should submit a military equipment report to the governing body for each type of military equipment approved within one year of approval, and annually thereafter for as long as the military equipment is available for use (Government Code § 7072).

The Chief of Police or the authorized designee should also make each annual military equipment report publicly available on the department website for as long as the military equipment is available for use. The report shall include all information required by Government Code § 7072 for the preceding calendar year for each type of military equipment in department inventory.

### 708.8 COMMUNITY ENGAGEMENT

Within 30 days of submitting and publicly releasing the annual report, the Department shall hold at least one well-publicized and conveniently located community engagement meeting, at which the Department should discuss the report and respond to public questions regarding the funding, acquisition, or use of military equipment.

Any member of the public can register a question or concern regarding military equipment by contacting the Professional Standards and Training Division by email at PROFESSIONALSTANDARDS@TRACYPD.COM or by telephone at (209) 831-6559.

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# Chapter 8 - Support Services

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# Crime Analysis

### 800.1 PURPOSE AND SCOPE

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analysis of data from field interrogations and arrests. Crime analysis can be useful to the Department's long range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

### 800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview cards
- Parole and Probation records
- Computer Aided Dispatch data
- Statewide Integrated Traffic Reporting System (SWITRS)

### 800.3 CRIME ANALYSIS FACTORS

The following minimum criteria should be used in collecting data for Crime Analysis:

- Frequency by type of crime
- Geographic factors
- Temporal factors
- Victim and target descriptors
- Suspect descriptors
- Suspect vehicle descriptors
- Modus operandi factors
- Physical evidence information

### 800.4 CRIME ANALYSIS DISSEMINATION

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the Department's strategic plans should be provided to the appropriate staff units. When information pertains to tactical and strategic plans, it should be provided to all affected units.

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*Crime Analysis*

Information relevant to the public may be delivered through presentations to various groups such as other governmental agencies, community groups, various business, professional, and regulatory organizations, and in meetings with individuals.

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# Dispatch

## 801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate information needs of the Department in the course of its normal daily activities and during emergencies.

## 801.2 POLICY

It is the policy of the Tracy Police Department to provide 24-hour telephone service to the public for information and for routine or emergency assistance. The Department provides two-way radio capability providing continuous communication between Dispatch and department members in the field.

## 801.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established in a separate operations manual for Dispatch.

Access to Dispatch shall be limited to Dispatch members, the Watch Commander, command staff and department members with a specific business-related purpose regarding radio/telephone authorized vendors.

## 801.4 RESPONSIBILITIES

### 801.4.1 PUBLIC SAFETY DISPATCH SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Public Safety Dispatch Supervisor. The Public Safety Dispatch Supervisor is directly responsible to the Support Operations Manager, or the authorized designee.

The responsibilities of the Public Safety Dispatch Supervisor include, but are not limited to:

(a) Ensures adequate staff coverage on all shifts; prepares and approves shift trades, time off requests, training requests, and overtime schedules.

(b) Maintains and reviews payroll related records.

(c) Plans, organizes, assigns, supervises, and reviews the work of Public Safety Dispatch Staff; trains staff in work procedures; evaluates employee performance, counsels employees, and effectively recommends initial disciplinary action.

(d) Assists in the hiring process and selection and promotion process.

(e) Provides staff assistance to management; prepares and presents staff reports and other written materials..

(f) Processing requests for copies of Dispatch records for release.

(g) Maintains files, databases, statistics, logs and records as required by the City and other government agencies.

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(h) Maintains and oversees the updating of the Communications Unit Training Manual.

1. Establish procedures for specific types of crime reports may be necessary. For example, specific questions and instructions may be necessary when talking with a victim of a sexual assault to ensure that his/her health and safety needs are met, as well as steps that he/she may take to preserve evidence

(i) Oversees, troubleshoots, maintains, and oversees upgrades of Computer Aided Dispatch (CAD), 9-1-1 phone system, non-emergency phone system, radio system and the long term recording system for phones and radio system.

1. Records shall be maintained in accordance with the established records retention schedule and as required by law..

(j) Takes command responsibility over critical incidents affecting the Communications Center.

(k) Assists in the Communication Center as needed during an emergency.

(l) Ensure staff observe and comply with all City and mandated safety rules, regulations and protocols.

(m) Ensuring dispatcher compliance with established policies and procedures.

(n) Represents the City in meetings with members of other public and private organizations, community groups, contractors, developers, and the public. Attends and participates in professional group meetings; stays abreast of new trends and innovations in the public safety dispatch field..

(o) Handling internal and external inquiries regarding services provided and accepting personnel complaints in accordance with the Personnel Complaints Policy.

### 801.4.2 ADDITIONAL PROCEDURES

The Public Safety Dispatch Supervisor should establish procedures for:

(a) Recording all telephone and radio communications and playback issues.

(b) Storage and retention of recordings.

(c) Security of audio recordings (e.g., passwords, limited access, authorized reviewers, preservation of recordings past normal retention standards).

(d) Assignment of field members and safety check intervals.

(e) Work with other Department Units or City Departments to maintain a list of current service the Department uses(e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

(f) Work with the City Innovation and Technology Department to ensure the protection of essential equipment (e.g., surge protectors, gaseous fire suppression systems, uninterruptible power systems, generators).

(g) Work with the City's Building Maintenance Department to ensure the buildings gaseous fire suppression system and generators are maintained in accordance with City Policy and Building Code.

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(h) Establish a policy for handling of misdirected, silent and 9-1-1 hang-up calls.

(i) Establish a policy for handling private security alarms, if applicable.

(j) Establish a policy for text to 9-1-1 and TTY phone calls.

(k) Establish policies for new technology related to dispatch. Not limited to Rapid Deploy, Rapid SOS, Rave Alert and PowerTIme.

(l) Assist and oversee radio interoperability issues.

1. Radio Encryption agreements

801.4.3 DISPATCHERS

Dispatchers report to the Public Safety Dispatch Supervisor. The responsibilities of the dispatcher include, but are not limited to:

(a) Ensure adequate staff coverage on all shifts to provide 24-hour telephone service to the public for information and for routine or emergency assistance.

(b) Receiving and handling all incoming and transmitted communications, including:

1. Emergency 9-1-1 lines.

2. Business telephone lines.

3. Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.

4. Radio communications with department members in the field and support resources (e.g., fire department, emergency medical services (EMS), allied agency law enforcement units).

(c) Documenting the field activities of department members and support resources (e.g., fire department, EMS, allied agency law enforcement units).

(d) Inquiry and entry of information through Dispatch, department and other law enforcement database systems (CLETS, DMV, NCIC).

(e) Monitoring department video surveillance systems.

(f) Monitor and allow access to controlled doors to approved visitors.

(g) Maintaining the current status of members in the field, their locations and the nature of calls for service within CAD.

(h) Notifying the Watch Commander or field supervisor of emergency activity, including, but not limited to:

(a) Vehicle pursuits.

(b) Foot pursuits.

(c) Assignment of emergency response.

(d) Request from outside agency assistance

(i) Adhere to all Department Policy's and Standard Operating Procedures.

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## 801.5 CALL HANDLING

This Department provides members of the public with access to the 9-1-1 system for a single emergency telephone number.

When a call for services is received, the dispatcher will reasonably and quickly attempt to determine whether the call is an emergency or non-emergency, and shall quickly ascertain the call type, location and priority by asking four key questions:

- Where?
- What?
- When?
- Who?

If the caller is unable to provide a location, the dispatcher shall use al tools available to them in an attempt to determine the callers location or the location of the emergency. Examples of technology include but are not limited to, Rapid Deploy, RapidSOS and ANI/ALI.

The dispatcher shall verbally confirm the location of the emergency with the caller. If this can not be done, one of the other tools may be used, and noted in teh call for service.

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she shall immediately initiate a connection with the individual via available TDD/TTY equipment or Telephone Relay Service (TRS), as mandated by the Americans with Disabilities Act (ADA).

If the dispatcher determines that the caller is a limited English proficiency (LEP) individual, the dispatcher should quickly determine whether sufficient information can be obtained to initiate an appropriate response. If language assistance is still needed, the language is known and a language-appropriate authorized interpreter is available in Dispatch, the dispatcher should immediately connect the LEP caller to the authorized interpreter.

If no authorized interpreter is available or the dispatcher is unable to identify the caller's language, the dispatcher will contact the contracted telephonic interpretation service and establish a three-party call connecting the dispatcher, the LEP individual and the interpreter.

If the dispatcher receives a Text to 9-1-1 call, they shall follow the Standard Operating Procedures related to Text to 9-1-1.

Dispatchers should be calm,courteous, patient and respectful when dealing with the public.

### 801.5.1 EMERGENCY CALLS

A call is considered an emergency when there is an immediate or potential threat to life or serious property damage, and the timely arrival of public safety assistance is of the utmost importance. A person reporting an emergency should not be placed on hold until the dispatcher has obtained all necessary information to ensure the safety of the responding department members and affected individuals.

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Emergency calls should be dispatched immediately. The Watch Commander shall be notified of pending emergency calls for service when department members are unavailable for dispatch.

### 801.5.2 NON-EMERGENCY CALLS

A call is considered a non-emergency call when there is no immediate or potential threat to life or property. A person reporting a non-emergency may be placed on hold, if necessary, to allow the dispatcher to handle a higher priority or emergency call.

The reporting person should be advised if there will be a delay in the dispatcher returning to the telephone line or when there will be a delay in the response for service.

## 801.6 RADIO COMMUNICATIONS

The police radio system is for official use only, to be used by dispatchers to communicate with department members in the field. All transmissions shall be professional and made in a calm, businesslike manner, using proper language and correct procedures. Such transmissions shall include, but are not limited to:

(a) Members acknowledging the dispatcher with their radio identification call signs and current location.

(b) Dispatchers acknowledging and responding promptly to all radio transmissions.

(c) Members keeping the dispatcher advised of their status and location.

(d) Member and dispatcher acknowledgements shall be concise and without further comment unless additional information is needed.

The Communications Supervisor shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the complainant’s supervisor and processed through the chain of command.

### 801.6.1 FEDERAL COMMUNICATIONS COMMISSION COMPLIANCE

Tracy Police Department radio operations shall be conducted in accordance with Federal Communications Commission (FCC) procedures and requirements.

### 801.6.2 RADIO IDENTIFICATION

This policy establishes a process for the assignment and configuration of unit identifiers for all Department Bureaus when communicating on Tracy Police Department radio frequencies.

Radio call signs are assigned to department members based on factors such as duty assignment, uniformed patrol assignment and/or member identification number. Dispatchers shall identify themselves on the radio with the appropriate station name or number, and identify the department member by his/her call sign. Members should use their call signs when initiating communication with the dispatcher. The use of the call sign allows for a brief pause so that the dispatcher can acknowledge the appropriate department member. Members initiating communication with other law enforcement or support agencies shall use their entire radio call sign, which includes the department station name or number.

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The Office of the Chief of Police, in cooperation with the Bureau Commanders shall assign unit identifiers and provide the Communications Division with an update when the unit identifiers are assigned. The Communications Division shall be responsible for assigning employee names in the Computer Aided Dispatch System (CAD) to unit identifiers that are assigned by position.

See the attached link for alpha character list and unit identifiers for the different assignments within the Tracy Police Department. These new identifiers will become effective January 1, 2025.

See attachment: Unit Identifier list (2-11-26).pdf

### 801.7 DOCUMENTATION

It shall be the responsibility of Dispatch to document all relevant information on calls for service or self-initiated activity. Dispatchers shall attempt to elicit, document and relay as much information as possible to enhance the safety of the member and assist in anticipating conditions that may be encountered at the scene. Desirable information would include, at a minimum:

- Incident number.
- Date and time of request.
- Name and address of the reporting person, if possible.
- Type of incident reported.
- Involvement of weapons, drugs and/or alcohol.
- Location of incident reported.
- Identification of members assigned as primary and backup.
- Time of dispatch.
- Time of the responding member's arrival.
- Time of member's return to service.
- If the caller is requesting contact.*
- Disposition or status of reported incident.

* With the exception of calls where it is deemed necessary for an officer to contact a caller due to them being the victim of a crime, the call taker shall ask the caller if they are requesting contact be made by the responding officer and clarify whether they prefer contact would be made in person or via phone call.

### 801.8 CONFIDENTIALITY

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance with the Protected Information Policy.

Automated data, such as Department of Motor Vehicle records, warrants, criminal history information, records of internal police files or medical information, shall only be made available to

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authorized law enforcement personnel. Prior to transmitting confidential information via the radio, an admonishment shall be made that confidential information is about to be broadcast.

### 801.9 TRAINING AND CERTIFICATION

Dispatchers shall receive training consistent with minimum standards established by POST (Penal Code § 13510).

### 801.10 SECTION TITLE

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# Property and Evidence Unit

## 802.1 PURPOSE AND SCOPE

This policy provides for the proper collection, storage, and security of evidence and other property. Additionally, this policy provides for the protection of the chain of evidence and identifies those persons authorized to remove and/or destroy property.

### 802.1.1 EVIDENCE AND PROPERTY UNIT

Detailed evidence handling procedures for EPU and Department staff are contained in the EPU procedural manual.

### 802.1.2 DEFINITIONS

Definitions related to this policy include:

**Property** - All articles placed in secure storage within the Property and Evidence Section, including the following:

- Evidence - Items taken or recovered in the course of an investigation that may be used in the prosecution of a case, including photographs and latent fingerprints.
- Found property - Items found by members of the Department or the public that have no apparent evidentiary value and where the owner cannot be readily identified or contacted.
- Safekeeping - Items received by the Department for safekeeping, such as a firearm, the personal property of an arrestee that has been not taken as evidence, and items taken for safekeeping under authority of law.

## 802.2 PROPERTY HANDLING

Any employee who first comes into possession of any property, shall retain such property in his/her possession until it is properly tagged/packaged and placed in the designated property locker or storage room. As part of the employee's incident report, an entry shall be made in the Records Management System, describing the item(s) being booked into evidence. This shall be done as soon as practical. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property with no apparent evidentiary value, such property may be released to the owner without the need for booking. A description of the property, owner information, and details relating to the release of the property shall be documented in the Computer Aided Dispatch Call for Service.

### 802.2.1 PROPERTY BOOKING PROCEDURE

All property must be booked prior to the employee going off-duty unless otherwise approved by a supervisor. Employees booking property shall observe the following guidelines:

(a) Employees shall enter each item of property or evidence into the Records Management System, as part of their incident report. The entry shall include all serial numbers, owner's name, finder's name, and other identifying information or markings. Suspect and/or Arrested Persons shall also be entered into the system.

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(b) Print a property tag and attach it to each package or envelope in which the property is stored.

(c) Seal the package or envelope with evidence sealing tape and sign the seal with the employee's initials and the date booked.

(d) When the property is too large to be placed in a locker, the item must be taken to the North Annex.

### 802.2.2 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately from other evidence, using Department of Justice (DOJ) evidence envelopes. Paraphernalia as defined by Health and Safety Code § 11364 shall be photographed and then destroyed by placing into a Sharps container.

The officer seizing the narcotics and drugs shall place them into the Drug Evidence Safe.

### 802.2.3 EXPLOSIVES

Officers who encounter a suspected explosive device shall promptly notify their immediate supervisor or the Watch Commander. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the police facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in the red explosives magazine located in the south lot. The property and evidence tech is responsible for proper disposal via the San Joaquin County E.O.D., on a regular basis, any fireworks or signaling devices that are not retained as evidence.

### 802.2.4 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Bodily fluids such as blood or semen stains shall be air dried prior to booking

(b) License plates found not to be stolen or connected with a known crime, should be released directly to the EPU, for destruction, no formal booking is required.

(c) All bicycles and bicycle frames require booking into evidence. Property tag labels shall be attached to the bicycle handlebars or bicycle frame. Bicycles shall be taken to the North Annex for storage.

(d) All currency shall be counted in the presence of a witnessing staff member and the envelope initialed by the booking officer and the witnessing staff member. After booking into evidence, currency shall be placed in the evidence safe located in the Evidence Processing Room.

(e) City property, unless connected to a known criminal case, should be released directly to the appropriate City department. No formal booking is required. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

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## 802.3 PACKAGING OF PROPERTY

Certain items require special consideration and shall be booked separately from all other evidence as follows:

(a) Narcotics and Dangerous drugs

(b) Firearms (ensure they are unloaded)

(c) Firearms Magazines

(d) Ammunition

(e) Safekeeping Property

(f) Property with more than one known owner

(g) Fireworks

(h) Money

(i) Clothing and other items requiring trace/biological evidence analysis

(j) Latent fingerprint cards

(k) Paraphernalia as described in the Health and Safety 11364

### 802.3.1 PACKAGING CONTAINER

Employees shall package all property, except narcotics and drugs in evidence bags or envelopes. If an item will not fit into an evidence bag or envelope, a property tag label shall be securely attached to the outside of the item, ensuring not to damage the item.

### 802.3.2 PACKAGING NARCOTICS

The officer seizing narcotics and dangerous drugs shall retain such property in his/her possession until it is properly weighed, packaged, tagged, and placed in the designated evidence safe. Prior to packaging and if the quantity allows, a presumptive test should be made on a sampling of the suspected narcotics. If conducted, the results of this test shall be included in the officer's report.

Narcotics and dangerous drugs shall be packaged in a DOJ evidence envelope. The booking officer shall seal the envelope with 2" evidence tape and initial and date the envelope and tape with a permanent marker.

## 802.4 RECORDING OF PROPERTY

The Property Officer receiving custody of evidence or property shall record his/her signature, the date and time the property was received and where the property will be stored on the property record.

A property number shall be obtained for each item or group of items. This number shall be recorded on the property tag and the property record.

Any changes in the location of property held by the Tracy Police Department shall be noted in the property inventory report.

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## 802.5 PROPERTY CONTROL

Each time the Property Officer receives property or releases property to another person, he/she shall enter this information on the property record. Officers desiring property for court shall contact the Property Officer at least one day prior to the court day.

### 802.5.1 RESPONSIBILITY OF OTHER PERSONNEL

Every time property is released, the receiving officer shall sign the chain of custody form printed from the Property Management System. When property is returned to EPU, an appropriate entry shall be made in the property management system.

Request for analysis for items other than narcotics, and blood or urine samples shall be completed on the appropriate forms and submitted to the EPU. This request may be filled out any time after booking of the property or evidence.

### 802.5.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee or police volunteer shall check the evidence out of the EPU, indicating the date and time in the property management system and the request for laboratory analysis.

The EPU member releasing the evidence must complete the required information in the property management system and on the evidence packaging or tag. The lab forms will be transported with the property to the examining laboratory. The original copy of the lab form will remain with the evidence and the copy will be returned to the Records Unit for filing with the case.

### 802.5.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to officers for investigative purposes, or for court, shall be noted in the property management system, stating the date, time and to whom released.

The FSU shall obtain the signature of the person to whom property is released, and the reason for release. Any employee receiving the property shall be responsible for such property until it is returned to the FSU released to another authorized person or entity.

The return of the property shall be recorded in the property management system, indicating date, time, and the person who returned the property.

### 802.5.4 AUTHORITY TO RELEASE PROPERTY

FSU staff shall authorize the disposition or release of all evidence and property coming into the care and custody of the Department.

### 802.5.5 RELEASE OF PROPERTY

All reasonable attempts shall be made to identify the rightful owner of found property or evidence not needed for an investigation.

Release of property shall be made upon receipt of an authorized release form, listing the name and address of the person to whom the property is to be released. The release authorization shall be signed by the authorizing supervisor or detective and must conform to the items listed on the

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property form or must specify the specific item(s) to be released. Release of all property shall be documented on the property form.

With the exception of firearms and other property specifically regulated by statute, found property and property held for safekeeping shall be held for a minimum of 90 days. During such period, property personnel shall attempt to contact the rightful owner by telephone and/or mail when sufficient identifying information is available. Property not held for any other purpose and not claimed within 90 days after notification (or receipt, if notification is not feasible) may be auctioned to the highest bidder at a properly published public auction. If such property is not sold at auction or otherwise lawfully claimed, it may thereafter be destroyed (Civil Code § 2080.6). The final disposition of all such property shall be fully documented in related reports.

A Property Officer shall release the property upon proper identification being presented by the owner for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property form. After release of all property entered on the property control card, the card shall be forwarded to the Records Unit for filing with the case. If some items of property have not been released, the property card will remain with the Property and Evidence Section. Upon release, the proper entry shall be documented in the Property Log.

Under no circumstances shall any firearm, magazine, or ammunition be returned to any individual unless and until such person presents valid identification and written notification from the California Department of Justice that conforms to the provisions of Penal Code § 33865.

The Property and Evidence Section Supervisor should also make reasonable efforts to determine whether the person is the subject of any court order preventing the person from possessing a firearm and, if so, the firearm should not be released to the person while the order is in effect.

The Department is not required to retain any firearm, magazine, or ammunition longer than 180 days after notice has been provided to the owner that such items are available for return. At the expiration of such period, the firearm, magazine, or ammunition may be processed for disposal in accordance with applicable law (Penal Code § 33875).

### 802.5.6 DISPUTED CLAIMS TO PROPERTY

Occasionally more than one party may claim an interest in property being held by the Department, and the legal rights of the parties cannot be clearly established. Such property shall not be released until one party has obtained a valid court order or other undisputed right to the involved property.

All parties should be advised that their claims are civil and in extreme situations, legal counsel for the Department may wish to file an interpleader to resolve the disputed claim (Code of Civil Procedure § 386(b)).

### 802.5.7 RELEASE OF FIREARMS IN DOMESTIC VIOLENCE MATTERS

Within five days of the expiration of a restraining order issued in a domestic violence matter that required the relinquishment of a firearm or ammunition, the Property Officer shall return the weapon or ammunition to the owner if the requirements of Penal Code § 33850 and Penal Code § 33855 are met, unless the firearm or ammunition is determined to be stolen, evidence in a criminal

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investigation, another successive order has been issued against the individual, or the individual is otherwise prohibited from possessing a firearm (Family Code § 6389(g); Penal Code § 29825.5; Penal Code § 33855).

802.5.8 RELEASE OF FIREARMS AND WEAPONS IN MENTAL ILLNESS MATTERS

Firearms, other deadly weapons, or ammunition confiscated or relinquished from an individual detained for an evaluation by a mental health professional or subject to the provisions of Welfare and Institutions Code § 8100 or Welfare and Institutions Code § 8103 shall be released or disposed of as follows:

(a) If a petition for a hearing regarding the return of a firearm or a weapon has been initiated pursuant to Welfare and Institutions Code § 8102(c), the firearm or weapon shall be released or disposed of as provided by an order of the court. If the court orders a firearm returned, the firearm shall not be returned unless and until the person presents valid identification and written notification from the California Department of Justice (DOJ) that conforms to the provisions of Penal Code § 33865.

(b) If no petition has been initiated pursuant to Welfare and Institutions Code § 8102(c) and the firearm or weapon is not retained as evidence, the Department shall make the firearm or weapon available for return. No firearm will be returned unless and until the person presents valid identification and written notification from the California DOJ that conforms to the provisions of Penal Code § 33865.

(c) Unless the person contacts the Department to facilitate the sale or transfer of the firearm to a licensed dealer pursuant to Penal Code § 33870, firearms not returned should be sold, transferred, destroyed, or retained as provided in Welfare and Institutions Code § 8102.

802.5.9 RELEASE OF FIREARMS IN GUN VIOLENCE RESTRAINING ORDER MATTERS

Firearms and ammunition that were taken into temporary custody or surrendered pursuant to a gun violence restraining order shall be returned to the restrained person upon the expiration of the order, verification that the person is not otherwise legally prohibited from possessing a firearm, and in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18108; Penal Code § 18120).

If the restrained person who owns the firearms or ammunition does not wish to have the firearm or ammunition returned, they are entitled to sell or transfer title to a licensed dealer, provided that the firearms or ammunition are legal to own or possess and the restrained person has right to title of the firearms or ammunition (Penal Code § 18120).

If a person other than the restrained person claims title to the firearms or ammunition surrendered pursuant to Penal Code § 18120 and the Tracy Police Department determines the person to be the lawful owner, the firearms or ammunition shall be returned in accordance with the requirements of Penal Code § 33850 et seq. (Penal Code § 18120).

Firearms and ammunition that are not claimed are subject to the requirements of Penal Code § 34000.

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802.5.10 RELEASE OF FIREARMS, MAGAZINES, AND AMMUNITION
The Department shall not return any firearm, magazine, or ammunition taken into custody to any individual unless all requirements of Penal Code § 33855 are met.

## 802.6 DISPOSITION OF PROPERTY

All property not held for evidence in a pending criminal investigation or proceeding, and held for six months or longer where the owner has not been located or fails to claim the property, may be disposed of in compliance with existing laws upon receipt of proper authorization for disposal.

802.6.1 EXCEPTIONAL DISPOSITIONS
The following types of property shall be destroyed or disposed of in the manner, and at the time prescribed by law, unless a different disposition is ordered by a court of competent jurisdiction:

- Weapons declared by law to be nuisances (Penal Code § 25700; Penal Code § 26110; Penal Code § 26395; Penal Code § 29300; Penal Code § 18010; Penal Code § 32750)
- Animals, birds, and related equipment that have been ordered forfeited by the court (Penal Code § 599a)
- Counterfeiting equipment (Penal Code § 480)
- Gaming devices (Penal Code § 335a)
- Obscene matter ordered to be destroyed by the court (Penal Code § 312)
- Altered vehicles or component parts (Vehicle Code § 10751)
- Narcotics (Health and Safety Code § 11474 et seq.)
- Unclaimed, stolen, or embezzled property (Penal Code § 1411)
- Destructive devices (Penal Code § 19000)
- Sexual assault evidence (Penal Code § 680)

802.6.2 UNCLAIMED MONEY
If found or seized money is no longer required as evidence and remains unclaimed after three years, the Department shall cause a notice to published each week for a period of two consecutive weeks in a local newspaper of general circulation (Government Code § 50050). Such notice shall state the amount of money, the fund in which it is held and that the money will become the property of the City of Tracy on a designated date not less than 45 days and not more than 60 days after the first publication (Government Code § 50051).

Any individual item with a value of less than $15.00, or any amount if the depositor/owner's name is unknown, which remains unclaimed for a year or by order of the court, may be transferred to the general fund without the necessity of public notice (Government Code § 50055).

If the money remains unclaimed as of the date designated in the published notice, the money will become the property of City of Tracy.

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### 802.6.3 RETENTION OF BIOLOGICAL EVIDENCE

The FSU Supervisor shall ensure that no biological evidence held by the Department is destroyed without adequate notification to the following persons, when applicable:

(a) The defendant

(b) The defendant's attorney

(c) The appropriate prosecutor and Attorney General

(d) Any sexual assault victim

(e) The Investigation Bureau supervisor

Biological evidence shall be retained for either a minimum period that has been established by law (Penal Code § 1417.9) or that has been established by the FSU Supervisor, or until the expiration of any imposed sentence that is related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Department within 180 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file. Any objection to, or motion regarding, the destruction of the biological evidence should be retained in the appropriate file and a copy forwarded to the General Investigations Unit.

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the Chief of Police and the District Attorney.

Biological evidence from an unsolved sexual assault should not be disposed of before at least 20 years, or if the victim was under 18 years of age at the timeof the alleged offense, before the victim's 40th birthday (Penal Code 680).. Even after expiration of an applicable statute of limitations, the General Investigations Unit supervisor should be consulted and the sexual assault victim should be notified.

### 802.6.4 DESTRUCTION OF FIREARMS AND OTHER WEAPONS

The Property and Evidence Section supervisor or the authorized designee shall develop and maintain guidelines and procedures relating to the destruction of firearms and other weapons that includes but is not limited to the following (Penal Code § 18005):

(a) Identification of firearms and other weapons that need to be destroyed

(b) Maintenance of records of firearms and other weapons that need to be destroyed, including entry into the Automated Firearms System, as applicable, and records of the destruction and disposal of those firearms and other weapons

(c) Identification of any law enforcement agency that the Department contracts with or has an agreement with related to the storage or destruction of firearms or other weapons that outlines the responsibilities of this department and the other agency

    1. If the Department contracts with a third-party for destruction of firearms or other weapons, the contract must explicitly prohibit the sale of any firearm or weapon or any part or attachment to the firearm or weapon.

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The Property and Evidence Section supervisor or the authorized designee should ensure guidelines and procedures relating to the destruction of firearms and other weapons are posted on the Tracy Police Department website (Penal Code § 18005).

## 802.7 INSPECTIONS OF THE EVIDENCE ROOM

(a) On a monthly basis, the Forensic Services Unit Supervisor shall make an inspection of the evidence storage facilities and practices to ensure adherence to appropriate policies and procedures.

(b) Unannounced inspections of evidence storage areas shall be conducted annually as directed by the Chief of Police.

(c) An annual audit of evidence held by the department shall be conducted by the Professional Standards Officer.

(d) Whenever a change is made in personnel who have access to the evidence room, an inventory of all evidence/property shall be made by an individual(s) not associated to the property room or function to ensure that records are correct and all evidence property is accounted for.

## 802.8 POLICY

It is the policy of the Tracy Police Department to process and store all property in a manner that will protect it from loss, damage, or contamination, while maintaining documentation that tracks the chain of custody, the location of property, and its disposition.

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# Records Unit

## 803.1 PURPOSE AND SCOPE

This policy establishes the guidelines for the operational functions of the Tracy Police Department Records Unit. The policy addresses department file access and internal requests for case reports.

## 803.2 POLICY

It is the policy of the Tracy Police Department to maintain department records securely, professionally, and efficiently.

## 803.3 RESPONSIBILITIES

### 803.3.1 RECORDS SUPERVISOR

The Chief of Police shall appoint and delegate certain responsibilities to a Records Supervisor. The Records Supervisor shall be directly responsible to the Bureau of Support Services Bureau Commander or the authorized designee.

The responsibilities of the Records Supervisor include but are not limited to:

(a) Overseeing the efficient and effective operation of the Records Unit.

(b) Scheduling and maintaining Records Unit time records.

(c) Supervising, training, and evaluating Records Unit staff.

(d) Maintaining and updating a Records Unit procedure manual.

(e) Ensuring compliance with established policies and procedures.

(f) Supervising the access, use, and release of protected information (see the Protected Information Policy).

(g) Establishing security and access protocols for case reports designated as sensitive, where additional restrictions to access have been implemented. Sensitive reports may include but are not limited to:

1. Homicides.
2. Cases involving department members or public officials.
3. Any case where restricted access is prudent.

### 803.3.2 RECORDS UNIT

The responsibilities of the Records Unit include but are not limited to:

(a) Maintaining a records management system for case reports.

1. The records management system should include a process for numbering, identifying, tracking, and retrieving case reports.

(b) Entering case report information into the records management system.

1. Modification of case reports shall only be made when authorized by a supervisor.

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(c) Providing members of the Department with access to case reports when needed for investigation or court proceedings.

(d) Maintaining compliance with federal, state, and local regulations regarding reporting requirements of crime statistics. This includes reporting statistical data to the California Department of Justice (DOJ) for:

1. All officer-involved shootings and incidents involving use of force resulting in serious bodily injury (Government Code § 12525.2).
2. Suspected hate crimes (Penal Code § 13023).
3. Complaints of racial bias against officers (Penal Code § 13012; Penal Code § 13020).
4. Civilian complaints made against officers (Penal Code § 832.5; Penal Code § 13012).
5. Stop data required by Government Code § 12525.5 and 11 CCR 999.226.
    (a) The reported information must not contain personally identifiable information of the person stopped or other information exempt from disclosure pursuant to Government Code § 12525.5 (11 CCR 999.228).
6. Anti-reproductive rights crime information required by Penal Code § 13777.
7. Domestic violence-related call information required by Penal Code § 13730 (see the Domestic Violence policy).

(e) Maintaining compliance with federal, state, and local regulations regarding criminal history reports and auditing.

(f) Identifying missing case reports and notifying the responsible member's supervisor.

(g) Establishing a process for collecting and submitting data to appropriate federal data collection authorities (e.g., FBI National Use-of-Force Data Collection), as applicable, for the following types of occurrences:

1. Officer suicides
2. Officer misconduct
3. Uses of force
4. Officer deaths or assaults
5. Crime incidents
6. Deaths in custody

(h) Updating the Automated Firearms System to reflect any firearms relinquished to the Department and the subsequent disposition to the California DOJ pursuant to Penal Code § 34010 (Penal Code § 29810).

(i) Entering into the Automated Firearms System information about each firearm that has been reported stolen, lost, found, recovered, held for safekeeping, surrendered in relation to a private party firearms transaction or registration, relinquished or surrendered pursuant to a court order or a state law that requires relinquishment or

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surrender of firearms to law enforcement, or under observation, within seven calendar days of the precipitating event (Penal Code § 11108.2).

(j) Entering into the California DOJ automated property system descriptions of serialized property, or non-serialized property that has been uniquely inscribed, which has been reported stolen, lost, found, recovered, held for safekeeping, or under observation (Penal Code § 11108).

(k) Maintaining compliance with quarterly California DOJ reporting requirements regarding the department's efforts to verify an individual listed in the Armed and Prohibited Persons System (APPS) is no longer in possession of a firearm (Penal Code § 29813).

(l) Maintaining compliance with the state and California DOJ reporting requirements regarding the number of transfers of individuals to immigration authorities and offenses that allowed for the transfers (Government Code § 7284.6(c)(2)).

(m) Transmitting data to the Joint Regional Information Exchange System on any suspected multi-mission extremist crimes.

803.3.3 RECORDS UNIT PROCEDURE MANUAL
The Records Supervisor should establish procedures that address:

(a) Identifying by name persons in reports.

(b) Classifying reports by type of incident or crime.

(c) Tracking reports through the approval process.

(d) Assigning alpha-numerical records to all arrest records.

(e) Managing a warrant and wanted persons file.

## 803.4 DETERMINATION OF FACTUAL INNOCENCE

In any case where a person has been arrested by officers of the Tracy Police Department and no accusatory pleading has been filed, the person arrested may petition the Department to destroy the related arrest records. Petitions should be forwarded to the Bureau of Support Services Supervisor. The Bureau of Support Services Supervisor should promptly contact the prosecuting attorney and request a written opinion as to whether the petitioner is factually innocent of the charges (Penal Code § 851.8). Factual innocence means the accused person did not commit the crime.

Upon receipt of a written opinion from the prosecuting attorney affirming factual innocence, the Bureau of Support Services Supervisor should forward the petition to the General Investigations Supervisor and the City Attorney for review. After such review and consultation with the City Attorney, the General Investigations Supervisor and the Bureau of Support Services Supervisor shall decide whether a finding of factual innocence is appropriate.

Upon determination that a finding of factual innocence is appropriate, the Bureau of Support Services Supervisor shall ensure that the arrest record and petition are sealed for later destruction

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and the required notifications are made to the California DOJ and other law enforcement agencies (Penal Code § 851.8).

The Bureau of Support Services Supervisor should respond to a petition with the Department's decision within 45 days of receipt. Responses should include only the decision of the Department, not an explanation of the analysis leading to the decision.

### 803.5 ARREST WITHOUT FILING OF ACCUSATORY PLEADING

The Field Operations Bureau Commander should ensure a process is in place for when an individual is arrested and released and no accusatory pleading is filed so that the following occurs (Penal Code § 849.5; Penal Code § 851.6):

(a) The individual is issued a certificate describing the action as a detention.

(b) All references to an arrest are deleted from the arrest records of the Department and the record reflects only a detention.

(c) The California DOJ is notified.

### 803.6 FILE ACCESS AND SECURITY

The security of files in the Records Unit must be a high priority and shall be maintained as mandated by state or federal law. All case reports including but not limited to initial, supplemental, follow-up, evidence, and any other reports related to a police department case, including field interview (FI) cards, criminal history records, and publicly accessible logs, shall be maintained in a secure area within the Records Unit, accessible only by authorized members of the Records Unit. Access to case reports or files when Records Unit staff is not available may be obtained through the Watch Commander.

The Records Unit will also maintain a secure file for case reports deemed by the Chief of Police as sensitive or otherwise requiring extraordinary access restrictions.

### 803.7 ORIGINAL CASE REPORTS

Generally, original case reports shall not be removed from the Records Unit. Should an original case report be needed for any reason, the requesting department member shall first obtain authorization from the Records Supervisor. All original case reports removed from the Records Unit shall be recorded on a designated report check-out log, which shall be the only authorized manner by which an original case report may be removed from the Records Unit.

All original case reports to be removed from the Records Unit shall be photocopied and the photocopy retained in the file location of the original case report until the original is returned to the Records Unit. The photocopied report shall be shredded upon return of the original report to the file.

### 803.8 CONFIDENTIALITY

Records Unit staff has access to information that may be confidential or sensitive in nature. Records Unit staff shall not access, view, or distribute, or allow anyone else to access, view, or distribute any record, file, or report, whether in hard copy or electronic file format, or any

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other confidential, protected, or sensitive information except in accordance with the Records Maintenance and Release and Protected Information policies and the Records Unit procedure manual.

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# Restoration of Firearm Serial Numbers

## 804.1 PURPOSE AND SCOPE

The primary purpose for restoring firearm serial numbers is to determine the prior owners or origin of the item from which the number has been recovered. Thus, property can be returned to rightful owners or investigations can be initiated to curb illegal trade of contraband firearms. The purpose of this plan is to develop standards, methodologies, and safety protocols for the recovery of obliterated serial numbers from firearms and other objects using procedures that are accepted as industry standards in the forensic community. All personnel who are involved in the restoration of serial numbers will observe the following guidelines. This policy complies with Penal Code § 11108.9.

## 804.2 PROCEDURE

Any firearm coming into the possession of the Tracy Police Department as evidence, found property, etc., where the serial numbers have been removed or obliterated will be processed in the following manner:

### 804.2.1 PRELIMINARY FIREARM EXAMINATION

(a) Always keep the muzzle pointed in a safe direction. Be sure the firearm is in an unloaded condition. This includes removal of the ammunition source (e.g., the detachable magazine, contents of the tubular magazine) as well as the chamber contents.

(b) If the firearm is corroded shut or in a condition that would preclude inspection of the chamber contents, treat the firearm as if it is loaded. Make immediate arrangements for a firearms examiner or other qualified examiner to render the firearm safe.

(c) Accurately record/document the condition of the gun when received. Note the positions of the various components such as the safeties, cylinder, magazine, slide, hammer, etc. Accurately record/document cylinder chamber and magazine contents. Package the ammunition separately.

(d) If the firearm is to be processed for fingerprints or trace evidence, process before the serial number restoration is attempted. First record/document important aspects such as halos on the revolver cylinder face or other relevant evidence that might be obscured by the fingerprinting chemicals.

### 804.2.2 PROPERTY BOOKING PROCEDURE

Any employee taking possession of a firearm with removed/obliterated serial numbers shall book the firearm into property following standard procedures. The employee booking the firearm shall indicate on the property form that serial numbers have been removed or obliterated.

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### 804.2.3 OFFICER RESPONSIBILITY

The Property Officer receiving a firearm when the serial numbers have been removed or obliterated shall arrange for the firearm to be transported to the crime lab for restoration and maintain the chain of evidence.

### 804.2.4 DOCUMENTATION

Case reports are prepared in order to document the chain of custody and the initial examination and handling of evidence from the time it is received/collected until it is released.

This report must include a record of the manner in which and/or from whom the firearm was received. This may appear on the request form or property form depending on the type of evidence.

### 804.2.5 FIREARM TRACE

After the serial number has been restored (or partially restored) by the criminalistics laboratory, the Property Officer will complete a Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Tracing Center (NTC) Obliterated Serial Number Trace Request Form (ATF 3312.1-OBL) and forward the form to the NTC in Falling Waters, West Virginia or enter the data into the ATF eTrace system.

## 804.3 BULLET AND CASING IDENTIFICATION

Exemplar bullets and cartridge cases from the firearm, depending upon acceptance criteria and protocol, may be submitted to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Integrated Ballistic Information Network (NIBIN) which uses the Integrated Ballistic Identification System (IBIS) technology to search the national database and compare with ballistic evidence recovered from other crime scenes.

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# Records Maintenance and Release

### 805.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of department records. Protected information is separately covered in the Protected Information Policy.

### 805.2 POLICY

The Tracy Police Department is committed to providing public access to records in a manner that is consistent with the California Public Records Act (Government Code § 7920.000 et seq.).

### 805.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Chief of Police shall designate a Custodian of Records. The responsibilities of the Custodian of Records include but are not limited to:

(a) Managing the records management system for the Department, including the retention, archiving, release, and destruction of department public records.

(b) Maintaining and updating the department records retention schedule including:

1. Identifying the minimum length of time the Department must keep records.
2. Identifying the department bureau responsible for the original record.

(c) Establishing rules regarding the inspection and copying of department public records as reasonably necessary for the protection of such records (Government Code § 7922.525; Government Code § 7922.530).

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for public records as allowed by law is available (Government Code § 7922.530).

(g) Determining how the department's website may be used to post public records in accordance with Government Code § 7922.545.

(h) Ensuring that all department current standards, policies, practices, operating procedures, and education and training materials are posted on the department website in accordance with Penal Code § 13650.

(i) Ensuring that public records posted on the Department website meet the requirements of Government Code § 7922.680 including but not limited to posting in an open format where a record may be retrieved, downloaded, indexed, and searched by a commonly used internet search application.

(j) Ensuring that a list and description, when applicable, of enterprise systems (as defined by Government Code § 7922.700) is publicly available upon request and posted in a prominent location on the Department's website (Government Code § 7922.710; Government Code § 7922.720).

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## 805.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any department member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

### 805.4.1 REQUESTS FOR RECORDS

Any member of the public, including the media and elected officials, may access unrestricted records of this department, during regular business hours by submitting a written and signed request that reasonably describes each record sought and paying any associated fees (Government Code § 7922.530).

The processing of requests for any record is subject to the following (Government Code § 7922.530; Government Code § 7922.535):

(a) The Department is not required to create records that do not exist.

(b) Victims of an incident or their authorized representative shall not be required to show proof of legal presence in the United States to obtain department records or information. If identification is required, a current driver's license or identification card issued by any state in the United States, a current passport issued by the United States or a foreign government with which the United States has a diplomatic relationship or current Matricula Consular card is acceptable (Government Code § 7923.655).

(c) Either the requested record or the reason for non-disclosure will be provided promptly, but no later than 10 days from the date of request, unless unusual circumstances preclude doing so. If more time is needed, an extension of up to 14 additional days may be authorized by the Custodian of Records or the authorized designee. If an extension is authorized, the Department shall provide the requester written notice that includes the reason for the extension and the anticipated date of the response.

1. When the request does not reasonably describe the records sought, the Custodian of Records shall assist the requester in making the request focused and effective in a way to identify the records or information that would be responsive to the request including providing assistance for overcoming any practical basis for denying access to the records or information. The Custodian of Records shall also assist in describing the information technology and physical location in which the record exists (Government Code § 7922.600).

2. If the record requested is available on the department website, the requester may be directed to the location on the website where the record is posted. If the requester is unable to access or reproduce the record, a copy of the record shall be promptly provided.

(d) Upon request, a record shall be provided in an electronic format utilized by the Department. Records shall not be provided only in electronic format unless specifically requested (Government Code § 7922.570; Government Code § 7922.580).

(e) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.

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1. A copy of the redacted release should be maintained in the case file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/ video release should be maintained in the department-approved media storage system and a notation should be made in the case file to document the release and the reasons for the redacted portions.

(f) If a record request is denied in whole or part, the requester shall be provided a written response that includes the statutory exemption for withholding the record or facts that the public interest served by nondisclosure outweighs the interest served by disclosure. The written response shall also include the names, titles, or positions of each person responsible for the denial (Government Code § 7922.000; Government Code § 7922.540).

## 805.5 RELEASE RESTRICTIONS

Examples of release restrictions include:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address, and telephone number; and medical or disability information that is contained in any driver license record, motor vehicle record, or any department record, including traffic collision reports, are restricted except as authorized by the Department, and only when such use or disclosure is permitted or required by law to carry out a legitimate law enforcement purpose (18 USC § 2721; 18 USC § 2722).

(b) Social Security numbers (Government Code § 7922.200).

(c) Personnel records, medical records, and similar records that would involve an unwarranted invasion of personal privacy except as allowed by law (Government Code § 7927.700; Penal Code § 832.7; Penal Code § 832.8; Evidence Code § 1043 et seq.).

1. Peace officer personnel records that are deemed confidential shall not be made public or otherwise released to unauthorized individuals or entities absent a valid court order.

2. The identity of any officer subject to any criminal or administrative investigation shall not be released without the consent of the involved officer, prior approval of the Chief of Police, or as required by law.

(d) Victim information that may be protected by statutes, including victims of certain crimes who have requested that their identifying information be kept confidential, victims who are minors, and victims of certain offenses (e.g., sex crimes or human trafficking (Penal Code § 293)). Addresses and telephone numbers of a victim or a witness shall not be disclosed to any arrested person or to any person who may be a defendant in a criminal action unless it is required by law (Government Code § 7923.615; Penal Code § 841.5).

1. Victims of certain offenses (e.g., domestic violence, sexual assault, stalking, human trafficking, elder and dependent adult abuse) or their representatives shall be provided, upon request and without charge, one copy of all incident

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report face sheets, one copy of all incident reports, or both, pursuant to the requirements and time frames of Family Code § 6228.

2. Victims of sexual assault, upon written request, shall be provided a free copy of the initial crime report regardless of whether the report has been closed. Personal identifying information may be redacted (Penal Code § 680.2(b)).

(e) Video or audio recordings created during the commission or investigation of the crime of rape, incest, sexual assault, domestic violence, or child abuse that depicts the face, intimate body part, or voice of a victim of the incident except as provided by Government Code § 7923.750.

(f) Information involving confidential informants, intelligence information, information that would endanger the safety of any person involved, or information that would endanger the successful completion of the investigation or a related investigation. This includes analysis and conclusions of investigating officers (Evidence Code § 1041; Government Code § 7923.605).

1. Absent a statutory exemption to the contrary or other lawful reason to deem information from reports confidential, information from unrestricted agency reports shall be made public as outlined in Government Code § 7923.605.

(g) Local criminal history information including but not limited to arrest history and disposition, and fingerprints shall only be subject to release to those agencies and individuals set forth in Penal Code § 13300.

1. All requests from criminal defendants and their authorized representatives (including attorneys) shall be referred to the District Attorney, the City Attorney, or the courts pursuant to Penal Code § 1054.5.

(h) Certain types of reports involving but not limited to child abuse and molestation (Penal Code § 11167.5), elder and dependent abuse (Welfare and Institutions Code § 15633), and juveniles (Welfare and Institutions Code § 827).

(i) Sealed autopsy and private medical information concerning a murdered child with the exceptions that allow dissemination of those reports to law enforcement agents, prosecutors, defendants, or civil litigants under state and federal discovery laws (Code of Civil Procedure §130).

(j) Information contained in applications for licenses to carry firearms or other files that indicates when or where the applicant is vulnerable or which contains medical or psychological information (Government Code § 7923.800).

(k) Traffic collision reports (and related supplemental reports) shall be considered confidential and subject to release only to the California Highway Patrol, Department of Motor Vehicles (DMV), other law enforcement agencies, and those individuals and their authorized representatives set forth in Vehicle Code § 20012.

(l) Any record created exclusively in anticipation of potential litigation involving this department (Government Code § 7927.200).

(m) Any memorandum from legal counsel until the pending litigation has been adjudicated or otherwise settled (Government Code § 7927.205).

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(n) Records relating to the security of the department's electronic technology systems (Government Code § 7929.210).

(o) A record of a complaint, or the investigations, findings, or dispositions of that complaint if the complaint is frivolous, as defined by Code of Civil Procedure § 128.5, or if the complaint is unfounded (Penal Code § 832.7 (b)(9)).

(p) Any other record not addressed in this policy shall not be subject to release where such record is exempt or prohibited from disclosure pursuant to state or federal law, including but not limited to provisions of the Evidence Code relating to privilege (Government Code § 7927.705).

(q) Information connected with juvenile court proceedings or the detention or custody of a juvenile. Federal officials may be required to obtain a court order to obtain certain juvenile information (Welfare and Institutions Code § 827.9; Welfare and Institutions Code § 827.95; Welfare and Institutions Code § 831).

## 805.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, City Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Department so that a timely response can be prepared.

## 805.7 RELEASED RECORDS TO BE MARKED

Each page of any written record released pursuant to this policy should be stamped in a colored ink or otherwise marked to indicate the department name and to whom the record was released.

Each audio/video recording released should include the department name and to whom the record was released.

## 805.8 SEALED RECORD ORDERS

Sealed record orders received by the Department shall be reviewed for appropriate action by the Custodian of Records. The Custodian of Records shall seal such records as ordered by the court. Records may include but are not limited to a record of arrest, investigation, detention, or conviction. Once the record is sealed, members shall respond to any inquiry as though the record did not exist (Penal Code § 851.8; Welfare and Institutions Code § 781).

When an arrest record is sealed pursuant to Penal Code § 851.87, Penal Code § 851.90, Penal Code § 851.91, Penal Code § 1000.4, or Penal Code § 1001.9, the Records Supervisor shall ensure that the required notations on local summary criminal history information and police

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investigative reports are made. Sealed records may be disclosed or used as authorized by Penal Code § 851.92.

### 805.8.1 SEALED JUVENILE ARREST RECORDS

Upon receiving notice from a probation department to seal juvenile arrest records pursuant to Welfare and Institutions Code § 786.5, the Records Supervisor should ensure that the records are sealed within 60 days of that notice and that the probation department is notified once the records have been sealed (Welfare and Institutions Code § 786.5).

## 805.9 SECURITY BREACHES

The Records Supervisor shall ensure notice is given anytime there is a reasonable belief an unauthorized person has acquired either unencrypted personal identifying information or encrypted personal information along with the encryption key or security credential stored in any Department information system (Civil Code § 1798.29).

Notice shall be given as soon as reasonably practicable to all individuals whose information may have been acquired. The notification may be delayed if the Department determines that notification will impede a criminal investigation or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

For the purposes of this requirement, personal identifying information includes an individual's first name or first initial and last name in combination with any one or more of the following (Civil Code § 1798.29):

(a) Social Security number

1. Driver license number, California identification card number, tax identification number, passport number, military identification number, or other unique identification number issued on a government document commonly used to verify the identity of a specific individual
2. Account number or credit or debit card number, in combination with any required security code, access code or password that would permit access to an individual's financial account
3. Medical information
4. Health insurance information
5. Information or data collected by Automated License Plate Reader (ALPR) technology
6. Unique biometric data
7. Genetic data

(b) A username or email address, in combination with a password or security question and answer that permits access to an online account

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### 805.9.1 FORM OF NOTICE

(a) The notice shall be written in plain language, be consistent with the format provided in Civil Code § 1798.29 and include, to the extent possible, the following:

1. The date of the notice.
2. Name and contact information for the Tracy Police Department.
3. A list of the types of personal information that were or are reasonably believed to have been acquired.
4. The estimated date or date range within which the security breach occurred.
5. Whether the notification was delayed as a result of a law enforcement investigation.
6. A general description of the security breach.
7. The toll-free telephone numbers and addresses of the major credit reporting agencies, if the breach exposed a Social Security number or a driver license or California identification card number.

(b) The notice may also include information about what the Tracy Police Department has done to protect individuals whose information has been breached and may include information on steps that the person whose information has been breached may take to protect him/herself (Civil Code § 1798.29).

(c) When a breach involves an online account, and only a username or email address in combination with either a password or security question and answer that would permit access to an online account, and no other personal information has been breached (Civil Code § 1798.29):

1. Notification may be provided electronically or in another form directing the person to promptly change either his/her password or security question and answer, as applicable, or to take other appropriate steps to protect the online account with the Department in addition to any other online accounts for which the person uses the same username or email address and password or security question and answer.
2. When the breach involves an email address that was furnished by the Tracy Police Department, notification of the breach should not be sent to that email address but should instead be made by another appropriate medium as prescribed by Civil Code § 1798.29.

### 805.9.2 MANNER OF NOTICE

(a) Notice may be provided by one of the following methods (Civil Code § 1798.29):

1. Written notice.
2. Electronic notice if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in 15 USC § 7001.
3. Substitute notice if the cost of providing notice would exceed $250,000, the number of individuals exceeds 500,000 or the Department does not have

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sufficient contact information. Substitute notice shall consist of all of the following:

(a) Email notice when the Department has an email address for the subject person.

(b) Conspicuous posting of the notice on the department's webpage for a minimum of 30 days.

4. Notification to major statewide media and the California Information Security Office within the California Department of Technology.

(b) If a single breach requires the Department to notify more than 500 California residents, the Department shall electronically submit a sample copy of the notification, excluding any personally identifiable information, to the Attorney General.

## 805.10 RELEASE OF AUDIO OR VIDEO RECORDINGS RELATED TO CRITICAL INCIDENTS

Video and audio recordings related to critical incidents shall be released upon a proper public record request and subject to delayed release, redaction, and other release restrictions as provided by law (Government Code § 7923.625).

For purposes of this section, a video or audio recording relates to a critical incident if it depicts an incident involving the discharge of a firearm at a person by an officer, or depicts an incident in which the use of force by an officer against a person resulted in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) (Government Code § 7923.625).

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards and Training Division supervisor in determining what recordings may qualify for disclosure when a request for a recording is received and if the requested recording is subject to delay from disclosure, redaction, or other release restrictions.

### 805.10.1 DELAY OF RELEASE

Disclosure of critical incident recordings during active criminal or administrative investigations may be delayed as follows if disclosure would substantially interfere with the investigation, such as by endangering the safety of a witness or a confidential source:

(a) Disclosure may be delayed up to 45 days from the date the Department knew or reasonably should have known about the incident.

(b) Delay of disclosure may continue after the initial 45 days and up to one year if the Department demonstrates that disclosure would substantially interfere with the investigation.

(c) Any delay of disclosure longer than one year must be supported by clear and convincing evidence that disclosure would substantially interfere with the investigation (Government Code § 7923.625).

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### 805.10.2 NOTICE OF DELAY OF RELEASE

When there is justification to delay disclosure of a recording, the Custodian of Records shall provide written notice to the requester as follows (Government Code § 7923.625):

(a) During the initial 45 days, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination that disclosure would substantially interfere with the investigation. The notice shall also include the estimated date for the disclosure.

(a) When delay is continued after the initial 45 days, the Custodian of Records shall promptly provide the requester with written notice of the specific basis for the determination that the interest in preventing interference with an active investigation outweighs the public interest in the disclosure, and the estimated date for the disclosure. The Custodian of Records should work with the Chief of Police in reassessing the decision to continue withholding a recording and notify the requester every 30 days.

Recordings withheld shall be disclosed promptly when the specific basis for withholding the recording is resolved.

### 805.10.3 REDACTION

If the Custodian of Records, in consultation with the Chief of Police or the authorized designee, determines that specific portions of the recording may violate the reasonable expectation of privacy of a person depicted in the recording, the Department should use redaction technology to redact portions of recordings made available for release. The redaction should not interfere with the viewer's ability to fully, completely, and accurately comprehend the events captured in the recording, and the recording should not otherwise be edited or altered (Government Code § 7923.625).

If any portions of a recording are withheld to protect the reasonable expectation of privacy of a person depicted in the recording, the Custodian of Records shall provide in writing to the requester the specific basis for the expectation of privacy and the public interest served (Government Code § 7923.625).

### 805.10.4 RECORDINGS WITHHELD FROM PUBLIC DISCLOSURE

If the reasonable expectation of privacy of a person depicted in the recording cannot adequately be protected through redaction, and that interest outweighs the public interest in disclosure, the Department may withhold the recording from the public, except that the recording, either redacted or unredacted, shall be disclosed promptly, upon request, to any of the following (Government Code § 7923.625):

(a) The person in the recording whose privacy is to be protected, or the person's authorized representative.

(b) If the person is a minor, the parent or legal guardian of the person whose privacy is to be protected.

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(c) If the person whose privacy is to be protected is deceased, an heir, beneficiary, designated immediate family member, or authorized legal representative of the deceased person whose privacy is to be protected.

If the Department determines that this disclosure would substantially interfere with an active criminal or administrative investigation, the Custodian of Records shall provide the requester with written notice of the specific basis for the determination and the estimated date of disclosure (Government Code § 7923.625).

The Department may continue to delay release of the recording from the public for 45 days with extensions as provided in this policy (Government Code § 7923.625).

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# Protected Information

## 806.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release and security of protected information by members of the Tracy Police Department. This policy addresses the protected information that is used in the day-to-day operation of the Department and not the public records information covered in the Records Maintenance and Release Policy.

### 806.1.1 DEFINITIONS

Definitions related to this policy include:

**Protected information** - Any information or data that is collected, stored or accessed by members of the Tracy Police Department and is subject to any access or release restrictions imposed by law, regulation, order or use agreement. This includes all information contained in federal, state or local law enforcement databases that is not accessible to the public.

## 806.2 POLICY

Members of the Tracy Police Department will adhere to all applicable laws, orders, regulations, use agreements and training related to the access, use, dissemination and release of protected information.

## 806.3 RESPONSIBILITIES

The Chief of Police shall select a member of the Department to coordinate the use of protected information.

The responsibilities of this position include but are not limited to:

(a) Ensuring member compliance with this policy and with requirements applicable to protected information, including requirements for the National Crime Information Center (NCIC) system, National Law Enforcement Telecommunications System (NLETS), Department of Motor Vehicles (DMV) records, and California Law Enforcement Telecommunications System (CLETS).

(b) Developing, disseminating, and maintaining procedures that adopt or comply with the U.S. Department of Justice's current Criminal Justice Information Services (CJIS) Security Policy. See the Tracy Police Department CJIS Access, Maintenance, and Security Policy for additional guidance.

(c) Developing, disseminating, and maintaining any other procedures necessary to comply with any other requirements for the access, use, dissemination, release, and security of protected information.

(d) Developing procedures to ensure training and certification requirements are met.

(e) Resolving specific questions that arise regarding authorized recipients of protected information.

(f) Ensuring security practices and procedures are in place to comply with requirements applicable to protected information.

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## 806.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Tracy Police Department policy, or training. Only those members who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the member has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited and may subject a member to administrative action pursuant to the Personnel Complaints Policy and/or criminal prosecution. See the CJIS Access, Maintenance, and Security Policy for additional guidance.

### 806.4.1 PENALTIES FOR MISUSE OF RECORDS

It is a misdemeanor to furnish, buy, receive or possess Department of Justice criminal history information without authorization by law (Penal Code § 11143).

Authorized persons or agencies violating state regulations regarding the security of Criminal Offender Record Information (CORI) maintained by the California Department of Justice may lose direct access to CORI (11 CCR 702).

## 806.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a right to know and a need to know.

A member who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the Records Supervisor for information regarding a formal request.

Unless otherwise ordered or when an investigation would be jeopardized, protected information maintained by the Department may generally be shared with authorized persons from other law enforcement agencies who are assisting in the investigation or conducting a related investigation. Any such information should be released through the Records Unit to ensure proper documentation of the release (see the Records Maintenance and Release Policy).

### 806.5.1 REVIEW OF CRIMINAL OFFENDER RECORD

Individuals requesting to review their own California criminal history information shall be referred to the Department of Justice (Penal Code § 11121).

Individuals shall be allowed to review their arrest or conviction record on file with the Department after complying with all legal requirements regarding authority and procedures in Penal Code § 11120 through Penal Code § 11127 (Penal Code § 13321).

### 806.5.2 TRANSMISSION GUIDELINES

Protected information, such as restricted Criminal Justice Information (CJI), which includes Criminal History Record Information (CHRI), should not be transmitted via unencrypted radio.

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When circumstances reasonably indicate that the immediate safety of officers, other department members, or the public is at risk, only summary information may be transmitted.

In cases where the transmission of protected information, such as Personally Identifiable Information, is necessary to accomplish a legitimate law enforcement purpose, and utilization of an encrypted radio channel is infeasible, a MDC or department-issued cellular telephone should be utilized when practicable. If neither are available, unencrypted radio transmissions shall be subject to the following:

- Elements of protected information should be broken up into multiple transmissions, to minimally separate an individual's combined last name and any identifying number associated with the individual, from either first name or first initial.
- Additional information regarding the individual, including date of birth, home address, or physical descriptors, should be relayed in separate transmissions.

Nothing in this policy is intended to prohibit broadcasting warrant information.

## 806.6 SECURITY OF PROTECTED INFORMATION

The Chief of Police will select a member of the Department to oversee the security of protected information.

The responsibilities of this position include but are not limited to (see the CJIS Access, Maintenance, and Security Policy for additional guidance):

(a) Developing and maintaining security practices, procedures, and training.

(b) Ensuring federal and state compliance with the CJIS Security Policy and the requirements of any state or local criminal history records systems.

(c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including computer attacks.

(d) Tracking, documenting, and reporting all breach of security incidents to the Chief of Police and appropriate authorities.

### 806.6.1 MEMBER RESPONSIBILITIES

Members accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk; in or on an unattended vehicle; in an unlocked desk drawer or file cabinet; on an unattended computer terminal).

## 806.7 TRAINING

All members authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

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### 806.8 CALIFORNIA RELIGIOUS FREEDOM ACT

Members shall not release personal information from any agency database for the purpose of investigation or enforcement of any program compiling data on individuals based on religious belief, practice, affiliation, national origin or ethnicity (Government Code § 8310.3).

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# Animal Control

## 808.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for interacting with animals and responding to calls for service that involve animals.

## 808.2 ANIMAL CONTROL RESPONSIBILITIES

Animal control services are generally the primary responsibility of Animal Control and include:

(a) Animal-related matters during periods when Animal Control is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that Animal Control is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

## 808.3 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine the appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture or pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
2. With the owner’s consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

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### 808.4 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag, and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

When handling deceased animals, members should attempt to identify and notify the owner of the final disposition of the animal.

### 808.5 CHEMICAL CAPTURE OF ANIMALS

The purpose of this procedure is to establish guidelines for use of chemical capture as a means to immobilize an animal for the purpose of capturing it.

Chemical capture is the delivery of an anesthetic drug via CO2 powered rifle or pistol in a hollow tipped dart. Authority for Animal Services to utilize is granted

under City of Tracy Municipal Code section 5.08.120(b) and Penal Code section 830.9.

PROCEDURE:

The following are the procedures for utilizing chemical capture:

Chemical capture should only be used by qualified employees who have:

· completed an accredited chemical capture class

· are familiar with and authorized to use the immobilizing drug

· are familiar with the delivery rifle or pistol

Chemical capture may be considered when conventional means of impoundment have failed, and it is imperative the animal be contained. Just because an animal is difficult to contain or “uncatchable” does not necessarily warrant the use. The following are some situations where the use might be considered:

· aggressive animals creating safety concerns

· rabies suspect animals

· difficult to contain animals creating severe traffic safety concerns

· wild or feral dogs

· sick or injured animals who are suffering

Safety is of paramount concern. A chemical capture rifle or pistol should be treated as any firearm. It should never be pointed at a person and the safety of the area beyond the target always be

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considered. The weapons will never be intentinally used on a human. They weapons will be distinctedly marked with flourescent paint to distingquish them from conventional

firearms. The firearms will be stored in the ASO vehicles in a locked gun case. They will stored in the Animal Shelter ina locked cabinet when not being deployede in an ASO vehicle.

Special consideration should be given to the surrounding environment prior to deployment, such as vehicle traffic, bodies of water or cliffs, as the sedated animal may stumble into harm's way. Except in very severe situations, it should not be used on animals weighing less than 25 pounds as the impact of the dart itself may severely injure or kill the animal.

Utilizing chemical capture alone should be avoided. Have at least one other person on scene to help in case of accidental injury or drug exposure, follow the animal, help with crowd control and monitor dart flight path. All efforts to locate darts from missed shots shall be made as they contain a controlled narcotic.

The preferred target on the animal should be the hindquarters with the shooter at a 90 degree angle to the animal. Shots with the animal directly facing the shooter should be avoided. It can be helpful to have a "distractor" get the animal's attention and aid in positioning the animal for an appropriate shot.

Post capture animals should be transported to a veterinarian for treatment (if needed), observation while recuperating from the drug and dart removal (if needed). The shooter shall submit a "Chemical Immobilization Field Report Form" to the Animal Services Supervisor.

## 808.6 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts should be made to contact an owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a veterinarian and notice shall be given to the owner pursuant to the requirements of Penal Code § 597.1.

### 808.6.1 INJURED WILDLIFE

Injured wildlife should be referred to the Department of Fish and Wildlife or the Marine Mammal Center as applicable.

### 808.6.2 RESCUE OF ANIMALS IN VEHICLES

If an animal left unattended in a vehicle appears to be in distress, members may enter the vehicle for the purpose of rescuing the animal. Members should (Penal Code § 597.7(d)):

(a) Make a reasonable effort to locate the owner before entering the vehicle.

(b) Take steps to minimize damage to the vehicle.

(c) Refrain from searching the vehicle or seizing items except as otherwise permitted by law.

(d) Leave notice on or in the vehicle identifying the location where the animal has been taken and the name and Department of the member involved in the rescue.

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(e) Make reasonable efforts to contact the owner or secure the vehicle before leaving the scene.

(f) Take the animal to an animal care facility, a place of safekeeping or, if necessary, a veterinary hospital for treatment.

808.6.3 VETERINARY CARE
The injured animal should be taken to a veterinarian as follows:

(a) During normal business hours, the animal should be taken to an authorized veterinary care clinic.

(b) If after normal business hours, the animal should be taken to the authorized Veterinary Emergency and Critical Care Services Clinic.

(c) An exception to the above exists when the animal is an immediate danger to the community or the owner of the animal is identified and takes responsibility for the injured animal.

Each incident shall be documented and, at minimum, include the name of the reporting party and veterinary hospital and/or person to whom the animal is released.

If Animal Control is not available, the information will be forwarded for follow-up.

## 808.7 POLICY

It is the policy of the Tracy Police Department to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

## 808.8 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to Penal Code § 597 et seq. (cruelty to animals, failure to care for animals).

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

## 808.9 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

## 808.10 STRAY DOGS

If a stray dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate animal care facility.

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Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

### 808.11 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the Watch Commander will be contacted to determine available resources, including requesting the assistance of animal control services from an allied agency.

### 808.12 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), as such calls may involve significant quality-of-life issues.

### 808.13 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

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# Jeanne Clery Campus Safety Act

## 809.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this department fulfills its obligation in complying with the Jeanne Clery Campus Safety Act (Clery Act) as well as applicable California Education Code requirements.

## 809.2 POLICY

The Tracy Police Department encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Tracy Police Department facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Tracy Police Department to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Tracy Police Department and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

## 809.3 POLICY, PROCEDURE, AND PROGRAM DEVELOPMENT

The Chief of Police shall:

(a) Ensure that the Tracy Police Department establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication, and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).

(b) Enter into written agreements as appropriate with local law enforcement agencies to (Education Code § 67381.1):

1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).

    (a) This includes identification of the responsibilities for sexual assault, hate crimes, and Part 1 violent crime investigations (e.g., willful homicide, forcible rape, robbery, or aggravated assault as defined in the FBI's Uniform Crime Reporting (UCR) Handbook), and establishing the specific geographical boundaries of each agency's responsibility, including maps as necessary (Education Code § 67381).

2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).

3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the

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confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).

4. Notify the Tracy Police Department of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).

5. Notify the Tracy Police Department of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, and what to do if an offense occurs, including but not limited to who should be contacted, the importance of preserving evidence, and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explain the rights and options provided for in 20 USC § 1092 (20 USC § 1092(f)(8)(C)).

(f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

(g) Appoint a designee to assist in the development of prevention and awareness programs related to hazing as defined by the institution, including but not limited to the procedures for reporting and investigating incidents; information on local, state, and tribal laws on hazing; and hazing prevention strategies (20 USC § 1092(f)(1)(K); 20 USC § 1092(f)(1)(L)).

### 809.3.1 ADDITIONAL REQUIREMENTS

The Chief of Police or the authorized designee will also (Education Code § 67386):

(a) Assist the institution with the development of policies and procedures relating to sexual assault, domestic violence, dating violence, and stalking involving a student whether it occurred on- or off-campus including:

1. The differences between standards of proof and defenses in criminal investigations and administrative or disciplinary matters.

2. Victim-centered protocols including privacy protection, responses to reports, interviews, investigations, required notifications, and participation by victim advocates and other supporting individuals.

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(b) Assist, as appropriate, with trauma-informed training for campus personnel involved in investigating and adjudicating sexual assault, domestic violence, dating violence, and stalking cases.

(c) Assist, as appropriate, in the development of the institution's comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking.

(d) Ensure that any reported Part 1 violent crime, sexual assault, or hate crime described in Penal Code § 422.55 (whether it occurred on- or off-campus), is reported as soon as practicable to any local law enforcement agency with investigation responsibilities pursuant to a written agreement with the Tracy Police Department or the institution (Education Code § 67380).

1. The identification of the victim shall be withheld, unless the victim consents to being identified after being informed of the right to have their personally identifying information withheld. If the victim does not consent to being identified, then the alleged assailant shall not be identified unless the institution determines that the alleged assailant represents a serious or ongoing threat to the safety of the students, employees, or the institution, and the immediate assistance of the Tracy Police Department is necessary to contact or detain the assailant (Education Code § 67380).

2. If the institution discloses the identity of the alleged assailant to the Tracy Police Department, the institution must immediately inform the victim of that disclosure (Education Code § 67380).

(e) Ensure the victim receives the following information:

1. Options on rights to obtain a sexual assault forensic medical examination including the right to be accompanied to the examination by a certified sexual assault counselor and/or support person of the victim's choosing

2. How to access transportation to an examination site, including transportation options provided or arranged by the campus

(f) Assist as requested in providing transportation or transportation options to eligible victims of sexual violence to a Sexual Assault Forensic Examination (SAFE) or Sexual Abuse Response Team (SART) exam center for the administration of a sexual assault forensic medical evidence kit.

1. Transportation information should be documented and provided to the institution for reporting purposes to the state legislature.

## 809.4 RECORDS COLLECTION AND RETENTION

The Records Supervisor is responsible for maintaining Tracy Police Department statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this department or to local police agencies that occurred on campus, in or on non-campus

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buildings or property, and on public property including streets, sidewalks, and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter
8. Arson
9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations, and weapons possession
10. Dating violence, domestic violence, and stalking
11. Hazing

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage, or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of their actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity, or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).

(c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46(c)(9)). For the offenses of domestic violence, dating violence, and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 34 USC § 12291; 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur (20 USC § 1092(f)(13); 34 CFR 668.46(c)(5)):

1. On campus.
2. In or on a non-campus building or property.
3. On public property.
4. In dormitories or other on-campus residential or student facilities.

(d) Statistics will be included by the calendar year in which the crime was reported to the Tracy Police Department (34 CFR 668.46(c)(3)).

(e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location in which the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).

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(f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).

(g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

(h) Hazing incident statistics shall be compiled using the definitions in the Stop Campus Hazing Act (20 USC § 1092 (f)(6)(A)(vi)). The statistics shall be compiled for each single incident and as required by 20 USC § 1092(f)(7).

### 809.4.1 CRIME LOG

The Records Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

(a) The daily crime log will record all crimes reported to the Tracy Police Department, including the nature, date, time and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the Department.

(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the police department or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

### 809.4.2 COMPILING RECORDS FOR DISCLOSURE REQUIREMENTS

The Records Supervisor is also responsible for compiling the following to allow the institution to comply with its disclosure requirements under Education Code § 67380:

(a) All occurrences reported to the Tracy Police Department and all arrests for crimes that are committed on campus that involve violence, hate violence, theft, destruction of property, illegal drugs, or alcohol intoxication.

(b) All occurrences of noncriminal acts of hate violence reported to the Tracy Police Department for which a written report is prepared.

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### 809.5 INFORMATION DISSEMINATION

It is the responsibility of the Bureau of Support Services Bureau Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with institution procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e); 34 CFR 668.46(g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46(b)). This report will include but is not limited to:

1. Crime statistics and the policies for preparing the crime statistics.
2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, sexual assault, and stalking awareness and prevention programs, including:
    (a) Procedures victims should follow.
    (b) Procedures for protecting the confidentiality of victims and other necessary parties.
5. Policies and incident prevention and awareness programs concerning hazing, including:
    (a) Procedures for reporting incidents.
    (b) Procedures for investigating incidents.
    (c) Information on applicable local, state, and tribal laws on hazing.
    (d) Primary prevention strategies (e.g., bystander intervention, ethical leadership, building group cohesion without hazing).
6. Enforcement policies related to alcohol and illegal drugs.
7. Locations where the campus community can obtain information about registered sex offenders.
8. Emergency response and evacuation procedures.
9. Missing student notification procedures.
10. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

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(d) Information necessary for the institution to prepare the Campus Hazing Transparency Report (CHTR) (20 USC § 1092(f)(9)).

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# CJIS Access, Maintenance, and Security

## 810.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use, maintenance, and security of department systems that access Criminal Justice Information.

### 810.1.1 DEFINITIONS

Definitions related to this policy include:

**Criminal Justice Information (CJI)** - Data provided by FBI Criminal Justice Information Services (CJIS) that is necessary for law enforcement agencies to perform their mission and enforce the laws (e.g., biometric, identity history, person, organization, case/incident history data).

**Security incident** - Any incident that compromises the security of CJI or systems that access CJI. Examples include but are not limited to unauthorized use of legitimate code or credentials within department systems, email communications that contain malicious code, data breaches, signaling to external systems, and unauthorized exporting of information.

## 810.2 POLICY

It is the policy of the Tracy Police Department to maintain the security, confidentiality, and integrity of its information systems that access CJI by collaborating with appropriate state and federal agencies to implement the applicable established protocols.

## 810.3 CJIS COORDINATOR

The Chief of Police shall appoint a CJIS coordinator, who shall be responsible for the Tracy Police Department's adherence to FBI CJIS Security Policy requirements.

The CJIS coordinator shall establish procedures necessary to govern the department's use, maintenance, and security of systems that access CJI as described in this policy.

### 810.3.1 CJIS COORDINATOR RESPONSIBILITIES

The responsibilities of the CJIS coordinator include but are not limited to:

(a) Coordinating with others, such as the information technology or legal departments, as appropriate, to maintain department compliance with FBI CJIS Security Policy requirements and the California Justice Information Services.

(b) Managing member accounts with access to CJI, including:

1. Creating, enabling, modifying, disabling, and removing member accounts in accordance with this policy and the FBI CJIS Security Policy.
2. Configuring member accounts in accordance with federal and state requirements (e.g., limiting unsuccessful login attempts).
3. Reviewing member accounts for compliance with legal and policy requirements at least annually.

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(c) Overseeing the maintenance, repair, and replacement of CJI systems and system components in accordance with manufacturer or vendor specifications and/or department requirements, including:

1. Maintaining a list of organizations and personnel approved by the Chief of Police to perform maintenance on CJI systems.
2. Approving, scheduling, documenting, and monitoring all maintenance and diagnostic activities, whether performed on-site, remotely, or off-site, and maintaining records.
3. Verifying that non-escorted personnel performing maintenance on any CJI system or terminal possess the required access authorizations, and designating members who have the required access authorizations and technical competence to supervise the maintenance activities of personnel who do not possess the required access authorizations.
4. Maintaining records for all system maintenance and diagnostic activities.

(d) Monitoring department systems that have access to CJI to ensure compliance with applicable laws and this policy; developing processes to detect, identify, and correct flaws in software and firmware; and conducting security updates as necessary.

(e) Providing for the security of hardware that includes provisions for the following:

1. How hardware is to be brought into and taken out of department facilities
2. Physical security of hardware within department facilities
3. Physical security of areas containing network connections and transmission lines, including monitored access

(f) Implementing and carrying out the department Incident Response Plan, including:

1. Tracking and documenting all suspected or actual security incidents related to CJI in an appropriate manner.
2. Directing annual testing of the department's information security incident response capabilities using tabletop or walk-through exercises, simulations, or other types of testing.
3. Making the appropriate notifications outside of the Department (see the Records Maintenance and Release Policy for additional guidance).
4. Providing information on security incidents to any third-party software developers or vendors as appropriate.

(g) Protecting digital and non-digital media that contain CJI, including physical security, transportation, destruction/sanitization, and documentation requirements.

(h) Developing and updating department information security and privacy literacy training and incident response training as required by policy.

(i) Maintaining audit records in accordance with the established records retention schedule, but in no event for less than one year.

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(j) Managing the development, documentation, and dissemination of procedures for the following:

1. Awareness and training
2. Incident response
3. Audit and accountability
4. Access control
5. Identification and authentication
6. Configuration management
7. Media protection
8. Physical and environmental protection
9. System and communications protection
10. System and information integrity
11. Maintenance
12. Security and privacy planning
13. Contingency planning
14. Risk assessment

(k) Reviewing this policy and related procedures as required by the FBI CJIS Security Policy and proposing updates as needed to the Chief of Police.

## 810.4 MEMBER RESPONSIBILITIES

All members of the Department shall be committed to detecting information security incidents and making the appropriate notifications.

Any member who suspects that there may have been unauthorized access, disclosure, or other compromise of CJI shall report their suspicions in accordance with the Incident Response Plan within one hour of the discovery.

Personally owned devices or systems and publicly accessible systems shall not be used to access, process, store, or transmit CJI.

## 810.5 SUPERVISOR RESPONSIBILITIES

Supervisors shall notify the CJIS coordinator when the account access of a member they supervise needs to be modified, disabled, or removed for any reason, such as resignation, termination, or change of duties.

## 810.6 MEMBER ACCOUNTS

Department accounts used to access CJI shall only be created upon approval of the Chief of Police or the authorized designee.

Member accounts shall be disabled within one week of any of the following:

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(a) The account has expired.

(b) The account is no longer associated with a member.

(c) The account is found to be in violation of this policy.

(d) The account has been inactive for 90 calendar days.

If any threat to the confidentiality, integrity, or availability of CJI related to a specific member account is detected, the CJIS coordinator or designated member shall disable the account within 30 minutes of the discovery.

### 810.6.1 ACCESS AUTHORIZATION

Access authorization for systems transmitting, receiving, using, or storing CJI shall be based on the principle of least privilege as follows:

(a) Members shall only be granted access authorizations that are necessary to accomplish assigned department tasks.

(b) Accounts with security privileges shall only be authorized for members with an operational need for the privileges. Privileged functions shall be logged as they are executed.

(c) Non-privileged members shall not be allowed to execute privileged functions.

### 810.6.2 ACCOUNT REVIEW ACTIVITIES

At least annually, the CJIS coordinator shall review member accounts for compliance with policy and applicable laws. The CJIS coordinator shall validate account privileges and remove or reassign them as necessary to accurately reflect the department mission and law enforcement needs.

## 810.7 MEDIA PROTECTION

Access to media containing CJI shall be restricted to authorized members and stored within physically secured locations or controlled areas, in accordance with the FBI CJIS Security Policy.

Digital media (e.g., flash drives, external or removable hard disk drives, compact discs) containing CJI shall be encrypted. Personally owned digital media devices or digital media devices with no identifiable owner shall not be used on department systems that store, process, or transmit CJI.

Non-digital media (e.g., paper files, printed pages, microfilm) containing CJI should be enclosed in an opaque folder or container if they are to be transported outside of physically secure locations or controlled areas. Media containing CJI shall not be left unattended outside of a physically secure location.

Transportation and transfers of media containing CJI shall be documented.

### 810.7.1 MEDIA DISPOSAL AND RELEASE

Digital media containing CJI shall be overwritten at least three times or degaussed (i.e., erased) prior to being disposed of, released from department control, or released for reuse. Inoperable digital media devices, such as hard drives or solid-state drives that cannot be accessed to

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overwrite the data, shall be physically destroyed. When non-digital media is no longer needed for investigative or security purposes, it shall be destroyed by crosscut shredding or incineration.

### 810.8 SYSTEM AND INFORMATION INTEGRITY

The integrity of department CJI systems shall be protected through the implementation of appropriate controls such as:

(a) Flaw remediation.

(b) System monitoring.

(c) Security alerts, advisories, and directives.

(d) Software, firmware, and information integrity controls.

(e) Spam protection.

### 810.9 INCIDENT RESPONSE PLAN

[Insert your agency's Incident Response Plan consistent with CJIS 5.3 IR-4, IR-7, and IR-8 – see the Guide Sheet for additional guidance.]

### 810.10 SECURITY AWARENESS TRAINING

Members with physical or electronic access to CJI or CJI systems shall complete security awareness training appropriate to their assigned roles and responsibilities and shall certify their understanding by signing a formal Security Awareness Training Acknowledgement. Training shall include information security and privacy literacy training, security incident response training, and a review of this policy and related procedures.

Security awareness training shall be completed prior to accessing any CJI data or system and at least annually thereafter. Additional training shall be completed as required following any changes to CJI systems and for any member involved in a security incident within 30 days of the event.

Individual training records shall be maintained in accordance with the established records retention schedule, but in no event for less than three years.

The department's CJIS training shall be reviewed for any necessary updates or changes annually and following any security incident or change in a CJI system or the FBI CJIS Security Policy.

### 810.11 SANCTIONS

Failure to adhere to policies and procedures pertaining to CJI shall result in disciplinary action, up to and including termination. Misuse of or failure to secure CJI may also result in temporary or permanent restrictions in the use of CJI. Intentional misuse of CJI may also be prosecutable under applicable laws.

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# Chapter 9 - Custody

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# Temporary Custody of Adults

## 900.1 PURPOSE AND SCOPE

This policy provides guidelines to address the health and safety of adults taken into temporary custody by members of the Tracy Police Department for processing prior to being released or transferred to a housing or other type of facility.

Temporary custody of juveniles is addressed in the Temporary Custody of Juveniles Policy. Juveniles will not be permitted where adults in custody are being held.

Custodial searches are addressed in the Custodial Searches Policy.

### 900.1.1 DEFINITIONS

Definitions related to this policy include:

**Holding cell/cell** - Any locked enclosure for the custody of an adult or any other enclosure that prevents the occupants from being directly visually monitored at all times by a member of the Department.

**Safety checks** - Direct, visual observation by a member of this department performed at random intervals, within time frames prescribed in this policy, to provide for the health and welfare of adults in temporary custody.

**Temporary custody** - The time period an adult is in custody at the Tracy Police Department prior to being released or transported to a housing or other type of facility.

## 900.2 POLICY

The Tracy Police Department is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Department. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

## 900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than six hours.

### 900.3.1 INDIVIDUALS WHO SHOULD NOT BE IN TEMPORARY CUSTODY

Individuals who exhibit certain behaviors or conditions should not be in temporary custody at the Tracy Police Department, but should be transported to a jail facility, a medical facility, or another type of facility as appropriate. These include:

(a) Any individual who is unconscious or has been unconscious while being taken into custody or while being transported.

(b) Any individual who has a medical condition, including pregnancy, that may require medical attention, supervision, or medication while in temporary custody.

(c) Any individual who is seriously injured.

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(d) Individuals who are a suspected suicide risk (see the Mental Illness Commitments Policy).

1. If the officer taking custody of an individual believes that the individual may be a suicide risk, the officer shall ensure continuous direct supervision until evaluation, release, or a transfer to an appropriate facility is completed (15 CCR 1030).

(e) Individuals who are obviously in crisis, as defined in the Crisis Intervention Incidents Policy.

(f) Individuals who are under the influence of alcohol, a controlled substance, or any substance to the degree that may require medical attention, or who have ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(g) Any individual who has exhibited extremely violent or continuously violent behavior including behavior that results in the destruction of property or demonstrates an intent to cause physical harm to themselves or others (15 CCR 1053; 15 CCR 1055).

(h) Any individual who claims to have, is known to be afflicted with, or displays symptoms of any communicable disease that poses an unreasonable exposure risk (15 CCR 1051).

(i) Any individual with a prosthetic or orthopedic device where removal of the device would be injurious to the individual's health or safety.

(j) Any individual with an obvious developmental disability (15 CCR 1057).

(k) Any individual who appears to be a danger to themselves or others due to a behavioral crisis, or who appears gravely disabled (15 CCR 1052).

(l) Any individual who needs restraint beyond the use of handcuffs or shackles for security reasons (15 CCR 1058).

(m) Any individual obviously suffering from drug or alcohol withdrawal (15 CCR 1213).

Officers taking custody of a person who exhibits any of the above conditions should notify a supervisor of the situation. These individuals should not be in temporary custody at the Department unless they have been evaluated by a qualified medical or mental health professional, as appropriate for the circumstances.

### 900.3.2 SUPERVISION IN TEMPORARY CUSTODY

An authorized department member capable of supervising shall be present at all times when an individual is held in temporary custody. The member responsible for supervising should not have other duties that could unreasonably conflict with the member's supervision. Any individual in custody must be able to summon the supervising member if needed. If the person in custody has a hearing or speech impairment, accommodations shall be made to provide this ability.

At least one female department member should be present when a female adult is in temporary custody. In the event that none is readily available, the female in custody should be transported to another facility or released pursuant to another lawful process (15 CCR 1027).

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Absent exigent circumstances, such as a medical emergency or a violent subject, members should not enter the cell of a person of the opposite sex unless a member of the same sex as the person in custody is present (Penal Code § 4021).

No individual in custody shall be permitted to supervise, control, or exert any authority over other individuals in custody.

#### 900.3.3 STAFFING PLAN

The Chief of Police or the authorized designee shall ensure a staffing plan is prepared and maintained, indicating assigned personnel and their duties. The plan should ensure that at least one member who meets the training standards established by the Board of State and Community Corrections (BSCC) for general fire- and life-safety and is trained in fire- and life-safety procedures relating specifically to the facility is on-duty at all times (15 CCR 1028).

The staffing plan shall be available for biennial review by BSCC staff. The review and recommendations of the BSCC biennial review shall be forwarded to the City, as required by 15 CCR 1027.

#### 900.3.4 ENTRY RESTRICTIONS

Entry into any location where a person is held in custody should be restricted to:

(a) Authorized members entering for official business purposes.

(b) Emergency medical personnel when necessary.

(c) Any other person authorized by the Watch Commander.

When practicable, more than one authorized member should be present for entry into a location where a person is held in custody for security purposes and to witness interactions.

### 900.4 INITIATING TEMPORARY CUSTODY

The officer responsible for an individual in temporary custody should evaluate the person for any apparent chronic illness, disability, vermin infestation, possible communicable disease, or any other potential risk to the health or safety of the individual or others. The officer should specifically ask if the individual is contemplating suicide and evaluate the individual for obvious signs or indications of suicidal intent.

The receiving officer should ask the arresting officer if there is any statement, indication, or evidence surrounding the individual's arrest and transportation that would reasonably indicate the individual is at risk for suicide or critical medical care. If there is any suspicion that the individual may be suicidal, the individual shall be transported to the City jail or the appropriate mental health facility.

The officer should promptly notify the Watch Commander of any conditions that may warrant immediate medical attention or other appropriate action. The Watch Commander shall determine whether the individual will be placed in a cell, immediately released, or transported to jail or other facility.

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### 900.4.1 SCREENING AND PLACEMENT

The officer responsible for an individual in custody shall (15 CCR 1050):

(a) Advise the Watch Commander of any significant risks presented by the individual (e.g., suicide risk, health risk, violence).

(b) Evaluate the following issues against the stated risks in (a) to determine the need for placing the individual in a single cell:

1. Consider whether the individual may be at a high risk of being sexually abused based on all available known information (28 CFR 115.141), or whether the person is facing any other identified risk.

2. Provide any individual identified as being at a high risk for sexual or other victimization with heightened protection. This may include (28 CFR 115.113; 28 CFR 115.141):

(a) Continuous, direct sight and sound supervision.

(b) Single-cell placement in a cell that is actively monitored on video by a member who is available to immediately intervene.

3. Ensure individuals are separated according to severity of the crime (e.g., felony or misdemeanor).

4. Ensure males and females are separated by sight and sound when in cells.

5. Ensure restrained individuals are not placed in cells with unrestrained individuals.

(c) Ensure that those confined under civil process or for civil causes are kept separate from those who are in temporary custody pending criminal charges.

(d) Ensure separation, as appropriate, based on other factors, such as age, criminal sophistication, assaultive/non-assaultive behavior, mental state, disabilities and sexual orientation.

### 900.4.2 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Field Operations Bureau Commander will ensure that the U.S. Department of State's list of countries and jurisdictions that require mandatory notification is readily available to department members. There should also be a published list of foreign embassy and consulate telephone and fax numbers, as well as standardized notification forms that can be transmitted and then retained for documentation. Prominently displayed signs informing foreign nationals of their rights related to consular notification should also be posted in areas used for the temporary custody of adults.

Department members assigned to process a foreign national shall:

(a) Inform the individual, without delay, that the individual may have the individual's consular officers notified of the arrest or detention and may communicate with them.

1. This notification should be documented.

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(b) Determine whether the foreign national's country is on the U.S. Department of State's mandatory notification list.

1. If the country is on the mandatory notification list, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Tell the individual that this notification has been made and inform the individual without delay that the individual may communicate with consular officers.

(c) Forward any communication from the individual to the individual's consular officers without delay.

(d) Document all notifications to the embassy or consulate and retain the faxed notification and any fax confirmation for the individual's file.

2. If the country is not on the mandatory notification list and the individual requests that the individual's consular officers be notified, then:

(a) Notify the country's nearest embassy or consulate of the arrest or detention by fax or telephone.

(b) Forward any communication from the individual to the individual's consular officers without delay.

## 900.5 SAFETY, HEALTH AND OTHER PROVISIONS

### 900.5.1 TEMPORARY CUSTODY LOGS

Any time an individual is in temporary custody at the Tracy Police Department, the custody shall be promptly and properly documented in a custody log, including:

(a) Identifying information about the individual, including the individual's name.

(b) Date and time of arrival at the Department.

(c) Any charges for which the individual is in temporary custody and any case number.

(d) Time of all safety checks (15 CCR 1027; 15 CCR 1027.5).

(e) Any medical and other screening requested and completed.

(f) Any emergency situations or unusual incidents.

(g) Any other information that may be required by other authorities, such as compliance inspectors.

(h) Date and time of release from the Tracy Police Department.

The Watch Commander should initial the log to approve the temporary custody and should also initial the log when the individual is released from custody or transferred to another facility.

The Watch Commander should make periodic checks to ensure all log entries and safety and security checks are made on time.

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### 900.5.2 TEMPORARY CUSTODY REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted on the log.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

1. There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.
2. This does not apply to surreptitious and legally obtained recorded interrogations.

(c) There is reasonable access to toilets and wash basins.

(d) There is reasonable access to a drinking fountain or water.

(e) There are reasonable opportunities to stand and stretch, particularly if handcuffed or otherwise restrained.

(f) There is privacy during attorney visits.

(g) Those in temporary custody are generally permitted to remain in their personal clothing unless it is taken as evidence or is otherwise unsuitable or inadequate for continued wear while in custody.

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual.

1. The supervisor should ensure that there is an adequate supply of clean blankets.

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches.

### 900.5.3 MEDICAL CARE

First-aid equipment and basic medical supplies should be available to department members (15 CCR 1220). At least one member who has current certification in basic first aid and CPR should be on-duty at all times.

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. A supervisor should meet with those providing medical aid at the facility to allow access to the person. Members shall comply with the opinion of medical personnel as to whether an individual in temporary custody should be transported to the hospital. If the person is transported while still in custody, the person will be accompanied by an officer.

Those who require medication while in temporary custody should not be at the Tracy Police Department. They should be released or transferred to another facility as appropriate.

### 900.5.4 ORTHOPEDIC OR PROSTHETIC APPLIANCE

Subject to safety and security concerns, individuals shall be permitted to retain an orthopedic or prosthetic appliance. However, if the member supervising the individual has probable cause to believe the possession of the appliance presents a risk of bodily harm to any person or is a risk

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to the security of the facility, the appliance may be removed from the individual unless its removal would be injurious to the individual's health or safety.

Whenever a prosthetic or orthopedic appliance is removed, the Watch Commander shall be promptly apprised of the reason. It shall be promptly returned when it reasonably appears that any risk no longer exists (Penal Code § 2656; 15 CCR 1207).

### 900.5.5 TELEPHONE CALLS

Immediately upon being booked and, except where physically impossible, no later than three hours after arrest, an individual in custody has the right to make at least three completed calls to an attorney, bail bondsman, and a relative or other person (Penal Code § 851.5). Additional calls may be made as reasonable and necessary (15 CCR 1067). In providing further access to a telephone beyond that required by Penal Code § 851.5, legitimate law enforcement interests such as officer safety, effect on ongoing criminal investigations, and logistics should be balanced against the individual's desire for further telephone access.

(a) Telephone calls may be limited to local calls, except that long-distance calls may be made by the individual at the individual's own expense.

    1. The Department should pay the cost of any long-distance calls related to arranging for the care of a child or dependent adult (see the Child and Dependent Adult Safety Policy).

    2. The provisions of Penal Code § 851.5 concerning this issue shall be posted in bold, block type in a conspicuous place within the facility.

(b) The individual should be given sufficient time to contact whomever the individual desires and to make any necessary arrangements, including child or dependent adult care, or transportation upon release.

    1. Telephone calls are not intended to be lengthy conversations. The member assigned to monitor or process the individual may use the member's judgment in determining the duration of the calls.

    2. Within three hours of the arrest, the member supervising the individual should inquire whether the individual is a custodial parent with responsibility for a minor child, and notify the individual that the individual may make two additional telephone calls to a relative or other person for the purpose of arranging for the care of minor children (Penal Code § 851.5).

(c) Calls between an individual in temporary custody and the individual's attorney shall be deemed confidential and shall not be monitored, eavesdropped upon, or recorded (Penal Code § 851.5(b)(1); 15 CCR 1068).

(d) Individuals who are known to have, or are perceived by others as having, hearing or speech impairments shall be provided access to a telecommunication device which will facilitate communication (15 CCR 1067).

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### 900.5.6 RELIGIOUS ACCOMMODATION

Subject to available resources, safety and security, the religious beliefs and needs of all individuals in custody should be reasonably accommodated (15 CCR 1072). Requests for religious accommodation should generally be granted unless there is a compelling security or safety reason and denying the request is the least restrictive means available to ensure security or safety. The responsible supervisor should be advised any time a request for religious accommodation is denied.

Those who request to wear headscarves or simple head coverings for religious reasons should generally be accommodated absent unusual circumstances. Head coverings shall be searched before being worn.

Individuals wearing headscarves or other approved coverings shall not be required to remove them while in the presence of or while visible to the opposite sex if they so desire. Religious garments that substantially cover the individual's head and face may be temporarily removed during the taking of any photographs.

### 900.5.7 FIREARMS AND OTHER SECURITY MEASURES

Firearms and other weapons and control devices shall not be permitted in secure areas where individuals are in custody or are processed. They should be properly secured outside of the secure area. An exception may occur only during emergencies, upon approval of a supervisor.

All perimeter doors to secure areas shall be kept locked at all times, except during routine cleaning, when no individuals in custody are present or in the event of an emergency, such as an evacuation.

### 900.5.8 REPORTING PHYSICAL HARM OR SERIOUS THREAT OF PHYSICAL HARM

In addition to a custody log entry, any incident that results in physical harm or serious threat of physical harm to a member, person in custody, or any other person shall be documented as stated in the Use of Force or Occupational Disease and Work-Related Injury Reporting policies, or other applicable reporting process. A copy of all reports generated regarding the above circumstances shall be submitted as soon as reasonably practicable. The Watch Commander will retain a record of these reports for inspection purposes (15 CCR 1044).

### 900.5.9 ATTORNEYS AND BAIL BONDSMEN

(a) An attorney may visit at the request of the individual in custody or a relative (Penal Code § 825).

(b) Attorneys and bail bondsmen who need to interview an individual in custody should do so inside a secure interview room.

(c) The individual in custody as well as the attorney or bail bondsman should be searched for weapons prior to being admitted to the interview room and at the conclusion of the interview.

(d) Attorneys must produce a current California Bar card as well as other matching appropriate identification.

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(e) Interviews between attorneys and their clients shall not be monitored or recorded (15 CCR 1068).

900.5.10 DISCIPLINE

Discipline will not be administered to any individual in custody at this facility. Any individual in custody who repeatedly fails to follow directions or facility rules should be transported to the appropriate jail, mental health facility or hospital as soon as practicable. Such conduct should be documented and reported to the receiving facility (15 CCR 1081).

## 900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed in accordance with the Handcuffing and Restraints Policy. Unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a cell.

The use of restraints, other than handcuffs or leg irons, generally should not be used for individuals in temporary custody at the Tracy Police Department unless the person presents a heightened risk, and only in compliance with the Handcuffing and Restraints Policy.

Individuals in restraints shall be kept away from other unrestrained individuals in custody and monitored to protect them from abuse.

900.6.1 PREGNANT ADULTS

Adults who are known to be pregnant should be restrained in accordance with the Handcuffing and Restraints Policy.

## 900.7 PERSONAL PROPERTY

The personal property of an individual in temporary custody should be removed, inventoried, and processed as provided in the Custodial Searches Policy, unless the individual requests a different disposition. For example, an individual may request property (i.e., cash, car or house keys, medications) be released to another person. A request for the release of property to another person must be made in writing. Release of the property requires the recipient's signature on the appropriate form.

Upon release of an individual from temporary custody, the individual's items of personal property shall be compared with the inventory, and the individual shall sign a receipt for the property's return. If the individual is transferred to another facility or court, the member transporting the individual is required to obtain the receiving person's signature as notice of receipt. The Department shall maintain a copy of the property receipt.

The Watch Commander shall be notified whenever an individual alleges that there is a shortage or discrepancy regarding the individual's property. The Watch Commander shall attempt to prove or disprove the claim.

## 900.8 HOLDING CELLS

A thorough inspection of a cell shall be conducted before placing an individual into the cell to ensure there are no weapons or contraband and that the cell is clean and sanitary. An inspection

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also should be conducted when the individual is released. Any damage noted to the cell should be photographed and documented.

The following requirements shall apply:

(a) The individual shall be searched (see the Custodial Searches Policy), and anything that could create a security or suicide risk, such as contraband, hazardous items, belts, shoes or shoelaces, and jackets, shall be removed.

(b) The individual shall constantly be monitored by an audio/video system during the entire custody.

(c) The individual shall have constant auditory access to department members.

(d) The individual's initial placement into and removal from a locked enclosure shall be logged.

(e) Safety checks by department members shall occur no less than every 15 minutes (15 CCR 1027.5).

1. Safety checks should be at varying times.
2. All safety checks shall be logged.
3. The safety check should involve questioning the individual as to the individual's well-being.
4. Individuals who are sleeping or apparently sleeping should be awakened.
5. Requests or concerns of the individual should be logged.

### 900.8.1 USE OF SOBERING CELL

Individuals who are to be held in the temporary holding facility and who present a threat to their own safety or the safety of others due to their state of intoxication should be placed in a sobering cell until their condition allows for continued processing.

The following guidelines apply when placing any individual in a sobering cell (15 CCR 1056):

(a) Placement of an individual into the cell requires approval of the Watch Commander.

(b) A cell log shall be initiated every time an individual is placed in the cell. The log shall be maintained for the entire time the individual is housed in the cell.

(c) A safety check consisting of direct visual observation sufficient to assess the individual's well-being and behavior shall occur at least once every 30 minutes with no more than a 15-minute lapse between safety checks. Each safety check shall be documented in the cell log. Supervisors shall check the logs for completeness every two hours and document this action on the cell log.

(d) Under no circumstances shall an individual be held in a sobering cell for more than six hours without being evaluated by qualified medical personnel to ensure that the individual does not have an urgent medical issue.

(e) Individuals will be removed from the cell when they no longer pose a threat to their own safety and the safety of others, and are able to continue processing.

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## 900.9 SUICIDE ATTEMPT, DEATH, OR SERIOUS INJURY

The Field OperationsBureau Commander will ensure procedures are in place to address any suicide attempt, death, or serious injury of any individual in temporary custody at the Tracy Police Department. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate

(b) Immediate notification of the Watch Commander, Chief of Police, and InvestigationBureau Commander

(c) Notification of the spouse, next of kin, or other appropriate person

1. In-custody death notification shall be made within 24 hours as provided by Penal Code § 4032.5.

(d) Notification of the appropriate prosecutor

(e) Notification of the City Attorney

(f) Notification of the Coroner

(g) Evidence preservation

(h) In-custody death review reports in compliance with 15 CCR 1046

1. A copy of the initial review report of an in-custody death shall be provided to the BSCC within 60 days of the death.

(i) Preparation of a written report to the Attorney General within 10 days of any death in custody including any reasonably known facts concerning the death (Government Code § 12525)

1. A copy of the report submitted to the Attorney General shall also be submitted to the BSCC within 10 days of the death (15 CCR 1046).

2. Any change or new information that becomes available after the initial reporting to the Attorney General shall be updated in the report and provided to the Attorney General within 10 days of the date of the change or the date the new information becomes available.

### 900.9.1 IN-CUSTODY DEATH PUBLICATION

The Chief of Police or the authorized designee should ensure that all specified information relating to an in-custody death is posted on the department website as prescribed and within the time frames provided in Penal Code § 10008.

## 900.10 RELEASE AND/OR TRANSFER

When an individual is released or transferred from custody, the member releasing the individual should ensure the following:

(a) All proper reports, forms, and logs have been completed prior to release.

(b) A check has been made to ensure that the individual is not reported as missing and does not have outstanding warrants.

(c) It has been confirmed that the correct individual is being released or transported.

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(d) All property, except evidence, contraband, or dangerous weapons, has been returned to, or sent with, the individual.

(e) All pertinent documentation accompanies the individual being transported to another facility (e.g., copies of booking forms, medical records, an itemized list of the individual's property, warrant copies).

(f) The individual is not permitted in any nonpublic areas of the Tracy Police Department unless escorted by a member of the Department.

(g) Any known threat or danger the individual may pose (e.g., escape risk, suicide potential, medical condition) is documented, and the documentation transported with the individual if the individual is being sent to another facility.

1. The department member transporting the individual shall ensure such risks are communicated to intake personnel at the other facility.

(h) Generally, persons of the opposite sex, or adults and juveniles, should not be transported in the same vehicle unless they are physically separated by a solid barrier. If segregating individuals is not practicable, officers should be alert to inappropriate physical or verbal contact and take appropriate action as necessary.

(i) Transfers between facilities or other entities, such as a hospital, should be accomplished with a custodial escort of the same sex as the person being transferred to assist with the person's personal needs as reasonable.

900.10.1 FORM REQUEST FOR PETITION TO SEAL RECORDS

Upon request, a detained arrestee released from custody shall be provided with the appropriate Judicial Council forms to petition the court to have the arrest and related records sealed (Penal Code § 851.91).

The Department shall display the required signage that complies with Penal Code § 851.91 advising an arrestee of the right to obtain the Judicial Council forms.

## 900.11 ASSIGNED ADMINISTRATOR

The Field Operations Bureau Commander will ensure any reasonably necessary supplemental procedures are in place to address the following issues (15 CCR 1029):

(a) General security

(b) Key control

(c) Sanitation and maintenance

(d) Emergency medical treatment (15 CCR 1200)

(e) Escapes

(f) Evacuation plans

(g) Fire- and life-safety, including a fire suppression pre-plan as required by 15 CCR 1032

(h) Disaster plans (e.g., natural disasters)

(i) Building and safety code compliance

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(j) Civil and other disturbances including hostage situations

(k) Periodic testing of emergency equipment

(l) Emergency suspension of Title 15 regulations and notice to the BSCC as required in 15 CCR 1012

(m) Inspections and operations reviews

(n) Any other applicable requirements under 15 CCR 1029

Annual review and evaluation of security measures including internal and external security measures, sanitation, safety, and maintenance (15 CCR 1280).

These supplemental procedures shall be reviewed and updated no less than every two years and shall be available to all members (15 CCR 1029).

### 900.12 TRAINING

Department members should be trained and familiar with this policy and any supplemental procedures.

Department members responsible for supervising adults in temporary custody shall complete the Corrections Officer Core Course or eight hours of specialized training within six months of assignment. Such training shall include but not be limited to the following (15 CCR 1024):

(a) Applicable minimum jail standards

(b) Jail operations liability

(c) Separation of incarcerated persons

(d) Emergency procedures and planning, fire safety, and life safety

(e) Suicide prevention

(f) De-escalation

(g) Juvenile procedures

(h) Racial bias

(i) Mental illness

Eight hours of refresher training shall be completed every two years (15 CCR 1024).

The Training Manager shall maintain records of all such training in the member's training file.

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# Custodial Searches

## 901.1 PURPOSE AND SCOPE

This policy provides guidance regarding searches of individuals in custody. Such searches are necessary to eliminate the introduction of contraband, intoxicants or weapons into the Tracy Police Department facility. Such items can pose a serious risk to the safety and security of department members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

### 901.1.1 DEFINITIONS

Definitions related to this policy include:

**Custody search** - An in-custody search of an individual and of the individual's property, shoes, and clothing, including pockets, cuffs, and folds on the clothing, to remove all weapons, dangerous items, and contraband.

**Physical body cavity search** - A search that includes a visual inspection and may include a physical intrusion into a body cavity. Body cavity means the stomach, rectal cavity, or vagina of an individual.

**Strip search** - A search that requires an individual to remove or rearrange some or all of the individual's clothing to permit a visual inspection of the underclothing, breasts, buttocks, anus, or outer genitalia. This includes monitoring an individual who is changing clothes, where the individual's underclothing, buttocks, genitalia, or female breasts are visible.

## 901.2 POLICY

All searches shall be conducted with concern for safety, dignity, courtesy, respect for privacy and hygiene, and in compliance with policy and law to protect the rights of those who are subject to any search.

Searches shall not be used for intimidation, harassment, punishment or retaliation.

## 901.3 FIELD AND TRANSPORTATION SEARCHES

An officer should conduct a custody search of an individual immediately after the individual's arrest, when receiving an individual from the custody of another, and before transporting a person who is in custody in any department vehicle.

Whenever practicable, a custody search should be conducted by an officer of the same sex as the person being searched. If an officer of the same sex is not reasonably available, a witnessing officer should be present during the search.

## 901.4 SEARCHES AT POLICE FACILITIES

Custody searches shall be conducted on all individuals in custody, immediately upon entry to the Tracy Police Department facilities. Except in exigent circumstances, the search should be

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conducted by a member of the same sex as the individual being searched. If a member of the same sex is not available, a witnessing member must be present during the search.

Custody searches should also be conducted any time an individual in custody enters or re-enters a secure area, or any time it is reasonably believed that a search is necessary to maintain the safety and security of the facility.

### 901.4.1 PROPERTY

Members shall take reasonable care in handling the property of an individual in custody to avoid discrepancies or losses. Property retained for safekeeping shall be kept in a secure location until the individual is released or transferred.

Some property may not be accepted by a facility or agency that is taking custody of an individual from this department, such as weapons or large items. These items should be retained for safekeeping in accordance with the Property and Evidence Policy.

All property shall be inventoried by objective description (this does not include an estimated value). The individual from whom it was taken shall be required to sign the completed inventory. If the individual's signature cannot be obtained, the inventory shall be witnessed by another department member. The inventory should include the case number, date, time, member's Tracy Police Department identification number and information regarding how and when the property may be released.

### 901.4.2 VERIFICATION OF MONEY

All money shall be counted in front of the individual from whom it was received. When possible, the individual shall initial the dollar amount on the inventory. Additionally, all money should be placed in a separate envelope and sealed. Negotiable checks or other instruments and foreign currency should also be sealed in an envelope with the amount indicated but not added to the cash total. All envelopes should clearly indicate the contents on the front. The department member sealing it should place the member's initials across the sealed flap. Should any money be withdrawn or added, the member making such change shall enter the amount below the original entry and initial it. The amount of money in the envelope should always be totaled and written on the outside of the envelope.

## 901.5 STRIP SEARCHES

No individual in temporary custody at any Tracy Police Department facility shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

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(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on department members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

### 901.5.1 STRIP SEARCH PROCEDURES

Strip searches at Tracy Police Department facilities shall be conducted as follows (28 CFR 115.115; Penal Code § 4030):

(a) Written authorization from the Watch Commander shall be obtained prior to the strip search.

(b) All members involved with the strip search shall be of the same sex as the individual being searched, unless the search is conducted by a medical practitioner.

(c) All strip searches shall be conducted in a professional manner under sanitary conditions and in a secure area of privacy so that it cannot be observed by those not participating in the search. The search shall not be reproduced through a visual or sound recording.

(d) Whenever possible, a second member of the same sex should also be present during the search, for security and as a witness to the finding of evidence.

(e) Members conducting a strip search shall not touch the breasts, buttocks, or genitalia of the individual being searched.

(f) The primary member conducting the search shall prepare a written report to include:

1. The facts that led to the decision to perform a strip search.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The written authorization for the search, obtained from the Watch Commander.
4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex, and role of any person present during the search.
7. The time and date of the search.

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8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based the member's belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia, or breasts while that individual is showering, performing bodily functions, or changing clothes, unless the individual would otherwise qualify for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect the individual's privacy and dignity.

(h) If the individual has been arrested for a misdemeanor or infraction offense, the written authorization from the Watch Commander shall include specific and articulable facts and circumstances upon which the reasonable suspicion determination for the search was made.

(i) A copy of the written authorization shall be retained and made available upon request to the individual or the individual's authorized representative. A record of the time, date, place of the search, the name, and sex of the person conducting the search, and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Watch Commander authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures in this policy, except that the Watch Commander authorization does not need to be in writing.

## 901.6 PHYSICAL BODY CAVITY SEARCH

Physical body cavity searches shall be subject to the following (Penal Code § 4030):

(a) No individual shall be subjected to a physical body cavity search without written approval of the Watch Commander and only upon a search warrant. A copy of any search warrant and the results of the physical body cavity search shall be included with the related reports and made available, upon request, to the individual or authorized representative (except for those portions of the warrant ordered sealed by a court).

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(b) Only a physician, nurse practitioner, registered nurse, licensed vocational nurse or Emergency Medical Technician Level II licensed to practice in California may conduct a physical body cavity search.

(c) Except for the physician or licensed medical personnel conducting the search, persons present must be of the same sex as the individual being searched. Only the necessary department members needed to maintain the safety and security of the medical personnel shall be present.

(d) Privacy requirements, including restricted touching of body parts and sanitary condition requirements, are the same as required for a strip search.

(e) All such searches shall be documented, including:

1. The facts that led to the decision to perform a physical body cavity search of the individual.
2. The reasons less intrusive methods of searching were not used or were insufficient.
3. The Watch Commander's approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any department members present.
8. Any contraband or weapons discovered by the search.

(f) Copies of the written authorization and search warrant shall be retained and shall be provided to the individual who was searched or other authorized representative upon request. A record of the time, date, place of the search, the name and sex of the person conducting the search and a statement of the results of the search shall also be retained and made available upon request to the individual or the individual's authorized representative.

## 901.7 TRAINING

The Training Manager shall ensure members have training that includes (28 CFR 115.115):

(a) Conducting searches of cross-gender individuals.

(b) Conducting searches of transgender and intersex individuals.

(c) Conducting searches in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

## 901.8 GENDER IDENTITY OR EXPRESSION CONSIDERATIONS

If an individual who is subject to a strip search or physical body cavity search has a gender identity or expression that differs from their sex assigned at birth, the search should be conducted

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by members of the same gender identity or expression as the individual, unless the individual requests otherwise.

### 901.9 JUVENILES

No juvenile should be subjected to a strip search or a physical body cavity search at the Department.

The Chief of Police or the authorized designee should establish procedures for the following:

(a) Safely transporting a juvenile who is suspected of concealing a weapon or contraband, or who may be experiencing a medical issue related to such concealment, to a medical facility or juvenile detention facility as appropriate in the given circumstances.

    1. Procedures should include keeping a juvenile suspected of concealing a weapon under constant and direct supervision until custody is transferred to the receiving facility.

(b) Providing officers with information identifying appropriate medical and juvenile detention facilities to which a juvenile should be transported for a strip or body cavity search.

Nothing in this section is intended to prevent an officer from rendering medical aid to a juvenile in emergency circumstances (see the Medical Aid and Response Policy for additional guidance).

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# Prison Rape Elimination

## 902.1 PURPOSE AND SCOPE

This policy provides guidance for complying with the Prison Rape Elimination Act of 2003 (PREA) and the implementing regulation that establishes standards (PREA Rule) to prevent, detect, and respond to sexual abuse, harassment, and retaliation against individuals in custody in the Tracy Police Department Temporary Holding Facilities (28 CFR 115.111; 15 CCR 1029).

### 902.1.1 DEFINITIONS

Definitions related to this policy include:

**Intersex** - A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medical conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

**Sexual abuse** - Any of the following acts, if the detainee does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse (28 CFR 115.6; 15 CCR 1006):

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument
- Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation

Sexual abuse also includes abuse by a staff member, contractor, or volunteer as follows, with or without consent of the individual in custody:

- Contact between the penis and the vulva or the penis and the anus, including penetration, however slight
- Contact between the mouth and the penis, vulva, or anus
- Contact between the mouth and any body part where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties, or where the staff member, contractor, or volunteer has the intent to abuse, arouse, or gratify sexual desire
- 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

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- Any attempt, threat, or request by a staff member, contractor, or volunteer to engage in the activities described above
- Any display by a staff member, contractor, or volunteer of the staff member's uncovered genitalia, buttocks, or breast in the presence of an individual in custody
- Voyeurism by a staff member, contractor, or volunteer

**Sexual harassment** - Repeated and unwelcome sexual advances; requests for sexual favors; verbal comments, gestures, or actions of a derogatory or offensive sexual nature by an individual in custody that are directed toward another; repeated verbal comments or gestures of a sexual nature to an individual in custody by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures (28 CFR 115.6; 15 CCR 1006).

**Transgender** - A person whose gender identity (i.e., internal sense of feeling male or female) is different from the person's assigned sex at birth (28 CFR 115.5).

## 902.2 POLICY

The Tracy 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 Tracy Police Department will take immediate action to protect those in its custody who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (28 CFR 115.162; 15 CCR 1029).

## 902.3 PREA COORDINATOR

The Chief of Police shall appoint an upper-level manager with sufficient time and authority to develop, implement, and oversee department efforts to comply with PREA standards in the Tracy Police Department Temporary Holding Facilities (28 CFR 115.111). The PREA Coordinator's responsibilities shall include:

(a) Developing and maintaining procedures to comply with the PREA Rule.

(b) Ensuring that any contract for the confinement of individuals in custody includes the requirement to adopt and comply with applicable PREA standards and the PREA Rule, including the obligation to provide incident-based and aggregated data, as required in 28 CFR 115.187 (28 CFR 115.112).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect those in custody from sexual abuse (28 CFR 115.113; 15 CCR 1029). This includes documenting deviations and the reasons for deviations from the staffing plan, as well as reviewing the staffing plan a minimum of once per year.

(d) Developing methods for staff to privately report sexual abuse and sexual harassment of individuals in custody (28 CFR 115.151).

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(e) Developing a written plan to coordinate response among staff first responders, medical and mental health practitioners, investigators, and department leadership to an incident of sexual abuse (28 CFR 115.165).

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Temporary Holding Facility. The protocol shall include (28 CFR 115.121; 28 CFR 115.122):

1. Evidence collection practices that maximize the potential for obtaining usable physical evidence based on the most recent edition of the U.S. Department of Justice's (DOJ) Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/ Adolescents" or a similarly comprehensive and authoritative protocol.
2. A process to ensure a criminal or administrative investigation is completed on all allegations of sexual abuse or sexual harassment.
3. A process to document all referrals to other law enforcement agencies.
4. Access to forensic medical examinations, without financial cost, for all victims of sexual abuse where appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners. The efforts to provide SAFEs or SANEs shall be documented.
5. In accordance with security needs, provisions to give, to the extent available, individuals in custody access to victim advocacy services if the individual is transported for a forensic examination to an outside hospital that offers such services.

(g) Ensuring that individuals with limited English proficiency and disabilities have an equal opportunity to understand and benefit from efforts to prevent, detect, and respond to sexual abuse and sexual harassment. This includes, as appropriate, access to interpreters and written materials in formats or through methods that provide effective communication to those with disabilities (e.g., limited reading skills, intellectual, hearing, or vision disabilities) (28 CFR 115.116).

1. The agency shall not rely on other individuals in custody for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the individual's safety, the performance of first-response duties under this policy, or the investigation of an individual's allegations of sexual abuse, harassment, or retaliation.

(h) Publishing on the department's website:

1. Information on how to report sexual abuse and sexual harassment on behalf of an individual in custody (28 CFR 115.154).
2. A protocol describing the responsibilities of the Department and any other investigating agency that will be responsible for conducting sexual abuse or sexual harassment investigations (28 CFR 115.122).

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(i) Establishing a process that includes the use of a standardized form and set of definitions to ensure accurate, uniform data is collected for every allegation of sexual abuse at facilities under this agency's direct control (28 CFR 115.187; 34 USC § 30303; 15 CCR 1041).

1. The data collected shall include, at a minimum, the data necessary to answer all questions from the most recent version of the Survey of Sexual Violence, conducted by DOJ, or any subsequent form developed by DOJ and designated for lockups.

2. The data shall be aggregated at least annually.

(j) Ensuring audits are conducted pursuant to 28 CFR 115.401 through 28 CFR 115.405 for all Temporary Holding Facilities used to house individuals in custody overnight (28 CFR 115.193).

(k) Ensuring contractors or others who work in the Temporary Holding Facility are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (28 CFR 115.132).

(l) Ensuring that information for uninvolved incarcerated persons, family, community members, and other interested third parties to report sexual abuse or sexual harassment is publicly posted at the facility (15 CCR 1029).

## 902.4 REPORTING SEXUAL ABUSE, HARASSMENT, AND RETALIATION

Individuals in custody may make reports to any staff member verbally, in writing, privately, or anonymously of any of the following (28 CFR 115.151; 15 CCR 1029):

- Sexual abuse
- Sexual harassment
- Retaliation by other individuals in custody or staff for reporting sexual abuse or sexual harassment
- Staff neglect or violation of responsibilities that may have contributed to sexual abuse or sexual harassment

Individuals in custody shall be notified of the department zero-tolerance policy regarding sexual abuse and sexual harassment, and of at least one way to report abuse or harassment to a public or private entity that is not part of the Department and that is able to receive and immediately forward a report of sexual abuse and sexual harassment to agency officials. This allows the individual to remain anonymous (28 CFR 115.132; 28 CFR 115.151).

### 902.4.1 MEMBER RESPONSIBILITIES

Department members shall accept reports from individuals in custody and third parties and shall promptly document all reports (28 CFR 115.151; 15 CCR 1029).

All members shall report immediately to the Watch Commander any knowledge, suspicion, or information regarding:

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(a) An incident of sexual abuse or sexual harassment that occurs in the Temporary Holding Facility.

(b) Retaliation against individuals in custody or the member who reports any such incident.

(c) Any neglect or violation of responsibilities on the part of any department member that may have contributed to an incident or retaliation (28 CFR 115.161).

No member shall reveal any information related to a sexual abuse report to anyone other than to the extent necessary to make treatment and investigation decisions.

### 902.4.2 WATCH COMMANDER RESPONSIBILITIES

The Watch Commander shall report to the department's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect, or violations leading to sexual abuse, harassment, or retaliation. This includes third-party and anonymous reports (28 CFR 115.161).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the Watch Commander shall also report the allegation as required under mandatory reporting laws and department policy.

Upon receiving an allegation that an individual in custody was sexually abused while confined at another facility, the Watch Commander shall notify the head of the facility or the appropriate office of the agency where the alleged abuse occurred. The notification shall be made as soon as possible but no later than 72 hours after receiving the allegation. The Watch Commander shall document such notification (28 CFR 115.163).

If an alleged victim is transferred from the Temporary Holding Facility to a jail, prison, or medical facility, the Department shall, as permitted by law, inform the receiving facility of the incident and the individual's potential need for medical or social services, unless the individual requests otherwise (28 CFR 115.165).

## 902.5 INVESTIGATIONS

The Department shall promptly, thoroughly and objectively investigate all allegations, including third-party and anonymous reports, of sexual abuse or sexual harassment. Only investigators who have received department-approved special training shall conduct sexual abuse investigations (28 CFR 115.171).

### 902.5.1 FIRST RESPONDERS

The first officer to respond to a report of sexual abuse or sexual assault shall (28 CFR 115.164):

(a) Separate the parties.

(b) Establish a crime scene to preserve and protect any evidence. Identify and secure witnesses until steps can be taken to collect any evidence.

(c) If the abuse occurred within a time period that still allows for the collection of physical evidence, request that the alleged victim not take any actions that could destroy physical evidence, including, as appropriate, washing, brushing teeth, changing clothes, urinating, defecating, smoking, drinking or eating.

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(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).

### 902.5.2 INVESTIGATOR RESPONSIBILITIES

Investigators shall (28 CFR 115.171):

(a) Gather and preserve direct and circumstantial evidence, including any available physical and biological evidence and any available electronic monitoring data.

(b) Interview alleged victims, suspects, and witnesses.

(c) Review any prior complaints and reports of sexual abuse involving the suspect.

(d) Conduct compelled interviews only after consulting with prosecutors as to whether compelled interviews may be an obstacle for subsequent criminal prosecution.

(e) Assess the credibility of the alleged victim, suspect, or witness on an individual basis and not by the person's status as a detainee or a member of the Tracy Police Department.

(f) Document in written reports a description of physical, testimonial, documentary, and other evidence, the reasoning behind any credibility assessments, and investigative facts and findings.

(g) Refer allegations of conduct that may be criminal to the District Attorney for possible prosecution, including any time there is probable cause to believe an individual in custody sexually abused another individual in custody in the Temporary Holding Facility (28 CFR 115.178).

(h) Cooperate with outside investigators and remain informed about the progress of any outside investigation.

### 902.5.3 ADMINISTRATIVE INVESTIGATIONS

Administrative investigations shall include an effort to determine whether staff actions or failures to act contributed to the abuse. The departure of the alleged abuser or victim from the employment or control of this department shall not be used as a basis for terminating an investigation (28 CFR 115.171).

### 902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No individual in custody who alleges sexual abuse shall be required to submit to a polygraph examination or other truth-telling device as a condition for proceeding with the investigation of such an allegation (28 CFR 115.171(e)).

Victims of sexual abuse shall receive timely, unimpeded access to emergency medical treatment. Treatment services shall be provided to the victim without financial cost and regardless of whether

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the victim names the abuser or cooperates with any investigation arising out of the incident (28 CFR 115.182).

902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Chief of Police, or if the allegations may reasonably involve the Chief of Police, to the City Manager. The Chief of Police or the City Manager shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (28 CFR 115.172).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for department members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and circumstances of the acts committed, the member's disciplinary history, and the sanctions imposed for comparable offenses by other members with similar histories (28 CFR 115.176).

All terminations for violations of this policy, or resignations by members who would have been terminated if not for their resignation, shall be criminally investigated unless the activity was clearly not criminal and reported to any relevant licensing body (28 CFR 115.176).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with individuals in custody and reported to any relevant licensing bodies (28 CFR 115.177). The Chief of Police shall take appropriate remedial measures and consider whether to prohibit further contact with individuals in custody by a contractor or volunteer.

## 902.6 RETALIATION PROHIBITED

All individuals in custody and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (28 CFR 115.167). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Watch Commander or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for victims or abusers, removal of alleged abusers from contact with victims, and emotional support services for individuals in custody or members who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The Watch Commander or the authorized designee shall identify a staff member to monitor the conduct and treatment of individuals in custody or members who have reported sexual abuse and of those who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of individuals in custody, such monitoring shall also include periodic status checks.

## 902.7 REVIEWS AND AUDITS

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### 902.7.1 INCIDENT REVIEWS

An incident review shall be conducted at the conclusion of every sexual abuse investigation, unless the allegation has been determined to be unfounded. The review should occur within 30 days of the conclusion of the investigation. The review team shall include upper-level management officials and seek input from line supervisors and investigators (28 CFR 115.186).

The review shall (28 CFR 115.186):

(a) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect or respond to sexual abuse.

(b) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender or intersex identification, status or perceived status; gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility.

(c) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse.

(d) Assess the adequacy of staffing levels in that area during different shifts.

(e) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff.

The review team shall prepare a report of its findings, including any determinations made pursuant to this section and any recommendations for improvement. The report shall be submitted to the Chief of Police and the PREA Coordinator. The Chief of Police or the authorized designee shall implement the recommendations for improvement or shall document the reasons for not doing so (28 CFR 115.186).

### 902.7.2 DATA REVIEWS

The facility shall conduct an annual review of collected and aggregated incident-based sexual abuse data. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (28 CFR 115.187).

The purpose of these reviews is to assess and improve the effectiveness of sexual abuse prevention, detection and response policies, practices and training. An annual report shall be prepared that includes (28 CFR 115.188):

(a) Identification of any potential problem areas.

(b) Identification of any corrective actions taken.

(c) Recommendations for any additional corrective actions.

(d) A comparison of the current year’s data and corrective actions with those from prior years.

(e) An assessment of the Department’s progress in addressing sexual abuse.

The report shall be approved by the Chief of Police and made readily available to the public through the department website or, if it does not have one, through other means. Material may be

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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 Tracy Police Department facilities and private facilities with which it contracts shall be made readily available to the public at least annually through the department website or, if it does not have one, through other means. Before making aggregated sexual abuse data publicly available, all personal identifiers shall be removed (28 CFR 115.189).

### 902.8 RECORDS

The Department shall retain all written reports from administrative and criminal investigations pursuant to this policy for as long as the alleged abuser is held or employed by the Department, plus five years (28 CFR 115.171).

All other data collected pursuant to this policy shall be securely retained for at least 10 years after the date of the initial collection unless federal, state or local law requires otherwise (28 CFR 115.189).

### 902.9 TRAINING

All department members and contractors who may have contact with individuals in custody shall receive department-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training 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 individuals in custody to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- The dynamics of sexual abuse and harassment in confinement settings, including which individuals in custody are most vulnerable.
- The right of individuals in custody and staff members to be free from sexual abuse and sexual harassment, and from retaliation for reporting sexual abuse or harassment.
- Detecting and responding to signs of threatened and actual abuse.
- Communicating effectively and professionally with all individuals in custody.
- Compliance with relevant laws related to mandatory reporting of sexual abuse to outside authorities.

Investigators assigned to sexual abuse investigations shall also receive training in conducting such investigations in confinement settings. Training should include (28 CFR 115.134):

- Techniques for interviewing sexual abuse victims.
- Proper use of *Miranda* and *Garrity* warnings.
- Sexual abuse evidence collection in confinement settings.

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- Criteria and evidence required to substantiate a case for administrative action or prosecution referral.

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 department members who may have contact with individuals in custody shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such members to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

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# Chapter 10 - Personnel

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# Recruitment and Selection

## 1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Tracy Police Department and that are promulgated and maintained by the Department of Human Resources.

## 1000.2 POLICY

In accordance with applicable federal, state, and local law, the Tracy Police Department provides equal opportunities for applicants and employees regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The Department does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The Department will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

## 1000.3 RECRUITMENT

The Office of the Chief of Police, or designee should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive department website and the use of department-managed social networking sites, if resources permit.

(d) Expanded outreach through partnerships with media, community groups, citizen academies, local colleges, universities, and the military.

(e) Employee referral and recruitment incentive programs.

(f) Consideration of shared or collaborative regional testing processes.

The Department shall avoid advertising, recruiting and screening practices that tend to stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner.

The Department should strive to facilitate and expedite the screening and testing process, and should periodically inform each candidate of his/her status in the recruiting process.

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### 1000.4 SELECTION PROCESS

The Department shall actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the Department shall employ a comprehensive screening, background investigation, and selection process that assesses cognitive and physical abilities and includes review and verification of the following:

(a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, military record)

1. The personnel records of any applicant with prior peace officer experience in this state shall be requested from the appropriate law enforcement agency and reviewed prior to extending an offer of employment (Penal Code § 832.12).
2. This includes review of prior law enforcement employment information maintained by POST (Penal Code § 13510.9).

(b) Driving record

(c) Personal and professional reference checks

(d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents consistent with Labor Code § 1019.1. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes.

(e) Information obtained from public internet sites

1. This review should include the identification of any activity that promotes or supports unlawful violence or unlawful bias against persons based on protected characteristics (e.g., race, ethnicity, national origin, religion, gender, gender identity, sexual orientation, disability).

(f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)

(g) Local, state, and federal criminal history record checks (Government Code § 1030; Penal Code § 11105.002; Penal Code § 11105.05)

(h) Lie detector test (when legally permissible) (Labor Code § 432.2)

(i) Medical and psychological examination (may only be given after a conditional offer of employment)

1. The Medical Suitability Declaration (POST form 2-363) provided by the evaluating physician shall be maintained in the candidate's background investigation file (11 CCR 1954).
2. The Psychological Suitability Declaration (POST form 2-364) provided by the evaluator shall be maintained in the candidate's background investigation file (11 CCR 1955).

(j) Review board or selection committee assessment

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(k) Relevant national and state decertification records, if available, including the National Decertification Index

## 1000.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a thorough background investigation to verify his/her personal integrity and high ethical standards, and to identify any past behavior that may be indicative of the candidate's unsuitability to perform duties relevant to the operation of the Tracy Police Department (11 CCR 1953).

The narrative report and any other relevant background information shall be shared with the psychological evaluator. Information shall also be shared with others involved in the hiring process if it is relevant to their respective evaluations (11 CCR 1953).

### 1000.5.1 NOTICES

Background investigators shall ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and the California Investigative Consumer Reporting Agencies Act (15 USC § 1681d; Civil Code § 1786.16).

### 1000.5.2 STATE NOTICES

If information disclosed in a candidate's criminal offender record information (CORI) is the basis for an adverse employment decision, a copy of the CORI shall be provided to the applicant (Penal Code § 11105).

### 1000.5.3 REVIEW OF SOCIAL MEDIA SITES

All peace officer candidates shall be subject to a social media search for statements, postings, and/or endorsements made by the candidate that are relevant to suitability for peace officer employment, including bias-relevant information consistent with the requirements of 11 CCR 1955(d)(3) and any public expression of hate made in an online forum, as defined in Penal Code § 13680(g) (11 CCR 1953(e)(12)).

Due to the potential for accessing unsubstantiated, private, or protected information, the Bureau of Support Services Bureau Commander should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

The Bureau of Support Services Bureau Commander should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches, and/or review information from social media sites to ensure that:

(a) The legal rights of candidates are protected.

(b) Material and information to be considered are verified, accurate, and validated.

(c) The Department fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the Bureau of Support Services Bureau Commander should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

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### 1000.5.4 DOCUMENTING AND REPORTING

The background investigator shall summarize the results of the background investigation in a narrative report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report shall include sections that summarize relevant Background Investigation Dimensions and include any findings of behaviors, traits, and/or attributes relevant to bias per the Bias Assessment Framework as described in the POST Background Investigation Manual. The report shall identify the data sources reviewed for the findings, regardless of weight given. The report shall include narrative information in the format described in 11 CCR 1953(g)(1). The report shall also include whether the candidate has engaged or is engaging in membership in a hate group, participation in hate group activity, or advocacy or public expressions of hate, pursuant to Penal Code § 13680 et seq. (11 CCR 1953).

The report shall not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation including relevant documentation of bias-related findings and documentation obtained through the social media search shall be included in the candidate's background investigation file (11 CCR 1953).

The background investigator shall document proof of verification of qualification for peace officer appointment on the Verification of Qualification for Peace Officer Appointment form and forward to the Bureau of Support Services Bureau Commander for final review and submission to POST (11 CCR 1953).

The background investigation file shall be made available during POST compliance inspections (11 CCR 1953).

### 1000.5.5 RECORDS RETENTION

The background report and all supporting documentation shall be maintained according to the established records retention schedule and at a minimum as follows (Government Code § 12946; 11 CCR 1953):

(a) Reports and documentation for candidates hired by the Department shall be retained for the entire term of employment and a for a minimum of four years after separation from the Department.

(b) Reports and documentation for candidates not hired by the Department for a minimum of four years.

### 1000.5.6 BACKGROUND INVESTIGATION UPDATE

A background investigation update may, at the discretion of the Chief of Police, be conducted in lieu of a complete new background investigation on a peace officer candidate who is reappointed within 180 days of voluntary separation from the Tracy Police Department, or who is an interim police chief meeting the requirements contained in 11 CCR 1953(f).

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### 1000.5.7 INVESTIGATOR TRAINING

Background investigators shall complete POST-certified background investigation training prior to conducting investigations (11 CCR 1953; 11 CCR 1959).

### 1000.5.8 CONFIDENTIAL POST RECORDS

Records released to the Department from POST that were previously withheld from the candidate by POST shall be kept confidential as provided in Penal Code § 13510.9.

## 1000.6 DISQUALIFICATION GUIDELINES

As a general rule, performance indicators and candidate information and records shall be evaluated by considering the candidate as a whole, and taking into consideration the following:

- Age at the time the behavior occurred
- Passage of time
- Patterns of past behavior
- Severity of behavior
- Probable consequences if past behavior is repeated or made public
- Likelihood of recurrence
- Relevance of past behavior to public safety employment
- Aggravating and mitigating factors
- Other relevant considerations

A candidate's qualifications will be assessed on a case-by-case basis, using a totality-of-the-circumstances framework.

## 1000.7 EMPLOYMENT STANDARDS

All candidates shall meet the minimum standards required by state law (Government Code § 1029; Government Code § 1031; Penal Code § 13510.1; 11 CCR 1950 et seq.). Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the Department and the community. The California Commission on Peace Officer Standards and Training (POST) developed a Job Dimensions list, which is used as a professional standard in background investigations.

Validated, job-related, and nondiscriminatory employment standards shall be established for each job classification and shall minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation. The Department of Human Resources should maintain and periodically review validated standards for all positions.

### 1000.7.1 STANDARDS FOR OFFICERS

Candidates shall meet the minimum standards established by POST or required by state law (Government Code § 1029; Government Code § 1031; 11 CCR 1950 et seq.):

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(a) Free of any felony convictions

(b) Be legally authorized to work in the United States under federal law

(c) At least 21 years of age except as provided by Government Code § 1031.4

(d) Fingerprinted for local, state, and national fingerprint check (Government Code § 1030; Penal Code § 11105.002; Penal Code § 11105.05)

(e) Good moral character as determined by a thorough background investigation (11 CCR 1953)

(f) High school graduate, passed the GED or other high school equivalency test, or obtained a two-year, four-year, or advanced degree from an accredited or approved institution

(g) Free from any physical, emotional, or mental condition, including bias against race or ethnicity, gender, nationality, religion, disability, or sexual orientation which might adversely affect the exercise of police powers (11 CCR 1954; 11 CCR 1955)

(h) Free of hate group memberships, participation in hate group activities, or advocacy of public expressions of hate within the previous seven years, and since 18 years of age, as determined by a background investigation (Penal Code § 13681)

(i) Candidates must also satisfy the POST selection requirements, including (11 CCR 1950 et seq.):

1. Reading and writing ability assessment (11 CCR 1951)
2. Oral interview to determine suitability for law enforcement service (11 CCR 1952)

(j) POST certification that has not been revoked, denied, or voluntarily surrendered pursuant to Penal Code § 13510.8(f)

(k) Not identified in the National Decertification Index of the International Association of Directors of Law Enforcement Standards and Training or similar federal government database that reflects revoked certification for misconduct or reflects misconduct that would result in a revoked certification in California.

In addition to the above minimum POST required standards, candidates may be subjected to additional standards established by the Department (Penal Code § 13510(d)).

1000.7.2 STANDARDS FOR DISPATCHER

Candidates shall satisfy the POST selection requirements, including (11 CCR 1956):

(a) A verbal, reasoning, memory, and perceptual abilities assessment (11 CCR 1957)

(b) An oral communication assessment (11 CCR 1958)

(c) A medical evaluation (11 CCR 1960)

## 1000.8 PROBATIONARY PERIODS

The Office of the Chief of Police shall coordinate with the Tracy Department of Human Resources to identify positions subject to probationary periods and procedures for:

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(a) Appraising performance during probation.

(b) Assessing the level of performance required to complete probation.

(c) Extending probation.

(d) Documenting successful or unsuccessful completion of probation.

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# Evaluation of Employees

## 1001.1 PURPOSE AND SCOPE

The Department’s employee performance evaluation system is designed to record work performance for both the Department and the employee, providing recognition for good work and developing a guide for improvement.

## 1001.2 POLICY

The Tracy Police Department utilizes a performance evaluation report to measure performance and to use as a factor in making personnel decisions that relate to merit increases, promotion, reassignment, discipline, demotion, and termination. The evaluation report is intended to serve as a guide for work planning and review by the supervisor and employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Department evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee’s position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

## 1001.3 EVALUATION PROCESS

The terms "evaluation" and "appraisal" are used interchangeably in this description below.

Evaluation reports will cover a specific period of time and should be based on documented performance during that period.

The person serving as the regularly assigned supervisor of the employee on the last day of the appraisal period shall have primary responsibility for conducting, preparing, compiling all information and administering the appraisal for that employee. In the event the current supervisor, commander, or manager supervised the employee for less than 90 days during the rating period being evaluated, then the prior supervisor/commander/manager will provide the necessary narrative and relevant information to the primary evaluator. All supervisors/ commanders/managers with oversight during an employee's rating period shall consult with the primary rater prior to the evaluation being prepared and their input shall be included in the appropriate narrative or rating sections.

In the event the primary appraiser is unable to conduct and prepare the performance evaluation (e.g. due to a long-term injury), the immediate supervisor of the absent supervisor shall be responsible for the preparation and administration of the appraisal.

Supervisors who are in charge of ancillary duties are responsible for the completion of a narrative relevant to those duties for each employee they supervise in that capacity. The narrative shall be included in the evaluation form after consultation with the primary supervisor.

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The job description document available through the Human Resources Department will be made available to all evaluators. The job responsibilities listed in the document form the basis for the evaluation criteria; a copy shall be attached to the completed evaluation form prior to it being presented to the evaluated employee.

For employees who are in a special assignment that requires responsibilities in addition to those of their rank (e.g. detectives), an additional section of the evaluation form, specific to their assignment, shall be completed. The evaluation criteria in that section shall be based on the most recent position assignment announcement. A copy of the announcement shall be attached to the evaluation form prior to it being presented to the employee.

All sworn and professional staff supervisory personnel shall attend an approved supervisory course that includes training on the completion of performance evaluations within one year of the supervisory appointment.

Each supervisor should discuss the tasks of the position, standards of performance expected and the evaluation criteria with each employee at the beginning of the rating period. Supervisors should document this discussion in the prescribed manner, e.g. list of expectations, email documenting the discussion, etc.

Assessment of an employee’s job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise.

Non-probationary employees demonstrating substandard performance shall be notified in writing of such performance as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days written notice prior to the end of the evaluation period.

Employees who disagree with their evaluation and who desire to provide a formal response or a rebuttal may do so in writing in the prescribed format and time period.

### 1001.3.1 ONGOING PERFORMANCE FEEDBACK

First line supervisors shall meet monthly, individually, with their immediate subordinates, for a review of their performance.

Supervisors of employees involved in the performance of field duties shall:

(a) Review their subordinates' performance with respect to key quantitative work activity measures specific to the employee's job responsibilities.

(b) Assess qualitative aspects of their subordinates' performance as it relates to responsibilities specific to the employee's position.

Commanders and managers shall meet at least twice per year with each of their immediate subordinates to review performance and to coach them regarding their strengths and weaknesses.

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### 1001.3.2 APPRAISAL PROCEDURES

As the first step in preparing the performance evaluation, the supervisor preparing it shall provide the employee with a digital performance evaluation form and direct them to complete the self-assessment components. Once the employee completes their part, the form is returned to the rating supervisor for the completion of subsequent steps.

Personnel responsible for preparing appraisals shall:

(a) Complete the appraisal form no later than 30 days after the end of the rating period.

(b) Appraise the employee's performance in the appropriate categories

(c) Include narrative comments, citing specific supporting observations in each of the categories, except those marked "Not Applicable."

(d) Collect and include narratives from other relevant supervisors, as described above.

Supervisors and commanders are accountable for monitoring, identifying, documenting and acting upon patterns and instances of misconduct among subordinate personnel when they knew or reasonably should have known of the misconduct, to include but not limited to the following areas, as applicable to the employee's position:

(a) Use of force

(b) Sick and injured leaves

(c) On-duty vehicle collisions

(d) Loss or damage to department equipment

(e) Sustained complaints and discipline history.

Supervisors, commanders and managers shall document positive citizen contacts, letters of commendation, awards and positive community policing efforts.

### 1001.3.3 APPRAISAL CONFERENCE: SUBMISSION OF FORMS

After forwarding the finished evaluation draft and materials up the chain of command (up to the Chief of Police) for review and once approval is received, the appraiser shall meet and administer the evaluation with the person being appraised. During the meeting, the appraiser shall minimally discuss the following topics:

(a) Results of the appraisal just completed, including any separate narratives;

(b) Performance areas requiring improvement;

(c) The employee's success or failure in addressing deficiencies previously identified;

(d) Setting goals and the expected level of performance as it pertains to the next rating period;

(e) Career counseling topics such as advancement, specialization, continuing education, and training opportunities;

(f) Professionalism and ethics.

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The employee being appraised shall have five (5) business days to prepare and attach a written comment disputing any portion of the appraisal. Any written response shall be attached prior to the evaluation packet being forwarded up the chain of command. After the evaluation has been presented to the employee and they have had an opportunity to respond, all appraisal materials will be forwarded to the corresponding Bureau Administrative Assistant for preparation of digital signatures and archiving.

The employee being appraised shall be given the opportunity to sign the form to acknowledge that it has been administered. If the employee declines to sign the form, that fact shall be noted on the form by the appraiser.

Once endorsed by the entire chain of command, a copy of the forms and associated documents shall be provided to the employee being appraised.

### 1001.3 FULL TIME PROBATIONARY PERSONNEL

Depending on the position held, as prescribed by City rules and/or Memorandum of Understanding, department employees may have a probationary period of six, twelve or eighteen months. In addition to the annual evaluation, probationary employees will receive another evaluation at the conclusion of their probationary period, if that date does not coincide with their annual evaluation.. (e.g. an entry-level police officer, on an eighteen month probation, will receive evaluations at the one year anniversary, at the end of probation and again at the two year anniversary, following a regular annual cycle from then on. A lateral police officer, on a twelve month probation, will only receive the annual anniversary evaluation, which will also document the completion of probation.)

### 1001.4 FULL-TIME PERMANENT STATUS PERSONNEL

Permanent employees are subject to three 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 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.

**Transfer** - If an employee is transferred from one assignment to another in the middle of an evaluation period and less than six months have transpired since the transfer, then an evaluation shall be completed by the current supervisor with input from the previous supervisor.

**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.

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1001.4.1 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:

**Exceeds Expectations -** 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.

**Fully Effective** - Is the performance of a fully competent employee. It means satisfactory performance that meets the standards required of the position.

**Improvement Needed -** 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.

**Unacceptable** - Performance is inferior to the standards required of the position. It is very inadequate or undesirable performance that cannot be tolerated.

Space for written comments is provided at the end of the evaluation in the rater comments section. This section allows the rater to document the employee's strengths, weaknesses, and suggestions for improvement.

## 1001.5 EVALUATION REVIEW

After the supervisor finishes the discussion with the employee, the signed performance evaluation is forwarded to the rater's supervisor (Bureau Commander). The Bureau Commander shall review the evaluation for fairness, impartiality, uniformity, and consistency. The Bureau Commander shall evaluate the supervisor on the quality of ratings given.

## 1001.6 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.

## 1001.8 APPRAISAL SCHEDULE

Annual evaluations will be completed on an annual basis, based on the annual anniversary of the employee's hire or promotion date, to correlate with the step increase eligibility date.

Evaluations shall be completed no more than 30 days past the corresponding anniversary date and they shall be forwarded up to the next rank for review prior to being presented to the evaluated employee.

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# Promotional and Transfer Policy

## 1002.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion and transfers within the ranks of the Tracy Police Department.

## 1002.2 POLICY

The Tracy Police Department determines assignments and promotions in a non-discriminatory manner based upon job-related factors and candidate skills and qualifications. Assignments and promotions are made by the Chief of Police.

## 1002.3 GENERAL REQUIREMENTS

The following conditions will be used in evaluating employees for promotion and transfer:

(a) Presents a professional, neat appearance;

(b) The member maintains a physical condition which aids in their performance;

(c) Demonstrates:

1. Emotional stability and maturity
2. Sound judgment and decision making
3. Personal integrity
4. Honesty
5. Leadership
6. Initiative
7. Ability to confront and/or deal with issues both positive and/or negative
8. Ability to conform to organizational goals and objectives
9. Ability to work harmoniously within environment

## 1002.4 SELECTION PROCESS

The closing date for application shall be no less than two weeks following the date of announcement.

Personnel shall submit a Special Assignment Transfer Request to their supervisor. The supervisor shall complete their recommendation and forward it to the Bureau Commander.

The following criteria apply to transfers.

(a) Administrative evaluation as determined by the Chief of Police. This shall include a review of supervisor recommendations. Each supervisor who has supervised or otherwise been involved with the candidate will submit these recommendations.

(b) The supervisor recommendations will be submitted to the Bureau Commander for whom the candidate will work. The Bureau Commander will schedule interviews with each candidate.

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(c) Based on supervisor recommendations and the results of the interview, the Bureau Commander will submit Their recommendation(s) to the Chief of Police based on the following scale:

1. Highly Qualified - Candidates who exhibit exceptional knowledge, skill and ability to perform in the position.
2. Qualified - Candidates who exhibit adequate knowledge, skill and ability to perform in the position.
3. Not Recommended - Candidates who do not demonstrate the requisite degree of skills, knowledge and ability to perform in the position.

(d) Appointment by the Chief of Police

Eligibility lists for special assignments shall be valid for one (1) year unless extended or terminated for extenuating circumstances by the Chief of Police.

The policy and procedures for all positions may be waived for temporary assignments, emergency situations or for training.

## 1002.5 PROMOTIONAL REQUIREMENTS

Requirements and information regarding any promotional process are available at the Tracy Department of Human Resources.

## 1002.6 LENGTH OF ASSIGNMENTS

Refer to attachment for for length of special assignments and ancillary duties:

See attachment: Promotion and Transfer Policy Quick Guide - APPENDIX A_UPDATED June 2026.pdf

Canine handler is a minimum four (4) year commitment with up to six (6) years with satisfactory performance. Any Canine handler selected prior to February 13, 2023 will be allowed to maintain their position for the full service life of the canine with satisfactory performance. The SIU Canine Drug Detection Handler position is a four (4) years assignment and subject to the same length of assignment as an SIU detective.

## 1002.7 SPECIAL ASSIGNMENT AND ANCILLARY POSITIONS

The following positions are considered special assignments and not promotions

(a) Detectives Corporals, and Sergeants (Assigned to General and Special Investigations Units)

(b) Motorcycle/Traffic officer, Corporal, and Sergeant.

(c) Canine handler

(d) School Resource Officer

(e) Neighborhood Resource Officer/Corporal

(f) Community Policing Sergeant

(g) Chief of Staff (Sergeant Assigned to the Office of the Chief of Police)

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(h) Professional Standards and Training Division Sergeant

(i) Special Enforcement Team (SET)

1. SET is a patrol function, members are not subject to the one (1) year requirement to return to patrol before being allowed to apply for an out-of-patrol assignment.

(j) Administrative Corporal - BFO

The following positions are considered ancillary duties:

(a) Range Cadre Instructor/Supervisor

(b) Defensive Tactics Instructor/Supervisor

(c) DRONE Cadre

(d) Bicycle Patrol Officer

(e) Honor Guard member

(f) Explorer Program mentor/supervisor

(g) Traffic Motor Cadre member

(h) Canine Supervisor

(i) Field Training Officer

(j) Special Weapons and Tactics (SWAT)

(k) Crisis Negotiations Team (CNT)

(l) Tactical Medic

Special assignments positions are subject to the four (4) year cap, unless specifically exempted in this policy.

Ancillary assignments are a four (4) year commitment. At the end of the initial term, members will be evaluated annually based on performance and overall fit within the discipline / training Cadre they are a part of. Also, included in the evaluation will be a consideration that other department members be afforded opportunities to serve in these ancillary assignments.

### 1002.7.1 EVALUATION CRITERIA

The following criteria will be used in evaluating candidates for a special assignment:

(a) Presents a professional, neat appearance.

(b) Maintains a physical condition that aids in his/her performance.

(c) Expressed an interest in the assignment.

(d) Demonstrates the following traits:

1. Emotional stability and maturity

2. Stress tolerance

3. Sound judgment and decision-making

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4. Personal integrity and ethical conduct
5. Leadership skills
6. Initiative
7. Adaptability and flexibility
8. Ability to conform to department goals and objectives in a positive manner

## 1002.8 SPECIAL ASSIGNMENT EXTENSIONS

Any request to extend a member's term in a special assignment shall be initiated by the requesting employee by memorandum and forwarded to the Bureau Commander overseeing the position justifying request and how it meets the needs and is in the best interest of the Department. The Chief of Police shall make the final determination regarding the approval or denial of the extension request.

Any extension of the term in a special assignment shall not exceed twelve (12) months.

## 1002.9 REMOVAL FROM SPECIAL ASSIGNMENT

### 1002.9.1 VOLUNTARY REMOVAL FROM ASSIGNMENT

Members who are in an out-of-patrol assignment may voluntarily request a transfer by providing a written request to be transferred to patrol at any time.

Unit commanders/managers shall endeavor to accommodate such requests however, the functional needs of the Department shall prevail.

Any member who voluntarily transfers back to patrol before the end of the established term of the out of patrol assignment, shall spend a minimum of one (1) year in patrol before being able to transfer to another out-of-patrol assignment.

### 1002.9.2 INVOLUNTARY REMOVAL FROM ASSIGNMENT

Members may be transferred for the following reasons:

1. Conduct:

   A member may be transferred when misconduct makes them unsuited for continued service in their assignment.

2. Performance:

   A member may be transferred when they're performing at a less than overall "Meet Standards" level.

Permanent Elimination of an Out-of-Patrol Assignment:

If an out-of-patrol assignment is eliminated, the member who held it shall be eligible for another out-of-patrol assignment position without the one (1) year patrol time requirement however, the combined cap for the two assignments shall not exceed eight (8) years. If,

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the elimination of the assignment coincides with the completion of the members time cap, they shall be required to return to patrol for a period of one (1) year.

Return to Reactivated Unit:

Members returning to an out-of-patrol assignment that had been temporarily deactivated or reduced in staff shall be allowed to return, provided the member remains eligible to serve the remaining duration of their time.

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# Grievance Procedure

## 1003.1 PURPOSE AND SCOPE

It is the policy of this department that all grievances be handled quickly and fairly without discrimination against employees who file a grievance whether or not there is a basis for the grievance. Our Department’s philosophy is to promote a free verbal communication between employees and supervisors.

### 1003.1.1 GRIEVANCE DEFINED

A grievance is any difference of opinion concerning terms or conditions of employment or the dispute involving the interpretation or application of any of the following documents by the person(s) affected:

- The employee bargaining agreement (Memorandum of Understanding)
- This Policy Manual
- City rules and regulations covering personnel practices or working conditions

Grievances may be brought by an individual affected employee or by a group representative.

Specifically outside the category of grievance are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding 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 as set forth in the Personnel Complaint Policy.

## 1003.2 PROCEDURE

It is the policy of this department to deal with and settle complaints and grievances informally and at the nearest practical organizational level as promptly and fairly as possible.

If an employee believes that he or she has a grievance as defined in section 1003.1.1 of this policy, that employee shall adhere to the grievance procedure outlined in their respective bargaining unit's Memorandum of Understanding (MOU). In the absence of an applicable MOU or grievance procedure in an MOU the City of Tracy Personnel Rules and Regulations section pertaining to grievances shall apply.

## 1003.3 EMPLOYEE REPRESENTATION

Employees are entitled to have representation during the grievance process. The representative may be selected by the employee from the appropriate employee bargaining group.

## 1003.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the Chief of Police's office for inclusion into a secure file for all written grievances.

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A second copy of the written grievance will be maintained by the City Manager's office to monitor the grievance process.

### 1003.5 GRIEVANCE AUDITS

The Training Manager 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 Training Manager 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 Training Manager should promptly notify the Chief of Police.

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# Anti-Retaliation

## 1004.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law, ordinance or memorandum of understanding.

## 1004.2 POLICY

The Tracy Police Department has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation members who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

## 1004.3 RETALIATION PROHIBITED

No member may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because he/she has engaged in protected activity.

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1004.3.1 RETALIATION PROHIBITED FOR REPORTING VIOLATIONS
An officer shall not be retaliated against for reporting a suspected violation of a law or regulation of another officer to a supervisor or other person in the Department who has the authority to investigate the violation (Government Code § 7286(b)).

## 1004.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Chief of Police or the City Director of Human Resources.

Members shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Members shall not report or state an intention to report information or an allegation knowing it to be false, with willful or reckless disregard for the truth or falsity of the information or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting member is known, thereby allowing investigators to obtain additional information from the reporting member. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting member's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the member is part of the investigative process.

## 1004.5 SUPERVISOR RESPONSIBILITIES

Supervisors are expected to remain familiar with this policy and ensure that members under their command are aware of its provisions.

The responsibilities of supervisors include, but are not limited to:

(a) Ensuring complaints of retaliation are investigated as provided in the Personnel Complaints Policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Chief of Police via the chain of command and explaining to the member how the complaint will be handled.

(e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.

(f) Monitoring the work environment to ensure that any member making a complaint is not subjected to further retaliation.

(g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.

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(h) Not interfering with or denying the right of a member to make any complaint.

(i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by a member who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

### 1004.6 COMMAND STAFF RESPONSIBILITIES

The Chief of Police should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

### 1004.7 WHISTLE-BLOWING

California law protects members who (Labor Code § 1102.5; Government Code § 53296 et seq.):

(a) Report a violation of a state or federal statute or regulation to a government or law enforcement agency, including the member's supervisor or any other member with the authority to investigate the reported violation.

(b) Provide information or testify before a public body if the member has reasonable cause to believe a violation of law occurred.

(c) Refuse to participate in an activity that would result in a violation of a state or federal statute or regulation.

(d) File a complaint with a local agency about gross mismanagement or a significant waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. Members shall exhaust all available administrative remedies prior to filing a formal complaint.

(e) Are family members of a person who has engaged in any protected acts described above.

Members are encouraged to report any legal violations through the chain of command (Labor Code § 1102.5).

Members who believe they have been the subject of retaliation for engaging in such protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the Professional Standards and Training Division for investigation pursuant to the Personnel Complaints Policy.

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1004.7.1 DISPLAY OF WHISTLE-BLOWER LAWS
The Department shall display a notice to members regarding their rights and responsibilities under the whistle-blower laws, including the whistle-blower hotline maintained by the Office of the Attorney General (Labor Code § 1102.8).

## 1004.8 RECORDS RETENTION AND RELEASE
The Records Supervisor shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

## 1004.9 TRAINING
The policy should be reviewed with each new member.

All members should receive periodic refresher training on the requirements of this policy.

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# Reporting of Employee Convictions

## 1005.1 PURPOSE AND SCOPE

The purpose of this policy is to describe the notification requirements and procedures that members must follow when certain arrests, convictions, and court orders restrict their ability to perform the official duties and responsibilities of the Tracy Police Department. This policy will also describe the notification requirements and procedures that certain retired officers must follow when an arrest, conviction, or court order disqualifies them from possessing a firearm.

## 1005.2 DOMESTIC VIOLENCE CONVICTIONS AND COURT ORDERS

Federal and California law prohibit individuals convicted of, or having an outstanding warrant for, certain offenses and individuals convicted of certain offenses and individuals subject to certain court orders from lawfully possessing firearms. Such convictions and court orders often involve allegations of the use or attempted use of force, or threatened use of a weapon on any individual in a domestic relationship (e.g., spouse, cohabitant, parent, child) (18 USC § 922; Penal Code § 29805).

All members and retired officers with identification cards issued by the Department are responsible for ensuring that they have not been disqualified from possessing firearms by any such conviction or court order, and shall promptly report any such conviction or court order to a supervisor, as provided in this policy.

## 1005.3 OTHER CRIMINAL CONVICTIONS AND COURT ORDERS

Government Code § 1029 prohibits any person convicted of a felony from being a peace officer in the State of California. This prohibition applies regardless of whether the guilt was established by way of a verdict, guilty, or nolo contendere plea.

Convictions of certain violations of the Vehicle Code and other provisions of law may also place restrictions on a member's ability to fully perform the duties of the job.

Outstanding warrants as provided in Penal Code § 29805 also place restrictions on a member's ability to possess a firearm.

While legal restrictions may or may not be imposed by statute or by the courts upon conviction of any criminal offense, criminal conduct by members of this department may be inherently in conflict with law enforcement duties and the public trust, and shall be reported as provided in this policy.

## 1005.4 REPORTING

All members and all retired officers with an identification card issued by the Department shall immediately notify their supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing of any past or current criminal detention, arrest, charge, or conviction in any state or foreign country, regardless of whether or not the matter was dropped or rejected, is currently pending or is on appeal, and regardless of the penalty or sentence, if any.

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All members and all retired officers with an identification card issued by the Department shall further promptly notify their supervisors (retired officers should immediately notify the Watch Commander or the Chief of Police) in writing if they become the subject of a domestic violence-related order or any court order that prevents the member or retired officer from possessing a firearm or requires suspension or revocation of applicable POST certification.

Any member whose criminal arrest, conviction, or court order restricts or prohibits that member from fully and properly performing their duties, including carrying a firearm, may be disciplined. This includes but is not limited to being placed on administrative leave, reassignment, and/or termination. Any effort to remove such disqualification or restriction shall remain entirely the responsibility of the member, on the member's own time and expense.

Any member failing to provide prompt written notice pursuant to this policy shall be subject to discipline, up to and including termination.

Retired officers may have their identification cards rescinded or modified, as may be appropriate (see the Retiree Concealed Firearms Policy).

### 1005.4.1 NOTIFICATION REQUIREMENTS

The Bureau of Support Services Bureau Commander shall submit within 10 days of final disposition a notice to POST of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

## 1005.5 PROCEDURE FOR RELIEF

Pursuant to Penal Code § 29855, a peace officer may petition the court for permission to carry a firearm following a conviction under state law. Federal law, however, does not provide for any such similar judicial relief and the granting of a state court petition under Penal Code § 29855 will not relieve one of the restrictions imposed by federal law. Therefore, relief for any employee falling under the restrictions imposed by federal law may only be obtained by expungement of the conviction. Employees shall seek relief from firearm restrictions on their own time and through their own resources.

Pursuant to Family Code § 6389(h), an individual may petition the court for an exemption to any restraining order, which would thereafter permit the individual to carry a firearm or ammunition as a part of the individual's employment. Relief from any domestic violence or other restriction shall also be pursued through the employee’s own resources and on the employee’s own time.

Pending satisfactory proof of relief from any legal restriction imposed on an employee’s duties, the employee may be placed on administrative leave, reassigned, or disciplined. The Department may, but is not required to return an employee to any assignment, reinstate any employee, or reverse any pending or imposed discipline upon presentation of satisfactory proof of relief from any legal restriction set forth in this policy.

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1005.5.1 NOTIFICATION REQUIREMENTS

The Professional Standards & Training Division Commander shall submit within 10 days of final disposition a notice to the Commission on Peace Officer Standards and Training (POST) of a conviction or Government Code § 1029 reason that disqualifies any current peace officer employed by this department or any former peace officer if this department was responsible for the investigation (11 CCR 1003).

The Professional Standards and Training Division Commander shall submit within 10 days a notice to POST of any appointment, termination, reinstatement, name change, or status change regarding any peace officer, reserve peace officer, public safety dispatcher, and records supervisor employed by this department (11 CCR 1003).

## 1005.6 POLICY

The Tracy Police Department requires disclosure of member arrests, convictions, and certain court orders to maintain the high standards, ethics, and integrity in its workforce, and to ensure compatibility with the duties and responsibilities of the Department.

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# Drug- and Alcohol-Free Workplace

## 1006.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

## 1006.2 POLICY

It is the policy of this department to provide a drug- and alcohol-free workplace for all members.

## 1006.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on department time can endanger the health and safety of department members and the public. Such use shall not be tolerated (41 USC § 8103).

Members who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for duty. Affected members shall notify the Watch Commander or appropriate supervisor as soon as the member is aware that he/she will not be able to report to work. If the member is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the member is adversely affected while on-duty, he/she shall be immediately removed and released from work (see Work Restrictions in this policy).

### 1006.3.1 USE OF MEDICATIONS

Members should avoid taking any medications that will impair their ability to safely and completely perform their duties. Any member who is medically required or has a need to take any such medication shall report that need to his/her immediate supervisor prior to commencing any on-duty status.

No member shall be permitted to work or drive a vehicle owned or leased by the Department while taking any medication that has the potential to impair his/her abilities, without a written release from his/her physician.

### 1006.3.2 USE OF MARIJUANA

Possession of marijuana, including medical marijuana, or being under the influence of marijuana on- or off-duty is prohibited and may lead to disciplinary action.

## 1006.4 MEMBER RESPONSIBILITIES

Members shall report for work in an appropriate mental and physical condition. Members are prohibited from purchasing, manufacturing, distributing, dispensing, possessing or using controlled substances or alcohol on department premises or on department time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Members who are authorized to consume alcohol as part of a special assignment shall not do so to the extent of impairing on-duty performance.

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Members shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow member poses a risk to the health and safety of the member or others due to drug or alcohol use.

Members are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

## 1006.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the Department of Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

## 1006.6 WORK RESTRICTIONS

If a member informs a supervisor that he/she has consumed any alcohol, drug or medication that could interfere with a safe and efficient job performance, the member may be required to obtain clearance from his/her physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that a member is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the member from continuing work and shall ensure that he/she is safely transported away from the Department.

## 1006.7 REQUESTING SCREENING TESTS

The supervisor may request an employee to submit to a screening test under the following circumstances:

(a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing his/her ability to perform duties safely and efficiently.

(b) The employee discharges a firearm, other than by accident, in the performance of his/her duties.

(c) During the performance of his/her duties, the employee drives a motor vehicle and becomes involved in an incident that results in bodily injury to him/herself or another person, or substantial damage to property.

### 1006.7.1 SUPERVISOR RESPONSIBILITY

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

(a) The test will be given to detect either alcohol or drugs, or both.

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(b) The result of the test is not admissible in any criminal proceeding against the employee.

(c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

1006.7.2 SCREENING TEST REFUSAL

An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a screening test as requested.

(b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provisions of this policy.

## 1006.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving a member, the Department will take appropriate disciplinary action, up to and including dismissal, and/or requiring the member to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

## 1006.9 CONFIDENTIALITY

The Department recognizes the confidentiality and privacy due to its members. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the member involved or pursuant to lawful process.

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained separately from the employee's other personnel files.

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# Sick Leave

## 1007.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. The accrual and terms of use of sick leave for eligible employees are detailed in the City personnel manual or applicable collective bargaining agreement.

This policy is not intended to cover all types of sick or other leaves. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as provided for in the Family and Medical Leave Act (FMLA) (29 USC § 2601 et seq.), the California Family Rights Act, leave for victims of crime or abuse, or for organ or bone marrow donor procedures (29 CFR 825; Government Code § 12945.2; Labor Code § 230.1; Labor Code § 1510).

## 1007.2 POLICY

It is the policy of the Tracy Police Department to provide eligible employees with a sick leave benefit.

## 1007.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity or other activity that may impede recovery from the injury or illness (see Outside Employment Policy).

Qualified appointments should be scheduled during a member’s non-working hours when it is reasonable to do so.

### 1007.3.1 NOTIFICATION

All members should notify the Watch Commander or appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one hour before the start of their scheduled shifts. If, due to an emergency, a member is unable to contact the supervisor, every effort should be made to have a representative for the member contact the supervisor (Labor Code § 246 ).

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the member shall, whenever possible and practicable, provide the Department with no less than 30 days' notice of the impending absence (Labor Code § 246).

Upon return to work, members are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

## 1007.4 EXTENDED ABSENCE

Members absent from duty for more than three consecutive days may be required to furnish a statement from a health care provider supporting the need to be absent and/or the ability to return

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to work. Members on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days after the first three days of paid sick leave are used in a 12-month period.

### 1007.5 REQUIRED NOTICES

The Director of Human Resources shall ensure:

(a) Written notice of the amount of paid sick leave available is provided to employees as provided in Labor Code § 246.

(b) A poster is displayed in a conspicuous place for employees to review that contains information on paid sick leave as provided in Labor Code § 247.

### 1007.6 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include, but are not limited to:

(a) Monitoring and regularly reviewing the attendance of those under their command to ensure that the use of sick leave and absences is consistent with this policy.

(b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the Department of Human Resources as appropriate.

(c) Addressing absences and sick leave use in the member's performance evaluation when excessive or unusual use has:

1. Negatively affected the member's performance or ability to complete assigned duties.
2. Negatively affected department operations.

(d) When appropriate, counseling members regarding excessive absences and/or inappropriate use of sick leave.

(e) Referring eligible members to an available employee assistance program when appropriate.

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# Communicable Diseases

## 1008.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of department members contracting and/or spreading communicable diseases.

### 1008.1.1 DEFINITIONS

Definitions related to this policy include:

**Communicable disease** - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, tissue, or by breathing or coughing. These diseases commonly include, but are not limited to, hepatitis B virus (HBV), HIV and tuberculosis.

**Exposure** - When an eye, mouth, mucous membrane or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to a member's position at the Tracy Police Department. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

## 1008.2 POLICY

The Tracy Police Department is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

## 1008.3 EXPOSURE CONTROL OFFICER

The Chief of Police will assign a person as the Exposure Control Officer (ECO). The ECO shall develop an exposure control plan that includes:

(a) Identification of job roles and tasks with exposure risk.

(b) Exposure-prevention and decontamination procedures.

1. Availability and use of handwashing and hygiene facilities.
2. Cleaning and disinfecting contaminated surfaces and equipment.
3. Handling and labeling contaminated laundry.

(c) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.

(d) The provision that department members will have no-cost access to the appropriate personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) for each member's position and risk of exposure.

(e) Evaluation of persons in custody for any exposure risk and measures to separate them (15 CCR 1051; 15 CCR 1207).

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(f) Compliance with all relevant laws or regulations related to communicable diseases, including:

1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136).
2. Bloodborne pathogen mandates including (8 CCR 5193):
   (a) Sharps injury log.
   (b) Needleless systems and sharps injury protection.
3. Airborne transmissible disease mandates including (8 CCR 5199):
   (a) Engineering and work practice controls related to airborne transmissible diseases.
   (b) Distribution of appropriate personal protective equipment to minimize exposure to airborne disease.
4. Promptly notifying the county health officer regarding member exposures (Penal Code § 7510).
5. Establishing procedures to ensure that members request exposure notification from health facilities when transporting a person that may have a communicable disease and that the member is notified of any exposure as required by Health and Safety Code § 1797.188.
6. Informing members of the provisions of Health and Safety Code § 1797.188 (exposure to communicable diseases and notification).

(g) Provisions for acting as the designated officer liaison with health care facilities regarding communicable disease or condition exposure notification. The designated officer should coordinate with other department members to fulfill the role when not available. The designated officer shall ensure that the name, title, and telephone number of the designated officer is posted on the department website (Health and Safety Code § 1797.188).

The ECO should also act as the liaison with the Division of Occupational Safety and Health (Cal/OSHA) and may request voluntary compliance inspections. The ECO shall annually review and update the exposure control plan and review implementation of the plan (8 CCR 5193). The plan should be accessible to all members in digital or printed form.

## 1008.4 EXPOSURE PREVENTION AND MITIGATION

### 1008.4.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to (8 CCR 5193):

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or department vehicles, as applicable.

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(b) Wearing department-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(e) Using an appropriate barrier device when providing CPR.

(f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(g) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

1. Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

#### 1008.4.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (8 CCR 5193).

#### 1008.4.3 INMATES

Any inmate/prisoner brought into the Tracy PD temporary holding facility who begins exhibiting symptoms of an airborne communicable disease, shall be masked and segregated. The individual will be transported to the appropriate medical facility as soon as possible.

### 1008.5 POST EXPOSURE

#### 1008.5.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

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### 1008.5.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented (8 CCR 5193):

(a) Name and Social Security number of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) PPE in use at the time of the incident

(h) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Occupational Disease and Work-Related Injury Reporting Policy).

### 1008.5.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Department members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary (8 CCR 5193).

The ECO should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

No other information should be requested or accepted by the ECO.

### 1008.5.4 COUNSELING

The Department shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure (8 CCR 5193).

### 1008.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate (8 CCR 5193). Source testing is the responsibility of the ECO. If the ECO is unavailable to seek

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timely testing of the source, it is the responsibility of the exposed member's supervisor to ensure testing is sought.

Source testing may be achieved by:

(a) Obtaining consent from the individual.

(b) Complying with the statutory scheme of Health and Safety Code § 121060. This includes seeking consent from the person who was the source of the exposure and seeking a court order if consent is not given.

(c) Testing the exposed member for evidence of a communicable disease and seeking consent from the source individual to either access existing blood samples for testing or for the source to submit to testing (Health and Safety Code § 120262).

(d) Taking reasonable steps to immediately contact the County Health Officer and provide preliminary information regarding the circumstances of the exposure and the status of the involved individuals to determine whether the County Health Officer will order testing (Penal Code § 7510).

(e) Under certain circumstances, a court may issue a search warrant for the purpose of HIV testing a person when the exposed member qualifies as a crime victim (Penal Code § 1524.1).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the City Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

### 1008.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well.

### 1008.7 TRAINING

All members shall participate in training regarding communicable diseases commensurate with the requirements of their position. The training (8 CCR 5193):

(a) Shall be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.

(b) Shall be provided whenever the member is assigned new tasks or procedures affecting his/her potential exposure to communicable disease.

(c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure and what steps should be taken if a suspected exposure occurs.

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# Smoking and Tobacco Use

## 1009.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on-duty or while in Tracy Police Department facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

## 1009.2 POLICY

The Tracy Police Department recognizes that tobacco use is a health risk and can be offensive to others.

Smoking and tobacco use also presents an unprofessional image for the Department and its members. Therefore smoking and tobacco use is prohibited by members and visitors in all department facilities, buildings and vehicles, and as is further outlined in this policy (Government Code § 7597; Labor Code § 6404.5).

## 1009.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Tracy Police Department.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside City facilities and vehicles.

## 1009.4 ADDITIONAL PROHIBITIONS

No person shall use tobacco products within 20 feet of a main entrance, exit or operable window of any public building (including any department facility), or buildings on the campuses of the University of California, California State University and California community colleges, whether present for training, enforcement or any other purpose (Government Code § 7596 et seq.).

### 1009.4.1 NOTICE

The Chief of Police or the authorized designee should ensure that proper signage is posted at each entrance to the Department facility (Labor Code § 6404.5).

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# Personnel Complaints

## 1010.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the Tracy Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

## 1010.2 POLICY

The Tracy Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

## 1010.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, policy or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, policy or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department. The personnel inquires differ from complaints in that the allegations are minor in nature and the issue can be resolved by a supervisor to the complainants satisfaction therefore no formal investigation will take place and no further documentation is required.

If the the supervisor or other department personnel assigned to handle an inquiry determines it necessary to retain documentation a supervisory note or a BlueTeam entry can be made; in these cases the entry will be classified as a Administrative Inquiry after review by the Professional Standards and Training Division Commander or designee. Situations where this may be appropriate is when the person is a chronic complainant or the supervisor believes it would be appropriate to document steps taken to review the incident. Supervisors should be aware any entry that is derogatory in nature must be acknowledged by the employee such as any comment relating to poor performance or conduct.

Personnel inquires are often issues such as perceived discourteousness, public members lack of understanding regarding policy, procedures, law, etc., and differences of opinion between a

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member of the public and employee relative to enforcement action or omission. Alleged violations of law or policy do not fall within this category.

### 1010.3.1 COMPLAINT CLASSIFICATIONS

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 a supervisor determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards and Training Division, depending on the seriousness and complexity of the investigation.

**Incomplete** - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards and Training Division, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

**Withdrawn** - The complaining party decides they no longer wish to file a complaint.

### 1010.3.2 SOURCES OF COMPLAINTS

The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a supervisor.

(c) Supervisors shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

## 1010.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

### 1010.4.1 COMPLAINT FORMS

Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.

Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

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### 1010.4.2 ACCEPTANCE

All complaints will be courteously accepted by any department member and promptly given to the appropriate supervisor. Although written complaints are preferred, a complaint may also be filed orally, either in person,by telephone, or email (professionalstandards@tracypd.com). Such complaints will be directed to a supervisor. If a supervisor is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the supervisor to contact the complainant. The supervisor, upon contact with the complainant, shall complete and submit a complaint form as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs, or physical evidence may be obtained as necessary.

A complainant shall be provided with a copy of the complaining party's statement at the time it is filed with the Department (Penal Code § 832.7).

### 1010.4.3 AVAILABILITY OF WRITTEN PROCEDURES

The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5).

The Bureau of Support ServicesBureau Commander should ensure all procedures related to the CLEAR Act are made available to the public, including an internet link prominently displayed on the home page of the Tracy Police Department's website (11 CCR 999.302; 11 CCR 999.311).

### 1010.4.4 HATE COMPLAINTS AGAINST PEACE OFFICERS

Internal complaints or complaints from the public, including anonymous complaints, shall be accepted and investigated in accordance with this policy and the California Law Enforcement Accountability Reform (CLEAR) Act where it is alleged that an officer has in the previous seven years, and since 18 years of age, engaged in membership in a hate group, participated in a hate group activity, or advocated any public expression of hate. These complaints shall be immediately forwarded to the appropriate supervisor (Penal Code § 13682; 11 CCR 999.300 et seq.). If a complaint is received involving a law enforcement officer outside the department jurisdiction, the complaint shall be accepted and transmitted to the appropriate investigating agency within three days of receipt (11 CCR 999.302; 11 CCR 999.305).

## 1010.5 DOCUMENTATION

Supervisors shall ensure that all formal and informal complaints are documented by making a BlueTeam entry. The supervisor shall ensure that the nature of the complaint is defined as clearly as possible.

BlueTeam logs the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Professional Standards and Training Division should audit the log and send a report to the Chief of Police or the authorized designee for use in the Departments Annual Report Administrative inquires are not formal complaints and are not included in the annual report.

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## 1010.6 ADMINISTRATIVE INVESTIGATIONS

Allegations of misconduct will be administratively investigated as follows.

### 1010.6.1 SUPERVISOR RESPONSIBILITIES

In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor, unless the supervisor is the complainant, or the supervisor is the ultimate decision-maker regarding disciplinary action or has any personal involvement regarding the alleged misconduct. The Chief of Police or the authorized designee may direct that another supervisor investigate any complaint.

A supervisor who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of supervisors include but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form is completed.

1. The original complaint form will be directed to the Watch Commander of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor shall orally report the matter to the member's Bureau Commander or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint.
2. If the matter is resolved and no further action is required, the supervisor will note the resolution on a complaint form and forward the form to the Watch Commander.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Watch Commander and the Chief of Police are notified via the chain of command as soon as practicable.

(e) Promptly contacting the Department of Human Resources and the Watch Commander for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Watch Commander, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator’s name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

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1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

(i) Ensuring that the procedural rights of the accused member are followed (Government Code § 3303 et seq.).

(j) Ensuring interviews of the complainant are generally conducted during reasonable hours.

### 1010.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES

Whether conducted by a supervisor or a member of the Professional Standards and Training Division, the following applies to members covered by the Public Safety Officers Procedural Bill of Rights Act (POBR) (Government Code § 3303):

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, they shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Tracy Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member shall be informed of the nature of the investigation, the name, rank, and command of the officer in charge of the investigation, the interviewing officers and all other persons to be present during the interview.

(e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards, or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a *Lybarger* advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).
2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

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(h) The interviewer should record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation (Government Code § 3307).

### 1010.6.3 ADMINISTRATIVE INVESTIGATION FORMAT

Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

**Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

**Synopsis** - Provide a brief summary of the facts giving rise to the investigation.

**Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

**Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

**Policy, Training or Equipment Recommendations** - Any recommended policy, training or equipment issue recognized during the course of the investigation which should be addressed on an organizational level.

**Conclusion** - A recommendation regarding further action or disposition should be provided.

**Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

### 1010.6.4 DISPOSITIONS

Each personnel complaint shall be classified with one of the following dispositions:

**Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded (Penal Code § 832.8).

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**Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

**Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

**Sustained** - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal pursuant to Government Code § 3304 and Government Code § 3304.5 that the actions of an officer were found to violate law or department policy (Penal Code § 832.8).

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator shall take appropriate action with regard to any additional allegations.

### 1010.6.5 COMPLETION OF INVESTIGATIONS

Every investigator or supervisor assigned to investigate a personnel complaint or other alleged misconduct shall proceed with due diligence in an effort to complete the investigation within one year from the date of discovery by an individual authorized to initiate an investigation (Government Code § 3304).

In the event that an investigation cannot be completed within one year of discovery, the assigned investigator or supervisor shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3304(d) or Government Code § 3508.1.

### 1010.6.6 NOTICE TO COMPLAINANT OF INVESTIGATION STATUS

The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

### 1010.6.7 LIMITATIONS ON INVESTIGATIONS

Investigations shall not be undertaken against any officer in the following limited circumstances:

(a) The officer has been placed on a prosecutor's *Brady* list, or the name of the officer may otherwise be subject to disclosure pursuant to *Brady v. Maryland* (Government Code § 3305.5).

    1. An investigation may be initiated based on the underlying acts or omissions for which the officer has been placed on a *Brady* list or may otherwise be subject to disclosure pursuant to *Brady v. Maryland*.

(b) A court finding against an officer in a challenge brought under Penal Code § 745 (California Racial Justice Act of 2020) (Government Code § 3305.6).

    1. An investigation may be Initiated based on the underlying acts or omissions which formed the basis of the action brought pursuant to Penal Code § 745 (Government Code § 3305.6).

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## 1010.7 ADMINISTRATIVE SEARCHES

Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct.

Such areas may also be searched any time by a supervisor for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

Lockers and storage spaces may only be administratively searched in the member's presence, with the member’s consent, with a valid search warrant or where the member has been given reasonable notice that the search will take place (Government Code § 3309).

### 1010.7.1 DISCLOSURE OF FINANCIAL INFORMATION

An employee may be compelled to disclose personal financial information under the following circumstances (Government Code § 3308):

(a) Pursuant to a state law or proper legal process

(b) Information exists that tends to indicate a conflict of interest with official duties

(c) If the employee is assigned to or being considered for a special assignment with a potential for bribes or other improper inducements

## 1010.8 ADMINISTRATIVE LEAVE

When a complaint of misconduct is of a serious nature, or when circumstances indicate that allowing the accused to continue to work would adversely affect the mission of the Department, the Chief of Police or the authorized designee may temporarily assign an accused employee to administrative leave. Any employee placed on administrative leave:

(a) May be required to relinquish any department badge, identification, assigned weapons and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a supervisor.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation. The employee may be required to remain available for contact at all times during such shift, and will report as ordered.

In addition to the appropriate reasons to request the use of paid Administrative Leave in accordance City policy, allegations that may necessitate the need for an employee to be placed on leave also include:

(a) Dishonesty

(b) Abuse of power

(c) Physical abuse

(d) Acts that violate the law

(e) Failure to cooperate with an investigation

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(f) Failure to intercede when another officer is using force clearly beyond that which is reasonable as determined by a reasonable officer standard

## 1010.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate supervisor or investigator shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

A member accused of criminal conduct shall be advised of his/her constitutional rights (Government Code § 3303(h)). The member should not be administratively ordered to provide any information in the criminal investigation.

The Tracy Police Department may release information concerning the arrest or detention of any member, including an officer, that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

## 1010.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report should be forwarded to the Chief of Police through the chain of command. Each level of command should review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

### 1010.10.1 BUREAU COMMANDER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Bureau Commander of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Bureau Commander may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Bureau Commander may return the entire investigation to the assigned investigator or supervisor for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Bureau Commander shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

### 1010.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Bureau Commander for further investigation or action.

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Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (*Skelly*) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3304(d)). The Chief of Police shall also provide the member with:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Chief of Police within ten (10) days of receiving the notice.

    (a) Upon a showing of good cause by the member, the Chief of Police may grant a reasonable extension of time for the member to respond.

    (b) If the member elects to respond orally, the presentation may be recorded by the Department. Upon request, the member shall be provided with a copy of the recording.

The Bureau Commander, or designee who is not of the same bureau of the involved employee with serve as the Skelly hearing officer. In circumstances where the Chief of Police determines there may be a conflict of interest, the Skelly hearing may be referred to the Director or Human Resources to designate a hearing officer.

Once the member has completed his/her response or if the member has elected to waive any such response, the Chief of Police shall consider all information received in regard to the recommended discipline. The Chief of Police shall render a timely written decision to the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once the Chief of Police has issued a written decision, the discipline shall become effective.

#### 1010.10.2 NOTICE OF FINAL DISPOSITION TO THE COMPLAINANT

The Chief of Police or the authorized designee shall ensure that the complainant is notified of the disposition (i.e., sustained, not sustained, exonerated, unfounded) of the complaint (Penal Code § 832.7(f)).

#### 1010.10.3 NOTICE REQUIREMENTS

The disposition of any civilian's complaint shall be released to the complaining party within 30 days of the final disposition. This release shall not include what discipline, if any, was imposed (Penal Code § 832.7(f)).

### 1010.11 PRE-DISCIPLINE EMPLOYEE RESPONSE

The pre-discipline process is intended to provide the accused employee with an opportunity to present a written or oral response to the Chief of Police after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The employee shall consider the following:

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(a) The response is not intended to be an adversarial or formal hearing.

(b) Although the employee may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

(c) The employee may suggest that further investigation could be conducted or the employee may offer any additional information or mitigating factors for the Chief of Police to consider.

(d) In the event that the Chief of Police elects to cause further investigation to be conducted, the employee shall be provided with the results prior to the imposition of any discipline.

(e) The employee may thereafter have the opportunity to further respond orally or in writing to the Chief of Police on the limited issues of information raised in any subsequent materials.

### 1010.12 RESIGNATIONS/RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline (Penal Code § 13510.8).

All investigations shall be completed to a disposition to the best of the ability of the Department given the information available.

### 1010.13 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary employees have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by any collective bargaining agreement, Memorandum of Understanding, and/or personnel rules.

In the event of punitive action against an employee covered by the POBR, the appeal process shall be in compliance with Government Code § 3304 and Government Code § 3304.5.

During any administrative appeal, evidence that an officer has been placed on a *Brady* list or is otherwise subject to *Brady* restrictions may not be introduced unless the underlying allegations of misconduct have been independently established. Thereafter, such *Brady* evidence shall be limited to determining the appropriateness of the penalty (Government Code § 3305.5).

Additionally, any evidence of a court finding that an officer violated Penal Code § 745 (California Racial Justice Act of 2020) shall not be introduced for any purpose in any administration appeal of a punitive action (Government Code § 3305.6).

### 1010.14 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary employees and those members other than non-probationary employees may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal. However, any

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probationary officer subjected to an investigation into allegations of misconduct shall be entitled to those procedural rights, as applicable, set forth in the POBR (Government Code § 3303; Government Code § 3304).

At-will, probationary employees and those other than non-probationary employees subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

### 1010.15 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the Personnel Records Policy.

### 1010.16 REQUIRED REPORTING TO POST

The Chief of Police or the authorized designee shall notify POST on the appropriate POST form within 10 days of certain officer personnel events, including but not limited to (Penal Code § 13510.9):

(a) Termination or separation from employment or appointment. Separation from employment or appointment includes any involuntary termination, resignation, failure to complete probation, or retirement (11 CCR 1003).

1. A POST affidavit-of-separation form shall be executed and maintained by the Department and submitted to POST as required by Penal Code § 13510.9 and 11 CCR 1003.

(b) Events that could affect an officer's POST certification, such as:

1. Complaints, charges, or allegations of serious misconduct (as defined by Penal Code § 13510.8).
2. Findings of civilian review boards.
3. Final dispositions of any investigations.
4. Civil judgments or court findings based on conduct, or settlement of a civil claim against an officer or the Tracy Police Department based on allegations of conduct by an officer.
5. Covered misconduct under the CLEAR Act (11 CCR 999. 310).

The Chief of Police or the authorized designee shall be responsible for providing POST access to or duplication of investigation documentation (e.g., physical or documentary evidence, witness statements, analysis, conclusions) within the applicable timeframe provided in Penal Code § 13510.9.

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### 1010.16.1 NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

The Chief of Police or the authorized designee shall report allegations of serious misconduct by an officer to POST and the report shall include the following (11 CCR 1207):

(a) Name of the Department

(b) Administrative case number

(c) Name, current address, and phone number of the complainant, if available

(d) Name, POST ID, current address, and phone number of the involved officer

(e) A summary of the alleged misconduct including:

1. A narrative of the allegations
2. Date and time of incidents
3. Location of occurrence
4. Any witness information, if available
5. Summary of arrest or indictment of involved officer

(f) A change in employment status of the involved officer (e.g., administrative leave, suspension, termination)

(g) Name and contact information of the assigned investigator

The Chief of Police or the authorized designee shall provide updates of the investigation to POST every 90 days until the final disposition in the method designated by POST (11 CCR 1207).

Upon completion of the investigation, the Chief of Police or the authorized designee shall submit to POST the final disposition of the investigation as well as investigation materials and the officer's service record as provided by 11 CCR 1207.

### 1010.16.2 ADDITIONAL NOTIFICATIONS TO POST FOR SERIOUS MISCONDUCT

Additional notification shall be made to POST (11 CCR 1207):

(a) If the imposed disciplinary action is pending appeal or other review through an administrative or judicial proceeding:

1. The Department shall provide the name of the body conducting the proceeding.
2. The status of the proceeding, if known.

(b) If criminal charges are pending:

1. The name of the court having jurisdiction over the criminal charges against the officer.
2. The status of the criminal case, if known.

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# Seat Belts

## 1011.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of seat belts and child restraints. This policy will apply to all members operating or riding in department vehicles (Vehicle Code § 27315.5).

### 1011.1.1 DEFINITIONS

Definitions related to this policy include:

**Child restraint system** - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213.

## 1011.2 WEARING OF SAFETY RESTRAINTS

All members shall wear properly adjusted safety restraints when operating or riding in a seat equipped with restraints, in any vehicle owned, leased or rented by this department while on- or off-duty, or in any privately owned vehicle while on-duty. The member driving such a vehicle shall ensure that all other occupants, including non-members, are also properly restrained.

Exceptions to the requirement to wear safety restraints may be made only in exceptional situations where, due to unusual circumstances, wearing a seat belt would endanger the member or the public. Members must be prepared to justify any deviation from this requirement.

## 1011.3 TRANSPORTING PERSONS IN CUSTODY

Persons who are in custody should be in a seated position and secured in the rear seat of any department vehicle with a restraint system or, when a restraint system is not available, by seat belts provided by the vehicle manufacturer. The restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

An incarcerated person in leg restraints shall be transported in accordance with the Handcuffing and Restraints Policy.

## 1011.4 INOPERABLE SEAT BELTS

Department vehicles shall not be operated when the seat belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the seat belt is inoperable.

Department vehicle seat belts shall not be modified, removed, deactivated or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the Chief of Police.

Members who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

## 1011.5 POLICY

It is the policy of the Tracy Police Department that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle collision.

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### 1011.6 TRANSPORTING CHILDREN

Children under the age of 8 shall be transported in compliance with California's child restraint system requirements (Vehicle Code § 27360; Vehicle Code § 27363).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer's design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible. A child shall not be transported in a rear-facing child restraint system in the front seat in a vehicle that is equipped with an active frontal passenger airbag (Vehicle Code § 27363).

### 1011.7 VEHICLES MANUFACTURED WITHOUT SEAT BELTS

Vehicles manufactured and certified for use without seat belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

### 1011.8 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

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# Body Armor

## 1012.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

## 1012.2 POLICY

It is the policy of the Tracy Police Department to maximize officer safety through the use of body armor in combination with prescribed safety procedures. While body armor provides a significant level of protection, it is not a substitute for the observance of officer safety procedures.

### 1012.2.1 USE OF SOFT BODY ARMOR

The Department requires all sworn uniformed on-duty officers to wear soft body armor. Soft body armor use in some additional instances for non-uniformed personnel is also required.

When officers are assigned to a SWAT operation, stakeout, service of arrest warrant(s), or, are serving a search warrant(s), the wearing of a body armor is mandatory.

Body armor must be either department-issued or department-approved.

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.

## 1012.3 ISSUANCE OF BODY ARMOR

The Professional Standards and Training Division shall ensure that body armor is issued to all officers when the officer begins service at the Tracy Police Department and that, when issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Professional Standards and Training Division shall establish a body armor replacement schedule and ensure that replacement body armor is issued pursuant to the schedule or whenever the body armor becomes worn or damaged to the point that its effectiveness or functionality has been compromised.

### 1012.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Officers shall only wear agency-approved body armor.

(b) Officers shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Officers may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

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(d) Body armor shall be worn when an officer is working in uniform or taking part in Department range training.

(e) An officer may be excused from wearing body armor when he/she is involved in undercover or plainclothes work that his/her supervisor determines could be compromised by wearing body armor, or when a supervisor determines that other circumstances make it inappropriate to mandate wearing body armor.

#### 1012.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by the user for fit, cleanliness, and signs of damage, abuse and wear.

#### 1012.3.3 CARE AND MAINTENANCE OF SOFT BODY ARMOR

Soft body armor should never be stored for any period of time in an area where environmental conditions (e.g., temperature, light, humidity) are not reasonably controlled (e.g., normal ambient room temperature/humidity conditions), such as in automobiles or automobile trunks.

Soft body armor should be cared for and cleaned pursuant to the manufacturer's care instructions provided with the soft body armor. The instructions can be found on labels located on the external surface of each ballistic panel. The carrier should also have a label that contains care instructions. Failure to follow these instructions may damage the ballistic performance capabilities of the armor. If care instructions for the soft body armor cannot be located, contact the manufacturer to request care instructions.

Soft body armor should not be exposed to any cleaning agents or methods not specifically recommended by the manufacturer, as noted on the armor panel label.

Soft body armor should be replaced in accordance with the manufacturer's recommended replacement schedule.

#### 1012.3.4 SOFT BODY ARMOR ISSUED TO PROFESSIONAL STAFF

The Tracy Police Department now issues soft body armor to all actively employed professional staff who have contact with the public in a field environment. It is not uncommon for professional staff personnel to be confronted by aggressive hostile recipients.The Body Armor is equipment that enhances the safety of those wearing a uniform of authority.

### 1012.4 PROFESSIONAL STANDARDS AND TRAINING DIVISION

The Professional Standards and Training Division should:

(a) Monitor technological advances in the body armor industry for any appropriate changes to Department approved body armor.

(b) Assess weapons and ammunition currently in use and the suitability of approved body armor to protect against those threats.

(c) Provide training that educates officers about the safety benefits of wearing body armor.

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# Personnel Records

## 1013.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

## 1013.2 POLICY

It is the policy of this department to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of California (Penal Code § 832.7).

## 1013.3 DEPARTMENT FILE

The department file shall be maintained as a record of a person's employment/appointment with this department. The department file should contain, at a minimum:

(a) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information. A photograph of the member should be permanently retained.

(b) Election of employee benefits.

(c) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status. These should be permanently retained.

(d) Original performance evaluations. These should be permanently retained.

(e) Discipline records, including copies of sustained personnel complaints, which shall be maintained pursuant to the established records retention schedule and the following minimum periods:

1. Disciplinary action resulting from sustained internally initiated complaints or observation of misconduct shall be maintained at least four years (Government Code § 12946).
2. Disciplinary action resulting from a sustained civilian's complaint involving misconduct shall be maintained at least 15 years (Penal Code § 832.5).
3. Disciplinary action resulting from a hate complaint involving a sustained finding of covered misconduct (as defined by 11 CCR 999.300) shall be retained at least 15 years (11 CCR 999.311).

(f) Adverse comments such as supervisor notes or memos may be retained in the department file after the member has had the opportunity to read and initial the comment (Government Code § 3305).

1. Once a member has had an opportunity to read and initial any adverse comment, the member shall be given the opportunity to respond in writing to the adverse comment within 30 days (Government Code § 3306).
2. Any member response shall be attached to and retained with the original adverse comment (Government Code § 3306).

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3. If a member refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original comment and the member should sign or initial the noted refusal. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the member's file (Government Code § 3305).

(g) Commendations and awards.

(h) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

### 1013.4 BUREAU FILE

Bureau files may be separately maintained internally by a member's supervisor for the purpose of completing timely performance evaluations. The Bureau file may contain supervisor comments, notes, notices to correct and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

All materials intended for this interim file shall be provided to the employee prior to being placed in the file in accordance with Government Code § 3305 and Government Code § 3306.

### 1013.5 TRAINING FILE

An individual training file shall be maintained by the Training Manager for each member. Training files will contain records of all training; original or photocopies of available certificates, transcripts, diplomas and other documentation; and education and firearms qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Manager or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Manager or supervisor shall ensure that copies of such training records are placed in the member’s training file.

### 1013.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards and Training Division in conjunction with the office of the Chief of Police. Access to these files may only be approved by the Chief of Police or the Professional Standards and Training Division supervisor.

These files shall contain the complete investigation of all formal complaints of member misconduct, regardless of disposition (Penal Code § 832.12). Investigations of complaints that result in the following findings shall not be placed in the member's file but will be maintained in the internal affairs file:

(a) Not sustained

(b) Unfounded

(c) Exonerated

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Investigation files arising out of sustained civilian's complaints involving misconduct shall be maintained pursuant to the established records retention schedule and for a period of at least 15 years. Investigations that resulted in other than a sustained finding may not be used by the Department to adversely affect an employee's career (Penal Code § 832.5).

Investigation files arising out of internally generated complaints shall be maintained pursuant to the established records retention schedule and for at least four years (Government Code § 12946).

Investigation files arising out of a civilian complaint involving misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (Penal Code § 832.5).

Investigation files arising out of a hate complaint involving covered misconduct shall be maintained pursuant to the established records retention schedule and for at least 15 years when there is a sustained finding (11 CCR 999.311).

Investigation files arising out of a hate complaint involving covered misconduct that was not sustained shall be maintained pursuant to the established records retention schedule and for at least five years (11 CCR 999.311).

### 1013.7 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the member's medical condition and history, including but not limited to:

(a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).

(b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.

(c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries and related documents.

(d) Medical release forms, doctor's slips and attendance records that reveal a member's medical condition.

(e) Any other documents or materials that reveal the member's medical history or medical condition, including past, present or future anticipated mental, psychological or physical limitations.

### 1013.8 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager, City Attorney or other attorneys or representatives of the City in connection with official business.

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### 1013.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Custodian of Records or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected member as soon as practicable that such a request has been made (Evidence Code § 1043).

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to a member's personnel records shall be logged in the corresponding file.

### 1013.8.2 RELEASE OF PERSONNEL INFORMATION

Personnel records shall not be disclosed except as allowed by law (Penal Code § 832.7; Evidence Code § 1043) (see also Records Maintenance and Release Policy).

Any person who maliciously, and with the intent to obstruct justice or the due administration of the laws, publishes, disseminates, or otherwise discloses the residence address or telephone number of any member of this department may be guilty of a misdemeanor (Penal Code § 146e).

The Department may release any factual information concerning a disciplinary investigation if the member who is the subject of the investigation (or the member's representative) publicly makes a statement that is published in the media and that the member (or representative) knows to be false. The disclosure of such information, if any, shall be limited to facts that refute any such false statement (Penal Code § 832.7).

The Department may, without a request, disclose to the public the cause of termination for a disclosable incident involving a former officer, as permitted by law (Penal Code § 832.7(b)(13)).

### 1013.8.3 RELEASE OF LAW ENFORCEMENT GANG INFORMATION

Information relating to the termination of an officer from this department for participation in a law enforcement gang shall be disclosed to another law enforcement agency that is conducting a pre-employment background investigation except where specifically prohibited by law (Penal Code § 13670).

### 1013.8.4 RELEASE OF PEACE OFFICER RECORDS RELATING TO HATE COMPLAINTS

Records relating to an officer for an investigation of a hate complaint described in Penal Code § 13682 with a sustained finding that the officer engaged in membership in a hate group, participated in a hate group activity, or advocacy of public expressions of hate are not confidential and shall be made available for public inspection though a public records request (Penal Code § 13683).

Records disclosed may be redacted as provided in Penal Code § 13683.

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### 1013.9 MEMBERS' ACCESS TO THEIR PERSONNEL RECORDS

Any member may request access to the member's own personnel records during the normal business hours of those responsible for maintaining such files. Any member seeking the removal of any item from the member's personnel records shall file a written request to the Chief of Police through the chain of command. The Department shall remove any such item if appropriate, or within 30 days provide the member with a written explanation of why the contested item will not be removed. If the contested item is not removed from the file, the member's request and the written response from the Department shall be retained with the contested item in the member's corresponding personnel record (Government Code § 3306.5).

Members may be restricted from accessing files containing any of the following information:

(a) An ongoing internal affairs investigation to the extent that it could jeopardize or compromise the investigation pending final disposition or notice to the member of the intent to discipline.

(b) Members wanting to review their internal affairs files may do so if the investigation they wish to review has been closed. Members are not allowed to make copies of their internal affairs files without the approval of the Chief of Police. A memorandum shall be written, to include the reason why a copy is requested, to the Chief of Police, via chain of command.

(c) Confidential portions of internal affairs files that have not been sustained against the member.

(d) Criminal investigations involving the member.

(e) Letters of reference concerning employment/appointment, licensing, or issuance of permits regarding the member.

(f) Any portion of a test document, except the cumulative total test score for either a section of the test document or for the entire test document.

(g) Materials used by the Department for staff management planning, including judgments or recommendations concerning future salary increases and other wage treatments, management bonus plans, promotions and job assignments, or other comments or ratings used for department planning purposes.

(h) Information of a personal nature about a person other than the member if disclosure of the information would constitute a clearly unwarranted invasion of the other person's privacy.

(i) Records relevant to any other pending claim between the Department and the member that may be discovered in a judicial proceeding.

### 1013.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(a) During the preparation of each member's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training and career development. Each supervisor

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responsible for completing the member's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

(b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained through the chain of command from the Chief of Police.

(c) If, in the opinion of the Chief of Police, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

(d) Records shall not be destroyed while a request related to that record is being processed or there is any pending litigation to determine whether the record is subject to release (Penal Code § 832.5; 11 CCR 999.311).

### 1013.11 RELEASE OF PERSONNEL RECORDS AND RECORDS RELATED TO CERTAIN INCIDENTS, COMPLAINTS, AND INVESTIGATIONS OF OFFICERS

Personnel records and records related to certain incidents, complaints, and investigations of officers shall be released pursuant to a proper request under the Public Records Act and subject to redaction and delayed release as provided by law.

The Custodian of Records should work as appropriate with the Chief of Police or the Professional Standards and Training Division supervisor in determining what records may qualify for disclosure when a request for records is received and if the requested record is subject to redaction or delay from disclosure.

For purposes of this section, a record includes (Penal Code § 832.7(b)(3):

- All investigation reports.
- Photographic, audio, and video evidence.
- Transcripts or recordings of interviews.
- Autopsy reports.
- All materials compiled and presented for review to the District Attorney or to any person or body charged with determining whether to file criminal charges against an officer in connection with an incident, whether the officer's action was consistent with law and department policy for purposes of discipline or administrative action, or what discipline to impose or corrective action to take.
- Documents setting forth findings or recommending findings.
- Copies of disciplinary records relating to the incident, including any letters of intent to impose discipline, any documents reflecting modifications of discipline due to the *Skelly* or grievance process, and letters indicating final imposition of discipline or other documentation reflecting implementation of corrective action.

Unless a record or information is confidential or qualifies for delayed disclosure as provided by Penal Code § 832.7(b)(8) or other law, the following records (hereinafter qualifying records) shall

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be made available for public inspection no later than 45 days from the date of a request (Penal Code § 832.7(b)(1)):

(a) Records relating to the report, investigation, or findings of:

1. The discharge of a firearm at another person by an officer.
2. The use of force against a person resulting in death or in great bodily injury (as defined by Penal Code § 243(f)(4)) by an officer.
3. A sustained finding involving a complaint that alleges unreasonable or excessive force.
4. A sustained finding that an officer failed to intervene against another officer using force that is clearly unreasonable or excessive.

(b) Records relating to an incident where a sustained finding was made by the Department or oversight agency regarding:

1. An officer engaged in sexual assault of a member of the public (as defined by Penal Code § 832.7(b)).
2. Dishonesty of an officer relating to the reporting, investigation, or prosecution of a crime, or directly relating to the reporting of, or investigation of misconduct by, another officer, including but not limited to any false statements, filing false reports, destruction, falsifying, or concealing of evidence, or perjury.
3. An officer engaged in conduct including but not limited to verbal statements, writings, online posts, recordings, and gestures involving prejudice or discrimination against a person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status.
4. An officer made an unlawful arrest or conducted an unlawful search.

Qualifying records will be made available regardless of whether the officer resigns before the Department or an oversight agency concludes its investigation (Penal Code § 832.7(b)(3)).

A record from a separate and prior investigation or assessment of a separate incident shall not be released unless it is independently subject to disclosure (Penal Code § 832.7(b)(4)).

When an investigation involves multiple officers, the Department shall not release information about allegations of misconduct or the analysis or disposition of an investigation of an officer unless it relates to a sustained finding of a qualified allegation as provided by Penal Code § 832.7(b)(5). However, factual information about the action of the officer during an incident or the statements of an officer shall be released if the statements are relevant to a finding of the qualified allegation against another officer that is subject to release (Penal Code § 832.7(b)(5)).

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### 1013.11.1 REDACTION

The Custodian of Records, in consultation with the Chief of Police or authorized designee, shall redact the following portions of qualifying records made available for release (Penal Code § 832.7(b)(6)):

(a) Personal data or information (e.g., home address, telephone number, identities of family members) other than the names and work-related information of officers

(b) Information that would compromise the anonymity of whistleblowers, complainants, victims, and witnesses

(c) Confidential medical, financial, or other information where disclosure is prohibited by federal law or would cause an unwarranted invasion of personal privacy that clearly outweighs the strong public interest in records about possible misconduct and use of force

(d) Where there is a specific, articulable, and particularized reason to believe that disclosure of the record would pose a significant danger to the physical safety of the officer or another person

Additionally, a record may be redacted, including redacting personal identifying information, where, on the facts of the particular case, the public interest served by not disclosing the information clearly outweighs the public interest served by disclosing it (Penal Code § 832.7(b)(7)).

### 1013.11.2 DELAY OF RELEASE

Unless otherwise directed by the Chief of Police, the Custodian of Records should consult with a supervisor familiar with the underlying investigation to determine whether to delay disclosure of qualifying records due to any of the following conditions (Penal Code § 832.7):

(a) Active criminal investigations

1. Disclosure may be delayed 60 days from the date the misconduct or use of force occurred or until the District Attorney determines whether to file criminal charges, whichever occurs sooner.
2. After the initial 60 days, delay of disclosure may be continued if the disclosure could reasonably be expected to interfere with a criminal enforcement proceeding against an officer or against someone other than an officer who engaged in misconduct or used the force.

(b) Filed criminal charges

1. When charges are filed related to an incident in which misconduct occurred or force was used, disclosure may be delayed until a verdict on those charges is returned at trial or, if a plea of guilty or no contest is entered, the time to withdraw the plea has passed.

(c) Administrative investigations

1. Disclosure may be delayed until:
   (a) There is a determination from the investigation whether the misconduct or use of force violated law or department policy, but no longer than 180 days

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after the date of the department's discovery of the misconduct or use of force or allegation of misconduct or use of force

### 1013.11.3 NOTICE OF DELAY OF RECORDS

When there is justification for delay of disclosure of qualifying records, the Custodian of Records shall provide written notice of the reason for any delay to a requester as follows (Penal Code § 832.7):

(a) Provide the specific basis for the determination that the interest in delaying disclosure clearly outweighs the public interest in disclosure. The notice shall also include the estimated date for the disclosure of the withheld information.

(b) When delay is continued beyond the initial 60 days because of criminal enforcement proceedings against anyone, at 180-day intervals provide the specific basis that disclosure could reasonably be expected to interfere with a criminal enforcement proceeding and the estimated date for disclosure.

1. Information withheld shall be disclosed when the specific basis for withholding the information is resolved, the investigation or proceeding is no longer active, or no later than 18 months after the date of the incident, whichever occurs sooner, unless:

(a) When the criminal proceeding is against someone other than an officer and there are extraordinary circumstances to warrant a continued delay due to the ongoing criminal investigation or proceeding, then the Department must show by clear and convincing evidence that the interest in preventing prejudice to the active and ongoing criminal investigation or proceeding outweighs the public interest for prompt disclosure of records about misconduct or use of force by officers.

In cases where an action to compel disclosure is brought pursuant to Government Code § 7923.000, the Department may justify delay by filing an application to seal the basis for withholding if disclosure of the written basis itself would impact a privilege or compromise a pending investigation (Penal Code § 832.7(b)(8)).

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# Request for Special Assignment

## 1014.1 PURPOSE AND SCOPE

It is the intent of the Department that all requests for special assignments 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.

### 1014.1.1 SOLICITATION FOR TRANSFER REQUESTS

The Bureau Commander or Chief of Police shall solicit transfer requests from qualified personnel when openings occur in collateral and special assignments (*Note: Some positions receive compensation and employees should reference their M.O.U. for details*.):

**COLLATERAL ASSIGNMENTS:**

**TIER 1**

- Crisis Response Unit (SWAT/CNT/Tactical Medic)
- Drone Cadre
- K9 Program
- Explorer Program

**TIER 2**

- Range Cadre
- Arrest & Control

**TIER 3**

- Motor Cadre
- Bicycle Cadre
- Police Athletic League (PAL)
- Peer Support Team
- Honor Guard
- TLO

**SPECIAL ASSIGNMENTS:**

- Community Preservation Unit Sergeant / Officer(s)
- Traffic Sergeant / Corporal / Officer(s)
- General Investigations Unit Sergeant / Corporal / Detectives
- Special Investigations Unit Sergeant / Corporal / Detectives
- Chief of Staff / Administrative Sergeant

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- Professional Standards and Training Sergeant
- School Resource Officers
- Any other position identified by the Chief of Police

### 1014.2 REQUEST FOR COLLATERAL ASSIGNMENT

Prior to October 26, 2021 all collateral assignments shall be honored and no one shall be removed based upon the amount of collateral assignments they currently have or promotions made before the above date.

After October 26, 2021 the following guidelines apply:

- Tier 1 Assignments – employees should only be assigned to one of the four collateral duties.
- Tier 2 Assignments – employees should only be assigned to one of the two collateral duties.
- Tier 3 Assignments – employees should only be assigned to three of the six collateral duties.

All employees should have no more than three overall collateral duties assigned to them at one time, subject to the discretion of the Chief of Police.

When an employee is promoted, their collateral assignment(s) will be assessed.

The closing date for application shall be no less than two weeks after the announcement date.

The following minimum requirements for acceptance of transfer applications are:

- Applicant's most recent evaluation must not have any "unacceptable" ratings.
- Permanent and probationary employees may apply as long as they are in good standing.

### 1014.3 REQUEST FOR SPECIAL ASSIGNMENT

The closing date for application shall be no less than two (2) weeks after the announcement date. The following minimum requirements for acceptance of transfer applications are:

- Applicant must have achieved permanent status by appointment.
- Applicant's most recent evaluation must not have any "unacceptable" ratings.
- A special assignment applicant who is currently assigned or has been assigned within the past 12 months to any other specialized assignment may apply, however, they will not be eligible for appointment unless they have returned to the Bureau of Field Operations and completed a minimum of one (1) year on a patrol assignment. This provision may be waived by the Chief of Police if there are no other transfer requests submitted for the specialized position.
- The above provision does not apply to applications for collateral duties, since collateral duties can be held by those assigned to a special assignment.

The closing date for application shall be no less than two weeks after the announcement date.

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Personnel wishing to enter an available or upcoming special assignment are to complete a Special Assignment Application form. The form should then be forwarded through the chain of command to their Bureau Commander.

1014.3.1 PURPOSE OF SPECIAL APPLICATION FORM
The form is designed to aid employees in listing their qualifications for specific assignments. All relevant experience, education and training should be included when completing this form.

The assignment an employee is interested in should be listed on the form.

The Request for Change of Assignment form will remain in effect for one year unless otherwise designated by the Chief of Police or Human Resources in accordance with City Personnel Rules

## 1014.4 SUPERVISOR'S COMMENTARY

The officer's immediate supervisor shall make appropriate comments in the space provided on the form before forwarding it to the Bureau Commander of the employee involved. Supervisory comments will be used to evaluate the applicant’s qualifications for the position. Comments must give sufficient amount of reason for why the applicant does or does not qualify. All supervisory comments will be reviewed by the Bureau Commander for accuracy. If an applicant does not qualify for the position, they will be notified of the reason via Chain of Command within 14 days of submitting the application.

## 1014.5 SELECTION PROCESS

The selection process for each specialized assignment will be determined by the Chief of Police.

- Candidates will be rated into one of three categories:
    1. Highly Qualified - Candidates who exhibit exceptional knowledge, skill and ability to perform in the position
    2. Qualified - Candidates who exhibit adequate knowledge, skill and ability to perform ing the position
    3. Not Recommended - Candidates who do not demonstrate the requisite degree of knowledge, skills and ability to perform in the position.
- Eligibility lists for assignments shall be valid for a period of one (1) year, unless extenuating circumstances warrant an earlier expiration, as determined by the Chief of Police.
- Appointment to all assignments shall be made at the discretion of the Chief of Police.

## 1014.6 POST SELECTION PROCESS

Candidates not immediately selected:

(a) After the interviews are complete and prior to contacting the applicant(s) with the results, the Bureau Commander or their designee and interview panelists will meet and discuss the candidates’ interview results, knowledge of the position, strengths, and potential ways to improve.

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(b) The Bureau Commander or their designee will then invite candidate(s) via email to meet with the interview panelists who will provide the candidate(s) with honest and open feedback.. The meeting(s) will be scheduled in a timely manner no more than 14 days past the interview process.

(c) The meeting is voluntary and the candidate(s) have no obligation to seek feedback.

(d) The Bureau Commander or their designee will make necessary accommodations for those candidates that cannot make their scheduled meeting date and time.

### 1014.7 SPECIAL ASSIGNMENT EXTENSION REQUEST

When an extension of a special assignment is requested, the requesting employee shall complete an assessment memorandum which will be sent via chain of command for review by the Chief of Police (or designee) to determine the organizational impact of the assignment. The Chief of Police has sole discretion to approve or deny a request for an extension.

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# Commendations and Awards

## 1015.1 PURPOSE AND SCOPE

This policy provides general guidelines for recognizing commendable or meritorious acts of members of the Tracy Police Department and individuals from the community. The TPD Uniform Manual shows the proper placement of Medals, Ribbons and Commendation Pins.

## 1015.2 POLICY

It is the policy of the Tracy Police Department to recognize and acknowledge exceptional individual or group achievements, performance, proficiency, heroism and service of its members and individuals from the community through commendations and awards.

### 1015.2.1 COMMENDATIONS

Commendations for members of the Department or for individuals from the community may be initiated by any department member or by any person from the community.

### 1015.2.2 TYPES OF COMMENDATIONS

(1) Major Awards/Commendations:

Outstanding and exemplary duty performance involving exceptional bravery, heroism, or distinguished service which would merit consideration for an award or commendation.

All major awards/commendations will be reviewed by the Commendation Review Board to determine the appropriate level of recognition.

(2) Minor Awards/Commendations:

A commendatory act by an employee or citizen which would merit consideration for an award or commendation.

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 choose to refer the recommendation to the Commendation Review Board to determine the appropriate level of recognition.

## 1015.3 COMMENDATION REVIEW BOARD

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:

Chairperson

TPOA Representative(s)

Professional Staff Representative

Animal Control / Community Preservation Unit Representative

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Board Coordinator - Chief's designee (non-voting member)

At least two (2) voting members shall be sworn

All five (5) voting members must be present to vote on recommendations for awards

Each voting member will have one (1) vote

The Board will meet at the request of the Chief of Police. There will be at least one meeting schedule at the end of each year

Terms for representatives will be three (3) years

#### 1015.3.1 COMMENDATION NOMINATIONS

Nominations for Awards and Commendations shall be made via electronic form submission TPD Awards Nomination Form

Nominations will be considered by merit and may be made by any member of the Tracy Police Department. Nominations must be submitted by November 15th of each year. Nominations will be reviewed by the Commendation Review Board. Results will be forwarded to the Chief of Police for final review.

### 1015.4 AWARDS AND MEDALS

Awards or Medals may be bestowed upon members of the Department and individuals from the community. These awards include:

Medal of Honor

Medal of Valor

Medal of Meritorious Service

Life Saving Award

Silver Star Medal

Blue Star Medal

Police Cross

Criteria and eligibility for each medal or award; the selection, presentation and display fo any medal or award is determined by the Chief of Police.

#### 1015.4.1 MEDAL OF HONOR

The Medal of Honor is the Department's highest award for bravery (indicated by the four stars in black enamel). 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:

The act was performed displaying extreme courage while the employee was consciously facing imminent injury or death.

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The act was necessary to prevent catastrophe, death, or injury to another person or persons.

Description of Medal: Gold sunburst backing surrounding a silver Tracy PD badge with MEDAL OF HONOR in blue enamel on a ribbon above the badge. Above the ribbon will be four stars in black enamel and an eagle sitting on top.The blue and while drape is affixed to a loop on the eagle. Medal shall be presented with corresponding blue and white metal uniform slide bar.

### 1015.4.2 MEDAL OF VALOR

The Medal of Valor is the Department's second highest award for bravery (indicated by the three stars in black enamel).

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 the award will be based on the following criteria:

The act was performed displaying extreme courage under conditions likely to result in serious injury or death to the employee.

The act was necessary to prevent the death or serious injury to another person or persons.

The employee did not use poor judgment or procedures which created the necessity for the act.

Description of Medal: Silver sunburst backing surrounding a silver Tracy PD badge with MEDAL OF VALOR in red enamel on a ribbon above the badge. Above the ribbon will be three starts in black enamel and an eagle sitting on top. The red and white drape is affixed to a loop on th eagle. The medal shall be presented with corresponding red and white metal uniform slide bar within a display box.

### 1015.4.3 MEDAL OF MERITORIOUS SERVICE

The Meritorious Medal is the third highest award (indicated by the two stars in black enamel). It may be awarded to employees who, while serving in an official capacity, distinguish themselves by meeting the following criteria:

The service contributed significantly toward the Department attaining its goals and objectives.

The service significantly impacted the Department in a positive manner.

The service involved a great deal of responsibility and personal initiative.

Description of Medal: Silver sunburst backing surrounding a silver Tracy PD badge with MERITORIOUS SERVICE in red enamel on a ribbon above the badge. Above the ribbon will be two stars in black enamel and an eagle sitting on top.The red, white and blue drape is affixed to a loop on the eagle. Medal shall be presented with corresponding red,white, and blue metal uniform slide bar within a display box.

### 1015.4.4 LIFE SAVING MEDAL

The Life Saving Award is the fourth highest award (indicated by the one star in black enamel). It is awarded to recognize the actions of Department personnel that result in the saving or preserving

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of human life that otherwise would have been lost without the employee's direct involvement. An employee can receive only one lifesaving award per incident, regardless of how many victims were involved. The award consists of a medal ribbon and a bar ribbon.

Description of Medal: Silver sunburst backing surrounding a silver Tracy PD badge with LIFESAVING in green enamel on a ribbon above the badge. Above the ribbon will be one star in black enamel and an eagle sitting on top.The green, white and green drape is affixed to a loop on the eagle. Medal shall be presented with corresponding green, white and green metal uniform slide bar within a display box.

### 1015.4.5 BLUE STAR MEDAL

The Departmental Blue Star Medal shall be awarded to members and employees who incur death or serious injury while engaged in an official capacity involving the safety of persons or property.

Description of Medal: Silver sunburst backing surrounding a Tracy PD badge with BLUE STAR in blue enamel on a ribbon above the badge.Affixed to a loop above the eagle is a blue drape. Medal shall be presented with corresponding blue metal uniform slide bar within a display box.

### 1015.4.6 SILVER STAR MEDAL

The Departmental Silver Star Medal shall be awarded to members and employees for courageous actions when the circumstances do not fall within the provisions qualifying for the Medal of Valor.

The level of action, while of a lesser degree than that required for the Medal of Valor, must nevertheless have been performed with distinction and courage.

Description of Medal: Silver sunburst backing surrounding a Tracy PD badge with SILVER STAR in red enamel on a ribbon above the badge. Affixed to a loop above the eagle is a red drape. Medal shall be presented with corresponding red metal uniform slide bar within a display box.

### 1015.4.7 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:

Medal suspended on a medal ribbon.

Written Citation.

Presentation of this award does not preclude awarding other medals posthumously, if the appropriate criteria is met.

Description of Medal: Gold sunburst backing surrounding a silver Tracy PD badge with POLICE CROSS in blue enamelon a ribbon above the badge. Above the ribbon will be four starts in black enamel and an eagle sitting on top. The gold drape is affixed to a loop on the eagle. Medal shall be presented with corresponding gold metal uniform slide bar within a display box.

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## 1015.5 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. These awards include:

Department Recognition Award

Police Officer of the Year

Rookie Police Officer of the Year

Employee of the Year

Police Volunteer of the Year

Award of Excellence

### 1015.5.1 DEPARTMENT RECOGNITION AWARD

The Department Recognition Award may be awarded to the following:

To an employee of any rank for outstanding performance of duties under unusual or complicated conditions over a period of time.

To an employee for recognition of proactive philosophy as demonstrated by projects or community involvement which brings positive recognition to the Department or City.

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 Tracy Police Department.

To any distinct work group of employees when the actions of the group as a whole meet the qualifications.

To Citizens whose actions exemplify excellence in the performance of their civic responsibilities, show unqualified devotion to their fellow man and the community, and/or bring honor to themselves and recognition to the City through their actions.

### 1015.5.2 POLICE OFFICER OF THE YEAR

The Police Officer of the Year Award is granted for outstanding achievement by an Officer that brings credit to the Department and which involves performance well above and beyond that which is required by an Officer's basic assignment.

The Police Officer of the Year award may be awarded to a sworn officer of any rank who:

Demonstrates the qualities set forth by the Tracy Police Department Mission Statement, and

Values their work as a source of enjoyment and satisfaction.

Examples of outstanding qualities must be included with each nomination.

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.

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The Tracy Police Department Police Officer of the Year will also have their name submitted to the James McDermott American Legion Post 172 (VFW) for consideration for their regional Police Officer of the Year award.

### 1015.5.3 ROOKIE POLICE OFFICER OF THE YEAR

The Rookie Police Officer of the Year Award is granted for outstanding achievement by an Officer that brings credit to the Department, and which involves performance well above and beyond that which is expected by a Rookie Officer's assignment.

The Rookie Police Officer of the Year award may be awarded to a sworn officer with two years or less with the Tracy Police Department who:

Demonstrates the qualities set forth by the Tracy Police Department Mission Statement, and values their work as a source of enjoyment and satisfaction. 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 Tracy Police Department.

The Rookie 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.

In the absence of a Police Officer of the Year awardee, The Rookie Police Officer of the Year will also have their name submitted to the James McDermott American Legion Post 172 (VFW) for consideration for their regional Police Officer of the Year award.

### 1015.5.4 EMPLOYEE OF THE YEAR

The Employee of the Year Award may be awarded to professional staff at any rank who:

Demonstrates the qualities set forth by the Tracy Police Department's Mission Statement, and

Looks for ways to improve the department's efficiency and effectiveness.

Exemplifies excellent customer service, both internally and externally.

Values their work as a source of enjoyment and satisfaction.

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 Tracy Police Department.

### 1015.5.5 POLICE VOLUNTEER OF THE YEAR

The Police Volunteer of the Year may be awarded to a volunteer employee who:

Demonstrates the qualities set forth by the Tracy Police Department's Mission Statement, and

Values their work as a source of enjoyment and satisfaction, exemplifying the spirit of community service.

Contributes to the efficiency and effectiveness of the department.

Inspires others to engage in volunteer service.

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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 Tracy Police Department.

### 1015.5.6 AWARD OF EXCELLENCE

The Award of Excellence is an achievement award that may be presented to full-time sworn or professional staff, employee or work group (part time employees are not eligible), based on their outstanding accomplishment(s) or achievement(s) during the past twelve (12) months. All full time, sworn or professional staff 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 of the following:

In recognition of an employee or work group for outstanding performance of duties over a period of time

In recognition of an employee or work group who practices the concepts in the Tracy Police Department's Mission Statement.

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 Tracy Police Department.

## 1015.6 PRESENTATION OF AWARDS

Arrangements for the awards will be the responsibility of the Commendation Review Board.

All major awards, awards for bravery and special awards may be presented by the Chief of Police, his/her designee, or the Mayor as deemed appropriate by the City Council at a regular meeting of the City 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.

### 1015.6.1 MULTIPLE AWARDS

No limit shall be placed on the number of medals, commendation bars, certificates or letters that an individual may be awarded.

Only one kind of award shall be conferred for the same act, achievement or period of service, except for the Blue Star Medal,
Officer of the Year and Bureau-level awards, which may be awarded singularly or together with anotherDepartmental medal, commendation bar, letter or certificate.

Once a medal or commendation bar has been presented to a member or employee, a bronze star shall be presented in lieu of additional awards of the same medal or bar. A silver starshall be worn in lieu of five bronze stars.

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1015.6.2 POSTHUMOUS AWARDS
The appropriate next of kin shall be entitled to receive a service award earned by a deceased member, employee, or citizen.

## 1015.7 MANNER OF WEARING MEDALS / RIBBONS

Authorized medals/ribbons shall be worn on the Class A uniform jacket only on special occasions as prescribed by the Chief of Police or Bureau Commander. Medals and commendation bars shall not be worn at the same time.

Refer to Uniform Manual for Medals/Ribbons placement.

**Sworn:**

Medals are worn only with the Class A uniform. The medals shall be centered on the left breast, in a single row, in order of precedence, from the sternum outward. The top edge of the suspension ribbon shall be flush with the top seam of the pocket flap.

**Uniformed Employees:**

Medals are worn only at formal functions. The medals shall be centered on the left breast, in a single row, in order of precedence, from the sternum outward. The top of the suspension ribbon shall be flush with the top edge of the breast pocket.

**Professional Staff:**

Medals are worn only at formal functions. The medals shall be centered on the left breast, in a single row, in order of precedence, from the sternum outward. The top of the suspension ribbon shall be flush with the top edge of the breast pocket.

Awards authorized for wearing with the Department uniform, in descending order of precedence are:

Medal of Honor

Meritorious Service Medal

Life Saving Medal

Silver Star Medal

Blue Star Medal

## 1015.8 COMMENDATION BARS

Commendation Bars are presented to individuals and/or operating units who have attained creditable, specific service requirements for certain distinguished actions or by sustained performance.

A Commendation Bar Recognition template will be attached to the employee's evaluation packet and will be completed and submitted by the employee's supervisor at the due date of the employee's evaluation packet.

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Commendation bars will be awarded and dispersed to the eligible employee(s) by the Office of the Chief of Police (or designee) at a time designated by the Chief of Police.

MANNER OF WEARING COMMENDATIONS BARS

See Uniform Manual - Attachment A for authorized bars and bar placement description.

**Sworn:**

The commendation bars shall be worn on the right breast of the Class B uniform. Bars are not authorized on the Field Utility Uniform. Up to three bars are worn in a single row. When more than three bars are authorized, they shall be worn in rows of three each. If bars are not in multiples of three, the top row contains the lesser number, and the center of this row sits over the center of the one below it. The bars shall be centered, with the bottom edge of the first row of bars flush with the top edge of the pocket flap. Arrange bars in order of precedence, top row down from the sternum outward.

**Uniformed Staff:**

Bars may be worn on the long or short sleeve uniform shirt, above the right breast pocket. Up to three bars are worn on a single row. When more than three bars are authorized, wear them in horizontal rows of three each. If bars are not in multiples of three, the top row contains the lesser number, and the center of this row sits over the center of the one below it. The bars shall be centered, with the bottom edge of the first row of bars flush with the top edge of the jacket pocket. Arrange bars in order of precedence, top row down, from the sternum outward

**Professional Staff :**

As per Tracy Police Department Uniform Manual - Professional Staff bars may be worn on Class A uniforms only.

1015.8.1 CHIEF'S LEADERSHIP BAR

Supervisory and command-level members and employees who exemplify and consistently demonstrate strong leadership skills shall be personally awarded a Leadership Commendation Award by the Chief of Police. Such leadership skills shall include, but are not limited to, the following:

Challenging the status quo and fostering innovation and creativity in police service delivery.
Displaying enthusiasm and inspiring others through personal effort towards the achievement of the Department’s goals and vision.
Supporting the efforts and developing the talents of others.
Displaying a commitment to and becoming a model of the Department.

Description of Bar: Gold metal bar made of hard enamel, blue base with two (2) yellow stripe on each side (1 3/8” X 3/8”).

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### 1015.8.2 POLICE OFFICER OF THE YEAR BAR

In addition to any other award, members selected Police Officer of the Year shall receive a Departmental commendation award. Police Officer of the Year selection is based on criteria set by the Tracy Police Department's Awards Committee.

Description of Bar: Gold metal bar made of hard enamel, yellow base with two (2) red stripes with star in the center (1 3/8" X 3/8").

### 1015.8.3 ROOKIE OFFICER OF THE YEAR BAR

In addition to any other award, members selected Rookie Officer of the Year shall receive a Departmental commendation award. Rookie Officer of the Year selection is based on criteria set by the Tracy Police Department's Awards Committee.

Description of Bar: Gold metal bar made of hard enamel, yellow base with two (2) green stripes and silver colored star surrounded by blue in the center. (1 3/8" X 3/8").

### 1015.8.4 COMMUNITY SERVICE BAR

Upon the approval of the Chief of Police, the Community Service Award shall be bestowed on members or employees who perform an outstanding service within the framework of community policing. Examples of members or employees eligible for receipt of this bar might include:

A member or employee who develops an innovative community-based program, which brings state or national acclaim to the Department.
A member or employee who annually donates 120 hours or more of personal time to mentor Tracy youth or to tutor ata Tracy school.
A member or employee, not assigned to the Community Preservation Unit, who works closely with a community group and helps the group to solve a persistent neighborhood safety problem.

Description of Bar: Gold metal bar made of hard enamel, brown base with two (2) brown stripes with City of Tracy logo in the center (1 3/8” X 3/8”).

### 1015.8.5 OUTSTANDING PERFORMANCE EVALUATION BAR

This commendation shall be presented to members and employees who, for three (3) consecutive years, achieve overall “Exceeds Expectations” ratings. For each such member or employee, supervisors shall assess eligibility for this award when the member or employee’s annual performance evaluation is due.

Eligibility for subsequent awards shall be evaluated after an additional three-year period has elapsed.

Description of Bar: Gold metal bar made of hard enamel, white and blue base with one (1) red stripe centered (1 3/8” X 3/8”).

### 1015.8.6 GOOD CONDUCT BAR

This award shall be granted to members and employees who, for three (3) consecutive years, are not the subject of any sustained complaint or not disciplined as defined in the Manual of Rules.

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For each such member or employee, supervisors shall assess eligibility for this award when the member or employee's annual performance evaluation is due.

Eligibility for subsequent awards shall be evaluated after an additional three-year period has elapsed.

Description of Bar: Gold metal bar made of hard enamel, lite blue base with two (2) white stripes on each side (1 3/8" X 3/8").

### 1015.8.7 PERFECT DRIVING RECORD BAR

This award shall be presented to members and employees who, while assigned to a field assignment (e.g., Patrol, Community Policing, or Traffic Enforcement) for three (3) consecutive years, are not involved in any preventable collisions. For each such member or employee, supervisors shall assess eligibility for this award when the member or employee's annual performance evaluation is due.

Eligibility for subsequent awards shall be evaluated after an additional three-year period has elapsed.

Description of Bar: Gold metal bar made of hard enamel, white base with two (2) green stripes on each side (1 3/8" X 3/8").

### 1015.8.8 PERFECT ATTENDANCE AWARD

This award shall be presented to members and employees who, for three (3) consecutive years, lose no work time due to illness or off-duty injury. For each such member or employee, supervisors shall assess eligibility for this award when the member or employee's annual performance is due.

Eligibility for subsequent awards shall be evaluated after an additional three-year period has elapsed.

Note: Work loss due to an on-duty injury shall have consecutive perfect attendance time accrued before the injury added to the perfect attendance time accrued following the member or employee's return to work.

Description of Bar: Gold metal bar made of hard enamel, white base with two (2) yellow stripes on each side (1 3/8" X 3/8").

### 1015.8.9 ADVANCED POST CERTIFICATE BAR

Members who have received their Advanced POST Certificate will earn this award.

Description of Bar: Gold metal bar made of hard enamel, red base with one (1) blue on white stripe centered (1 3/8" X 3/8").

### 1015.8.10 CRISIS RESPONSE UNIT BAR

Members who serve on the Crisis Response Unit (SWAT, CNT, TAC Medic, and Tactical Dispatch) for three consecutive years shall receive this award.

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Description of Bar: Gold metal bar made of hard enamel, green base with two (2) red stripes on each side (1 3/8” X 3/8”).

1015.8.11 UNIT CITATION BAR
The Unit Citation Award may be conferred upon individuals for meritorious and exemplary performance while assigned to an organizational unit (division, watch, section, unit, team, or other combination of members and/or employees) of the Department.

The accomplishment shall be the result of combined efforts of members and/or employees of a unit. Examples of performance may include, but are not limited to:

Exceptional performance in a program or operation that achieves an extraordinary quality of service;
Exceptional performance in conducting a major investigation;
Exceptional contribution in improving departmental operations.
Completion of a major project or task resulting in substantial benefits to the Department and/or the community.

Description of Bar: Gold metal bar made of hard enamel, red base with two (2) blue stripes on each side (1 3/8” X 3/8”).

## 1015.9 CERTIFICATES AND LETTERS

1015.9.1 CHIEF'S CERTIFICATE OF COMMENDATION
The Chief’s Certificate of Commendation shall be presented to members and employees who, while serving in an official capacity and in the best interests of the Department, distinguish themselves through the accomplishment of an outstanding service. The certificate may be awarded for personally administering life-saving first aid when exceptional circumstances are not involved.

This award may also be awarded to private citizens who perform an outstanding act or service which aids the Department in carrying out its objectives.

1015.9.2 CHIEF'S LETTER OF APPRECIATION
A Letter of Appreciation from the Chief of Police may be awarded to members, employees and private citizens who perform acts of service deserving of Departmental recognition.

1015.9.3 CHIEF'S CERTIFICATE OF RETIREMENT
The Departmental Certificate of Service shall be presented to members and employees when they retire.

1015.9.4 BUREAU CAPTAIN'S / MANAGER'S CERTIFICATE OF COMMENDATION
The Captain’s Certificate of Commendation may be awarded by a Captain to a member, employee or private citizen who performs an act or a duty in a manner showing dedication and service above what is normally expected or required by the Department.

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A copy of the certificate shall be forwarded to the Office of the Chief of Police for inclusion in the member's or employee's personnel file.

#### 1015.9.5 BUREAU CAPTAIN'S / MANAGER'S LETTER OF APPRECIATION

Any member or employee may write, through the chain of command, a Departmental memorandum expressing their appreciation for the excellent service provided by another member, employee or private citizen.

If approved by the Chief of Police, a copy of the letter shall be forwarded to the employee's personnel file.

## 1015.10 MERITORIOUS OR COMMENDABLE ACTS

A meritorious or commendable act may include, but is not limited to:

- Superior handling of a difficult situation.
- Conspicuous bravery or outstanding performance.
- Any action or performance that is above and beyond typical duties.

#### 1015.10.1 DEPARTMENT MEMBER DOCUMENTATION

Members of the Department should document meritorious or commendable acts. The documentation should contain:

(a) Identifying information:

1. For members of the Department - name, bureau and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the member submitting the documentation.

#### 1015.10.2 COMMUNITY MEMBER DOCUMENTATION

Documentation of a meritorious or commendable act submitted by a person from the community should be accepted in any form. However, written documentation is preferred. Department members accepting the documentation should attempt to obtain detailed information regarding the matter, including:

(a) Identifying information:

1. For members of the Department - name, bureau and assignment at the date and time of the meritorious or commendable act
2. For individuals from the community - name, address, telephone number

(b) A brief account of the meritorious or commendable act with report numbers, as appropriate.

(c) The signature of the person submitting the documentation.

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### 1015.10.3 PROCESSING DOCUMENTATION

Documentation regarding the meritorious or commendable act of a member of the Department should be forwarded to the appropriate Bureau Commander for his/her review. The Bureau Commander should sign and forward the documentation to the Chief of Police for his/her review.

The Chief of Police or designee will present the commendation to the department member for his/her signature. The documentation will then be returned to the Bureau of Support Services secretary for entry into the member's personnel file.

Documentation regarding the meritorious or commendable act of an individual from the community should be forwarded to the Bureau of Support Services Bureau Commander. The documentation will be signed by the Bureau Commander and forwarded to the Chief of Police for their review. An appropriate venue or ceremony to acknowledge the individual's actions should be arranged. Documentation of the commendation shall be maintained in a file designated for such records.

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# Fitness for Duty

## 1016.1 PURPOSE AND SCOPE

All officers are required to be free from any physical, emotional, or mental condition which might adversely affect the exercise of peace officer powers. The purpose of this policy is to ensure that all officers of this department remain fit for duty and able to perform their job functions (Government Code § 1031).

## 1016.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this department to maintain good physical condition sufficient to safely and properly perform essential duties of their position.

(b) Each member of this department shall perform his/her respective duties without physical, emotional, and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive, and capable of performing his/her assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

## 1016.3 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 immediate supervisor 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.

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### 1016.4 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.

### 1016.5 WORK RELATED CONDITIONS

Any employee suffering from a work related condition which warrants a temporary relief from duty shall be required to comply with personnel rules and guidelines for processing such claims.

Upon the recommendation of the Watch Commander or unit supervisor and concurrence of a Bureau Commander, any employee whose actions or use of force in an official capacity result in death or serious injury to another may be temporarily removed from regularly assigned duties and/or placed on paid administrative leave for the wellbeing of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and, if appropriate.

(b) The employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

### 1016.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Chief of Police may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Department of Human Resources to determine the level of the employee’s fitness for duty. The order shall indicate the date, time and place for the examination.

(b) The examining physician or therapist will provide the Department with a report indicating that the employee is either fit for duty or, if not, listing any functional limitations which limit the employee's ability to perform job duties. If the employee places his/her condition at issue in any subsequent or related administrative action/grievance, the examining physician or therapist may be required to disclose any and all information which is relevant to such proceeding (Civil Code § 56.10(c)(8)).

(c) In order to facilitate the examination of any employee, the Department will provide all appropriate documents and available information to assist in the evaluation and/or treatment.

(d) All reports and evaluations submitted by the treating physician or therapist shall be part of the employee’s confidential personnel file.

(e) Any employee ordered to receive a fitness for duty examination shall comply with the terms of the order and cooperate fully with the examining physician or therapist regarding any clinical interview, tests administered or other procedures as directed. Any failure to comply with such an order and any failure to cooperate with the

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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.

### 1016.7 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 Personnel Complaints Policy.

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# Meal Periods and Breaks

## 1017.1 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.

### 1017.1.1 MEAL PERIODS

Sworn employees, ASO's, CST's, CSO's and dispatchers shall remain on duty subject to call during meal breaks. All other employees are not on call during meal breaks unless directed otherwise by a supervisor.

Uniformed patrol and traffic officers shall request clearance from Dispatch prior to taking a meal period. Uniformed officers shall take their breaks within the City limits unless on assignment outside of the City.

Time will include 15 minutes in route and 30 minutes for the meal period.

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# Lactation Break Policy

### 1018.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child (Labor Code § 1034).

### 1018.2 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 member desiring to express breast milk for the member's nursing infant child (29 USC § 218d; Labor Code § 1030).

### 1018.3 LACTATION BREAK TIME

A rest period should be permitted each time the member has the need to express breast milk (29 USC § 218d; Labor Code § 1030). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time. Such breaks, if feasible, should be taken at the same time as the member's regularly scheduled rest or meal periods.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid (Labor Code § 1030).

Members desiring to take a lactation break shall notify Dispatch or a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt department operations (Labor Code § 1032).

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

### 1018.4 PRIVATE LOCATION

The Department will make reasonable efforts to accommodate members with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the member'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 § 218d; Labor Code § 1031).

Members occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other members should avoid interrupting a member during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for members assigned to the field may be taken at the nearest appropriate private area.

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## 1018.5 STORAGE OF EXPRESSED MILK

Any member storing expressed milk in any authorized refrigerated area within the Department shall clearly label it as such and shall remove it when the member ends her shift.

### 1018.5.1 STATE REQUIREMENTS

Members have the right to request lactation accommodations. If a break time or location accommodation cannot be provided, the supervisor shall provide the member with a written response regarding the reasons for the determination (Labor Code § 1034).

Lactation rooms or other locations should comply with the prescribed feature and access requirements of Labor Code § 1031.

Members who believe that their rights have been violated under this policy or have been the subject of discrimination or retaliation for exercising or attempting to exercise their rights under this policy, are encouraged to follow the chain of command in reporting a violation, but may also file a complaint directly with the Labor Commissioner (Labor Code § 1033).

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# Payroll Records

## 1019.1 PURPOSE AND SCOPE

Payroll records are submitted electronically through the City of Tracy's Employee Self Service website (ESS) on a bi-weekly basis for the payment of wages.

### 1019.1.1 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis with certain exceptions such as holidays. Pay periods end on the 15th and the last day of each month. Payroll records shall be completed and submitted through ESS no later than the day following the end of the pay period, unless specified otherwise.

## 1019.2 RECORDS

The Bureau of Support Services Bureau Commander shall ensure that accurate and timely payroll records are maintained as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

## 1019.3 TIME REQUIREMENTS

Members who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted to City of Tracy Payroll Department through ESS as established by the City payroll procedures.

## 1019.4 RESPONSIBILITIES

Members are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records for those under their commands.

## 1019.5 POLICY

The Tracy Police Department maintains timely and accurate payroll records.

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# Overtime and Time Off Requests

## 1020.1 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.

### 1020.1.1 DEPARTMENT POLICY

Because of the nature of police work, and the specific needs of the Department, a degree of flexibility concerning overtime policies must be maintained.

Non-exempt employees are not authorized to volunteer work time to the Department. All requests to work overtime shall be approved in advance by a supervisor. If circumstances do not permit prior approval, then approval shall be sought as soon as practical during the overtime shift and in no case later than the end of shift in which the overtime is worked.

Short periods of work at the end of the normal duty day (e.g., less than one hour in duration) may be handled unofficially between the supervisor and the employee by flexing a subsequent shift schedule to compensate for the time worked rather than by submitting requests for overtime payments. If the supervisor authorizes or directs the employee to complete a form for such a period, the employee shall comply.

The individual employee may request compensatory time in lieu of receiving overtime payment, however, the employee may not exceed the number of hours of compensatory time as defined by their Memorandum of Understanding.

## 1020.2 REQUEST FOR OVERTIME COMPENSATION

Employees shall submit all overtime compensation requests to their immediate supervisors as soon as practicable for verification.

Failure to submit a request for overtime compensation in a timely manner may result in discipline.

The MOU with the Tracy Police Officers' Association (TPOA) dictates that officers submit their comp time off requests no later than five (5) days before they wish to take a day(s) off.Supervisors shall assess whether or not minimum staffing levels exist for those days off requested, and grant the day(s) off if there are enough officers working without the requesting employee present.If staffing falls below minimum levels, the supervisor will offer different day(s) available to take off.This general guideline is in accordance with Mortensen V. County of Sacramento, with the understanding that the MOU with the city and the TPOA mandates any unused comp time be cashed out by the second pay period in December every year. Thus, offering comp time after the second pay period in December will not allow an employee to use their time, prior to full cash out.

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Unless specifically noted in a bargaining group's MOU, the above procedures shall be followed for other units in the department in the Field Operations and Investigations Bureaus.

With the exception of the 4th of July, which is typically a maximum deployment day, staffing may go below minimums on the day of an actual holiday in special assignments, with permission of the Bureau Commander.

### 1020.2.1 EMPLOYEES RESPONSIBILITY

Employees shall complete the requests immediately after working the overtime and turn them in to their immediate supervisor or the Watch Commander. Employees submitting overtime cards for on-call pay when off duty shall submit cards to the Watch Commander the first day after returning for work.

### 1020.2.2 SUPERVISORS RESPONSIBILITY

The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made on the employee's time card, the overtime payment request form is forwarded to the employee's Bureau Commander for final approval.

### 1020.2.3 BUREAU COMMANDERS RESPONSIBILITY

Bureau Commanders, after approving payment, will then return the form to the employee.

## 1020.3 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).

### 1020.3.1 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:

| TIME WORKED | INDICATE ON CARD |
|---|---|
| 1 to 15 minutes | .25 |
| 16 to 30 minutes | .50 |
| 31 to 45 minutes | .75 |
| 46 to 60 minutes | 1 |

### 1020.3.2 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 Bureau Commander or other approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request

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# Outside Employment

## 1021.1 PURPOSE AND SCOPE

In order to avoid actual or perceived conflicts of interest for departmental employees engaging in outside employment, all employees shall obtain written approval from the Chief of Police prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Chief of Police in accordance with the provisions of this policy.

### 1021.1.1 DEFINITIONS

**Outside Employment** - Any member of this department who receives wages, compensation or other consideration of value from another employer, organization or individual not affiliated directly with this department for services, product(s) or benefits rendered. For purposes of this section, the definition of outside employment includes those employees who are self-employed and not affiliated directly with this department for services, product(s) or benefits rendered.

**Outside Overtime** - Any member of this department who performs duties or services on behalf of an outside organization, company, or individual within this jurisdiction. Such outside overtime shall be requested and scheduled directly through this department so that the Department may be reimbursed for the cost of wages and benefits.

## 1021.2 OBTAINING APPROVAL

No member of this department may engage in any outside employment without first obtaining prior written approval of the Chief of Police. Failure to obtain prior written approval for outside employment or engaging in outside employment prohibited by this policy may lead to disciplinary action.

In order to obtain approval for outside employment, the employee must complete an Outside Employment Application which shall be submitted to the employee's immediate supervisor. The application will then be forwarded through channels to the Chief of Police for consideration.

If approved, the employee will be provided with a copy of the approved permit. Unless otherwise indicated in writing on the approved permit, a permit will be valid through the end of the calendar year in which the permit is approved. Any employee seeking to renew a permit shall submit a new Outside Employment Application in a timely manner.

Any employee seeking approval of outside employment, whose request has been denied, shall be provided with a written reason for the denial of the application at the time of the denial (Penal Code § 70(e)(3)).

### 1021.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's Outside Employment Application is denied or withdrawn by the Department, the employee may file a written notice of appeal to the Chief of Police within ten days of the date of denial.

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If the employee's appeal is denied, the employee may file a grievance pursuant to the procedure set forth in the current Memorandum of Understanding (MOU).

1021.2.2 REVOCATION/SUSPENSION OF OUTSIDE EMPLOYMENT PERMITS
Any outside employment permit may be revoked or suspended under the following circumstances:

(a) Should an employee's performance at this department decline to a point where it is evaluated by a supervisor as needing improvement to reach an overall level of competency, the Chief of Police may, at his or her discretion, revoke any previously approved outside employment permit(s). That revocation will stand until the employee's performance has been reestablished at a satisfactory level and his/her supervisor recommends reinstatement of the outside employment permit

(b) Suspension or revocation of a previously approved outside employment permit may be included as a term or condition of sustained discipline

(c) If, at any time during the term of a valid outside employment permit, an employee's conduct or outside employment conflicts with the provisions of department policy, the permit may be suspended or revoked

(d) When an employee is unable to perform at a full duty capacity due to an injury or other condition, any previously approved outside employment permit may be subject to similar restrictions as those applicable to the employee's full time duties until the employee has returned to a full duty status

## 1021.3 PROHIBITED OUTSIDE EMPLOYMENT

Consistent with the provisions of Government Code § 1126, the Department expressly reserves the right to deny any Outside Employment Application submitted by an employee seeking to engage in any activity which:

(a) Involves the employee's use of departmental time, facilities, equipment or supplies, the use of the Department badge, uniform, prestige or influence for private gain or advantage

(b) Involves the employee's receipt or acceptance of any money or other consideration from anyone other than this department for the performance of an act which the employee, if not performing such act, would be required or expected to render in the regular course or hours of employment or as a part of the employee's duties as a member of this department

(c) Involves the performance of an act in other than the employee's capacity as a member of this department that may later be subject directly or indirectly to the control, inspection, review, audit or enforcement of any other employee of this department

(d) Involves time demands that would render performance of the employee's duties for this department less efficient

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### 1021.3.1 OUTSIDE SECURITY AND PEACE OFFICER EMPLOYMENT

Consistent with the provisions of Penal Code § 70, and because it would further create a potential conflict of interest, no member of this department may engage in any outside or secondary employment as a private security guard, private investigator or other similar private security position.

Any private organization, entity or individual seeking special services for security or traffic control from members of this department must submit a written request to the Chief of Police in advance of the desired service. Such outside extra duty overtime assignments will be assigned, monitored and paid through the Department.

(a) The applicant will be required to enter into an indemnification agreement prior to approval.

(b) The applicant will further be required to provide for the compensation and full benefits of all employees requested for such outside security services.

(c) Should such a request be approved, any employee working outside overtime shall be subject to the following conditions:

1. The officer(s) shall wear the departmental uniform/identification.
2. The officer(s) shall be subject to the rules and regulations of this department.
3. No officer may engage in such outside employment during or at the site of a strike, lockout, picket, or other physical demonstration of a labor dispute.
4. Compensation for such approved outside security services shall be pursuant to normal overtime procedures.
5. Outside security services shall not be subject to the collective bargaining process.
6. No officer may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Chief of Police.

### 1021.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE

Any employee making an arrest or taking other official police action while working in an approved outside overtime assignment shall be required to complete all related reports in a timely manner pursuant to department policy. Time spent on the completion of such reports shall be considered incidental to the outside overtime assignment.

### 1021.3.3 SPECIAL RESTRICTIONS

Except for emergency situations or with prior authorization from the Division Commander, undercover officers or officers assigned to covert operations shall not be eligible to work overtime or other assignments in a uniformed or other capacity which might reasonably disclose the officer's law enforcement status.

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### 1021.4 DEPARTMENT RESOURCES

Employees are prohibited from using any department equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this department or other agencies through the use of the employee's position with this department.

### 1021.5 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his or her outside employment during the period of a valid permit, the employee shall promptly submit written notification of such termination to the Chief of Police through channels. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through normal procedures set forth in this policy.

Employees shall also promptly submit in writing to the Chief of Police any material changes in outside employment including any change in the number of hours, type of duties, or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

### 1021.6 OUTSIDE EMPLOYMENT WHILE ON DISABILITY

Department members engaged in outside employment who are placed on disability leave or modified/light-duty shall inform their immediate supervisor in writing within five days whether or not they intend to continue to engage in such outside employment while on such leave or light-duty status. The immediate supervisor shall review the duties of the outside employment along with any related doctor's orders, and make a recommendation to the Chief of Police whether such outside employment should continue.

In the event the Chief of Police determines that the outside employment should be discontinued or if the employee fails to promptly notify his/her supervisor of his/her intentions regarding their work permit, a notice of revocation of the member's permit will be forwarded to the involved employee, and a copy attached to the original work permit.

Criteria for revoking the outside employment permit include, but are not limited to, the following:

(a) The outside employment is medically detrimental to the total recovery of the disabled member, as indicated by the City's professional medical advisors.

(b) The outside employment performed requires the same or similar physical ability, as would be required of an on-duty member.

(c) The employee's failure to make timely notice of their intentions to their supervisor.

When the disabled member returns to full duty with the Tracy Police Department, a request (in writing) may be made to the Chief of Police to restore the permit.

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# Occupational Disease and Work-Related Injury Reporting

## 1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases, psychiatric injuries, and work-related injuries.

### 1022.1.1 DEFINITIONS

Definitions related to this policy include:

**Occupational disease or work-related injury** - An injury, disease or psychiatric injury arising out of employment (Labor Code § 3208; Labor Code § 3208.3; Labor Code § 3212 et seq.).

## 1022.2 POLICY

The Tracy Police Department will address occupational diseases and work-related injuries appropriately, and will comply with applicable state workers' compensation requirements (Labor Code § 3200 et seq.).

## 1022.3 RESPONSIBILITIES

### 1022.3.1 MEMBER RESPONSIBILITIES

Any member sustaining any occupational disease or work-related injury shall report such event as soon as practicable, but within 24 hours, to a supervisor, and shall seek medical care when appropriate (8 CCR 14300.35).

### 1022.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any occupational disease or work-related injury should ensure the member receives medical care as appropriate.

Supervisors shall ensure that required documents regarding workers' compensation are completed and forwarded promptly. Any related Citywide disease- or injury-reporting protocol shall also be followed.

Supervisors shall determine whether the Major Incident Notification and Illness and Injury Prevention policies apply and take additional action as required.

### 1022.3.3 BUREAU COMMANDER RESPONSIBILITIES

The Bureau Commander who receives a report of an occupational disease or work-related injury should review the report for accuracy and determine what additional action should be taken. The report shall then be forwarded to the Chief of Police, the City's risk management entity, and the Bureau of Support Services Bureau Commander to ensure any required Division of Occupational Health and Safety Administration (Cal/OSHA) reporting is made as required in the illness and injury prevention plan identified in the Illness and Injury Prevention Policy.

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#### 1022.3.4 CHIEF OF POLICE RESPONSIBILITIES

The Chief of Police shall review and forward copies of the report to the Department of Human Resources. Copies of the report and related documents retained by the Department shall be filed in the member's confidential medical file.

## 1022.4 OTHER DISEASE OR INJURY

Diseases and injuries caused or occurring on-duty that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to the appropriate Bureau Commander through the chain of command and a copy sent to the Bureau of Support Services Bureau Commander.

Unless the injury is extremely minor, this report shall be signed by the affected member, indicating that he/she desired no medical attention at the time of the report. By signing, the member does not preclude his/her ability to later seek medical attention.

## 1022.5 SETTLEMENT OFFERS

When a member sustains an occupational disease or work-related injury that is caused by another person and is subsequently contacted by that person, his/her agent, insurance company or attorney and offered a settlement, the member shall take no action other than to submit a written report of this contact to his/her supervisor as soon as possible.

#### 1022.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an occupational disease or work-related injury, the member shall provide the Chief of Police with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without first providing written notice to the Chief of Police. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the disease or injury, and to protect the City's right of subrogation, while ensuring that the member's right to receive compensation is not affected.

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# Personal Appearance Standards

### 1023.1 PURPOSE AND SCOPE

In order to project uniformity and neutrality toward the public and other members of the department, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this department and for their assignment.

### 1023.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Chief of Police has granted exception.

#### 1023.2.1 HAIR

Hairstyles of all members shall be of a natural color and maintained in a professional business appropriate manner.

For male sworn members, hair must not extend below the top edge of the uniform collar while assuming a normal stance.

For female sworn members, hair must be no longer than the horizontal level of the bottom of the uniform collar when the employee is standing erect, worn up or in a tightly wrapped braid or ponytail.

#### 1023.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend beyond halfway between the lower lip and chin and 3/4" horizontally beyond the corner of the mouth.

#### 1023.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

#### 1023.2.4 FACIAL HAIR

Sworn and non-sworn personnel are permitted to wear goatees and beards that are maintained at length and pattern so as to not detract from the professional image employees of the Tracy Police Department shall maintain. The facial hair must be of a natural color and no exotic patterns are allowed.

Facial hair should be neat, trimmed, and maintained at length **not to exceed one-half inch.** Facial hair must be trimmed above cheeks, below the neck, and shall not be permitted to cover the neck area. All areas around the goatee or beard will be shaved daily while on-duty. Sworn personnel working undercover assignments will be exempt from these restrictions at the discretion from the Chief of Police.

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Members assigned to the Tracy Police Honor Guard shall be required to be clean shaven for events where they represent the Tracy Police Department in that capacity. When not representing the Tracy Police Department as a member of the Honor Guard, they are allowed to maintain facial hair as otherwise indicated in this policy.

The Chief of Police maintains authority to require personnel to be clean shaven for a department function as he/she deems necessary.

Nothing in this policy will exclude a person from wearing a mustache as outlined by policy section 1023.2.2

1023.2.5 FINGERNAILS
Fingernails shall be trimmed so that no point of the nail extends farther than 1/8 of an inch beyond the tip of the finger. Polish shall be neutral or subdued and all nails shall be of the same color.

1023.2.6 JEWELRY
For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the department member or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

(a) Necklaces shall not be visible above the shirt collar.

(b) Earrings shall be small and worn only in or on the earlobe.

(c) One ring or ring set may be worn on each hand of the department member. No rings should be of the type that would cut or pose an unreasonable safety risk to the member or others during a physical altercation, if the member is assigned to a position where that may occur.

(d) One small bracelet, including a bracelet identifying a medical condition, may be worn on one arm.

(e) Wristwatches shall be conservative and present a professional image.

(f) Tie tacks or tie bars worn with civilian attire shall be conservative and present a professional image.

## 1023.3 TATTOOS
While on-duty or representing the Department in any official capacity, members shall make every reasonable effort to conceal tattoos or other body art. At no time while the member is on-duty or representing the Department in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

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### 1023.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body visible in any authorized uniform or attire that is a deviation from normal anatomical features and which is not medically required is prohibited. Such body alteration includes, but is not limited to:

(a) Tongue splitting or piercing.

(b) The complete or transdermal implantation of any material other than hair replacement.

(c) Abnormal shaping of the ears, eyes, nose or teeth

(d) Branding or scarification.

### 1023.5 EXEMPTIONS

Members who seek cultural (e.g., culturally protected hairstyles) or other exemptions to this policy that are protected by law should generally be accommodated (Government Code § 12926). A member with an exemption may be ineligible for an assignment if the individual accommodation presents a security or safety risk. The Chief of Police should be advised any time a request for such an accommodation is denied or when a member with a cultural or other exemption is denied an assignment based on a safety or security risk.

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# Uniform Regulations

## 1024.1 PURPOSE AND SCOPE

The uniform policy of the Tracy Police Department is established to ensure that uniformed officers will be readily identifiable to the public through the proper use and wearing of department uniforms. Employees should also refer to the following associated policies:

Department Owned and Personal Property

Body Armor

Personal Appearance Standards

The Uniform and Equipment Specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. That manual should be consulted regarding authorized equipment and uniform specifications. See attachment: 2024 Uniform Manual Approved Final (9-17-24).pdf

The Tracy Police Department will provide uniforms or uniform allowance for all employees required to wear them in the manner, quantity and frequency agreed upon in the respective employee group's collective bargaining agreement.

## 1024.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Police employees wear the uniform to be identified as the law enforcement authority in society. The uniform also serves an equally important purpose to identify the wearer as a source of assistance in an emergency, crisis, or other time of need.

(a) Uniform and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed.

(b) All peace officers of this department shall possess and maintain at all times, a serviceable uniform and the necessary equipment to perform uniformed field duty.

(c) Personnel shall wear only the uniform specified for their rank and assignment (Penal Code § 13655).

(d) The uniform is to be worn in compliance with the specifications set forth in the department's uniform specifications manual..

(e) All supervisors will perform periodic inspections of their personnel to ensure conformance to these regulations.

(f) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(g) Uniforms are only to be worn while on duty, while in transit to or from work, for court, or at other official department functions or events.

(h) If the uniform is worn while in transit, an outer garment shall be worn over the uniform shirt so as not to bring attention to the employee while he/she is off-duty.

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(i) Employees are not to purchase or drink alcoholic beverages while wearing any part of the department uniform, including the uniform pants.

(j) Mirrored sunglasses will not be worn with any Department uniform.

(k) Visible jewelry, other than those items listed below, shall not be worn with the uniform unless specifically authorized by the Chief of Police or the authorized designee.

1. Wrist watch
2. Wedding ring, class ring, or other ring of tasteful design. A maximum of one ring/ set may be worn on each hand
3. Medical alert bracelet

#### 1024.2.1 DEPARTMENT ISSUED IDENTIFICATION

The Department issues each employee an official department identification card bearing the employee's name, identifying information and photo likeness. All employees shall be in possession of their department issued identification card at all times while on duty or when carrying a concealed weapon.

(a) Whenever on duty or acting in an official capacity representing the department, employees shall display their department issued identification in a courteous manner to any person upon request and as soon as practical.

(b) Officers working specialized assignments may be excused from the possession and display requirements when directed by their Bureau Commander.

### 1024.3 UNIFORM CLASSES

See attachment: 2024 Uniform Manual Approved Final (9-17-24).pdf

#### 1024.3.1 CLASS A UNIFORM

The Class A uniform is to be worn on special occasions such as funerals, graduations, ceremonies, or as directed. The Class A uniform is required for all sworn personnel. The Class A uniform includes the standard issue uniform with:

(a) Ike Jacket

(b) Long sleeve shirt with tie

(c) Dress Hat

(d) Polished shoes

Boots with pointed toes are not permitted.

#### 1024.3.2 CLASS B UNIFORM

All officers will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

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(a) The long or short sleeve shirt may be worn with the collar open. No tie is required

(b) A black crew neck t-shirt must be worn with the uniform

(c) All shirt buttons must remain buttoned except for the last button at the neck

(d) Shoes for the Class B uniform may be as described in the Class A uniform

(e) Approved all black unpolished shoes may be worn

(f) Boots with pointed toes are not permitted

1024.3.3 CLASS C UNIFORM
The Class C uniform has been established to allow field personnel cooler clothing from May through mid-October or special duty. Refer to the Uniform Specifications Manual for details.

1024.3.4 SPECIALIZED UNIT UNIFORMS
The Chief of Police may authorize special uniforms to be worn by officers in specialized units such as Canine Team, SWAT, Bicycle Patrol, Motor Officers and other specialized assignments.

1024.3.5 FOUL WEATHER GEAR
The Uniform and Equipment Specifications lists the authorized uniform jacket and rain gear.

1024.3.6 CLASS D UNIFORM
The Class D uniform, or utility uniform may be worn in inclement weather, during training or as designated by supervisory staff. See the Uniform Specifications Manual for details.

## 1024.4 INSIGNIA AND PATCHES

(a) Shoulder Patches - The authorized shoulder patch supplied by the Department shall be machine stitched to the sleeves of all uniform shirts and jackets, three-quarters of an inch below the shoulder seam of the shirt and be bisected by the crease in the sleeve.

(b) Service stripes, stars, etc. - Service stripes, one stripe per five years of service, and other indicators for length of service may be worn on long sleeved shirts and jackets. They are to be machine stitched onto the uniform. The bottom of the service stripe shall be sewn the width of one and one-half inches above the cuff seam with the rear of the service stripes sewn on the dress of the sleeve. The stripes are to be worn on the left sleeve only.

(c) The regulation nameplate, or an authorized sewn on cloth nameplate, shall be worn at all times while in uniform. The nameplate shall display the employee's first initial and last name. If an employee's first initial and last name are too long to fit on the nameplate, then only the last name shall be displayed. The nameplate shall be worn and placed above the right pocket located in the middle, bisected by the pressed shirt seam, with equal distance from both sides of the nameplate to the outer edge of the pocket.

(d) When a jacket is worn, the nameplate or an authorized sewn on cloth nameplate shall be affixed to the jacket in the same manner as the uniform.

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(e) Insignias -Assignment insignia, (SWAT, FTO, etc.) may be worn as designated by the Chief of Police.

(f) Flag Pin - A flag pin may be worn, centered above the nameplate.

(g) Badge - The department issued badge, or an authorized sewn on cloth replica, must be worn and visible at all times while in uniform.

(h) Rank Insignia - The designated insignia indicating the employee's rank must be worn at all times while in uniform. The Chief of Police may authorize exceptions.

1024.4.1 MOURNING BADGE

Uniformed employees shall wear a black mourning band across the uniform badge whenever a law enforcement officer is killed in the line of duty. The following mourning periods will be observed:

(a) An officer of this department - From the time of death until midnight on the 14th day after the death.

(b) An officer from this or an adjacent county - From the time of death until midnight on the day of the funeral.

(c) Funeral attendee - While attending the funeral of an out of region fallen officer.

(d) National Peace Officers Memorial Day (May 15th) - From 0001 hours until 2359 hours.

(e) As directed by the Chief of Police.

## 1024.5 CIVILIAN ATTIRE

There are assignments within the Department that do not require the wearing of a uniform. There are also assignments in which the wearing of professional staff attire is necessary.

All employees shall wear clothing that fits properly, is clean and free of stains, and not damaged or excessively worn.

All male administrative, investigative and support personnel who elect to wear professional staff clothing to work shall wear button style shirts with a collar, slacks or suits that are moderate in style. All female administrative, investigative, and support personnel who elect to wear professional staff clothes to work shall wear dresses, slacks, shirts, blouses, or suits which are moderate in style. Variations from this order are allowed at the discretion of the Chief of Police or designee when the employee's assignment or current task is not conducive to the wearing of such clothing.

No item of professional staff attire may be worn on duty that would adversely affect the reputation of the Tracy Police Department or the morale of the employees.

It is understood that personnel in the Special Operations Bureau have duties that vary daily. Personnel in these bureaus shall wear clothing appropriate to their assignment. Communications Operators assigned to the Communications Unit are generally unseen by the public. Personnel in the Communications Unit shall have their own specific standards.

For all non-uniformed personnel not identified above the following will not be allowed:

(a) Bare legs or shorts

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(b) Jeans.

(c) Miniskirts/mini dresses (all skirts/dresses must be no shorter than 3" from the knee).

(d) Leggings in lieu of pants unless covered by a long top or dress extending below mid thigh.

(e) Tank top, halter, backless, spaghetti strap tops or dresses, unless worn with a cover shirt; midriff, crop tops or shirt that do not go below the waist line of the pants.

(f) Sandals without stocking or hose; flip flops or "Birkenstocks", UGG's or similar style boots, slippers or house shoes.

(g) Leather pants.

(h) Lewd, offensive, racist, sexist emblems or wording on clothing.

(i) T-shirt alone.

1024.5.1 COMMUNICATIONS

Communications Operators assigned to the Communications Unit the following will not be allowed:

(a) Shorts

(b) Miniskirts/mini dresses (all skirts/dresses must be no shorter than 3" from the knee).

(c) Leggings in lieu of pants unless covered by a long top or dress extending below mid thigh.

(d) Tank top, halter, backless, spaghetti strap tops or dresses, unless worn with a cover shirt; midriff, crop tops or shirt that do not go below the waist line of the pants.

(e) Leather pants (leather skirts may be worn as long as they comply with section III.B.3.b and are professional in appearance).

(f) Lewd, offensive, racist, sexist emblems or wording on clothing.

## 1024.6 POLITICAL ACTIVITIES, ENDORSEMENTS, AND ADVERTISEMENTS

Unless specifically authorized by the Chief of Police, Tracy Police Department employees may not wear any part of the uniform, be photographed wearing any part of the uniform, utilize a department badge, patch or other official insignia, or cause to be posted, published, or displayed, the image of another employee, or identify himself/herself as an employee of the Tracy Police Department to do any of the following (Government Code §§ 3206 and 3302):

(a) Endorse, support, oppose, or contradict any political campaign or initiative.

(b) Endorse, support, oppose, or contradict any social issue, cause, or religion.

(c) Endorse, support, or oppose, any product, service, company or other commercial entity.

(d) Appear in any commercial, social, or non-profit publication, or any motion picture, film, video, public broadcast, or any website.

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## 1024.7 OPTIONAL EQUIPMENT - MAINTENANCE, AND REPLACEMENT

(a) Any of the items listed in the Uniform and Equipment Specifications as optional shall be purchased totally at the expense of the employee. No part of the purchase cost shall be offset by the Department for the cost of providing the Department issued item.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee. For example, repairs due to normal wear and tear.

(c) Replacement of items listed in this order as optional shall be done as follows:

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.

2. When the item is no longer functional because of damage in the course of the employee's duties, it shall be replaced following the procedures for the replacement of damaged personal property (see the Department Owned and Personal Property Policy).

### 1024.7.1 RETIREE BADGES

The Chief of Police may issue identification in the form of a badge, insignia, emblem, device, label, certificate, card or writing that clearly states the person has honorably retired from the Tracy Police Department. This identification is separate and distinct from the identification authorized by Penal Code § 25455 and referenced in the Retired Officer CCW Endorsement Policy in this manual.

A badge presented to an honorably retired department member shall meet the requirements set forth in policy section 1028.2.3 - Department Badges / Shields.

## 1024.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Tracy Police Department employees may not wear any uniform item, accessory or attachment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

Tracy Police Department employees may not use or carry any safety item, tool or other piece of equipment unless specifically authorized in the Uniform and Equipment Specifications or by the Chief of Police or designee.

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# Personnel Complaints - Professional Staff

## 1025.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation, and disposition of complaints regarding the conduct of members of the Tracy Police Department. This policy shall not apply to any questioning, counseling, instruction, informal verbal admonishment or other routine or unplanned contact of a member in the normal course of duty, by a supervisor or any other member, nor shall this policy apply to a criminal investigation.

## 1025.2 POLICY

The Tracy Police Department takes seriously all complaints regarding the service provided by the Department and the conduct of its members.

The Department will accept and address all complaints of misconduct in accordance with this policy and applicable federal, state and local law, municipal and county rules and the requirements of any collective bargaining agreements.

It is also the policy of this department to ensure that the community can report misconduct without concern for reprisal or retaliation.

## 1025.3 PERSONNEL COMPLAINTS

Personnel complaints include any allegation of misconduct or improper job performance that, if true, would constitute a violation of department policy or of federal, state or local law, procedure or rule. Personnel complaints may be generated internally or by the public.

Inquiries about conduct or performance that, if true, would not violate department policy or federal, state or local law, procedure or rule may be handled informally by a supervisor and shall not be considered a personnel complaint. Such inquiries generally include clarification regarding policy, procedures or the response to specific incidents by the Department.

### 1025.3.1 COMPLAINT CLASSIFICATIONS

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 but should be entered into the department's complaint tracking database. the responsible supervisor shall have the discretion to handle the complaint in any manner consistent with this policy.

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Formal - A matter in which a Supervisor/Manager determines that further action is warranted. Such complaints may be investigated by a supervisor of rank greater than the accused member or referred to the Professional Standards & Training Division, depending on the seriousness and complexity of the investigation. Matters involving potential employee misconduct or discipline, should be discussed with the Human Resources Director.

Incomplete - A matter in which the complaining party either refuses to cooperate or becomes unavailable after diligent follow-up investigation. At the discretion of the assigned supervisor or the Professional Standards & Training Division, such matters may be further investigated depending on the seriousness of the complaint and the availability of sufficient information.

Withdrawn - The complaining party decides they no longer wish to file a complaint.

1025.3.2 SOURCE OF COMPLAINTS
The following applies to the source of complaints:

(a) Individuals from the public may make complaints in any form, including in writing, by email, in person or by telephone.

(b) Any department member becoming aware of alleged misconduct shall immediately notify a Supervisor/Manager.

(c) Supervisors/Manager shall initiate a complaint based upon observed misconduct or receipt from any source alleging misconduct that, if true, could result in disciplinary action.

(d) Anonymous and third-party complaints should be accepted and investigated to the extent that sufficient information is provided.

(e) Tort claims and lawsuits may generate a personnel complaint.

## 1025.4 AVAILABILITY AND ACCEPTANCE OF COMPLAINTS

1025.4.1 COMPLAINT FORM
Personnel complaint forms will be maintained in a clearly visible location in the public area of the police facility and be accessible through the department website. Forms may also be available at other City facilities.
Personnel complaint forms in languages other than English may also be provided, as determined necessary or practicable.

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1025.4.2 ACCEPTANCE
All complaints will be courteously accepted by any department member and promptly given to the appropriate Supervisor/Manager. Although written complaints are preferred, a complaint may also be filed orally, either in person or by telephone. Such complaints will be directed to a supervisor/ Manager. If a Supervisor/Manager is not immediately available to take an oral complaint, the receiving member shall obtain contact information sufficient for the Supervisor/Manager to contact the complainant. The Supervisor/Manager, upon contact with the complainant, shall complete and submit a complaint BlueTeam as appropriate.

Although not required, complainants should be encouraged to file complaints in person so that proper identification, signatures, photographs or physical evidence may be obtained as necessary.

1025.4.3 AVAILABILITY OF WRITTEN PROCEDURES
The Department shall make available to the public a written description of the investigation procedures for complaints (Penal Code § 832.5, California SB 978).

## 1025.5 DOCUMENTATION
Supervisors/Managers shall ensure that all formal and informal complaints are documented in BlueTeam. The Supervisor/Manager shall ensure that the nature of the complaint is defined as clearly as possible.
The BlueTeam entry shall include the nature of the complaint and the actions taken to address the complaint. On an annual basis, the Professional Standards and Training Division shall audit BlueTeam entries in IA PRO and send an audit report to the Chief of Police or the authorized designee.

## 1025.6 ADMINISTRATIVE INVESTIGATIONS
Allegations of misconduct will be administratively investigated as follows:

1025.6.1 SUPERVISOR/ MANAGER RESPONSIBILITIES
In general, the primary responsibility for the investigation of a personnel complaint shall rest with the member's immediate supervisor/manager, unless the Supervisor/Manager is the complainant, or the Supervisor/Manager is the ultimate decision-maker regarding disciplinary actionor has any personal involvement regarding the alleged misconduct. The Chief of Police, or the authorized designee may direct another Supervisor/Manager investigate any complaint.

A Supervisor/Manager who becomes aware of alleged misconduct shall take reasonable steps to prevent aggravation of the situation.

The responsibilities of Supervisors/Managers include but are not limited to:

(a) Ensuring that upon receiving or initiating any formal complaint, a complaint form or BlueTeam is completed.

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1. The original complaint form will be directed to the Supervisor/Manager of the accused member, via the chain of command, who will take appropriate action and/or determine who will have responsibility for the investigation.
2. In circumstances where the integrity of the investigation could be jeopardized by reducing the complaint to writing or where the confidentiality of a complainant is at issue, a supervisor/Manager shall orally report the matter to the Professional Standards and Training Division or the Chief of Police, who will initiate appropriate action.

(b) Responding to all complainants in a courteous and professional manner.

(c) Resolving those personnel complaints that can be resolved immediately.

1. Follow-up contact with the complainant should be made within 24 hours of the Department receiving the complaint and recorded if possible.
2. If the matter is resolved and no further action is required, the supervisor/Manager will note the resolution in the BlueTeam entry and forward the entry to their Supervisor/ Manager.

(d) Ensuring that upon receipt of a complaint involving allegations of a potentially serious nature, the Supervisor/Manager, Professional Standards & Training Division and the Chief of Police are notified via the chain of command as soon as practicable

(e) Promptly contacting the Department of Human Resources and the Supervisor/Manager for direction regarding their roles in addressing a complaint that relates to sexual, racial, ethnic or other forms of prohibited harassment or discrimination.

(f) Forwarding unresolved personnel complaints to the Supervisor/Manager, who will determine whether to contact the complainant or assign the complaint for investigation.

(g) Informing the complainant of the investigator's name and the complaint number within three days after assignment.

(h) Investigating a complaint as follows:

1. Making reasonable efforts to obtain names, addresses and telephone numbers of witnesses.
2. When appropriate, ensuring immediate medical attention is provided and photographs of alleged injuries and accessible uninjured areas are taken.

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(i) Ensuring interviews of the complainant are generally conducted during reasonable hours.

1025.6.2 ADMINISTRATIVE INVESTIGATION PROCEDURES
Whether conducted by a Supervisor/Manager or a member of the Professional Standards & Training Division, the following applies to Professional Staff members:

(a) Interviews of an accused member shall be conducted during reasonable hours and preferably when the member is on-duty. If the member is off-duty, he/she shall be compensated.

(b) Unless waived by the member, interviews of an accused member shall be at the Tracy Police Department or other reasonable and appropriate place.

(c) No more than two interviewers should ask questions of an accused member.

(d) Prior to any interview, a member and their representative shall be informed, in writing, of the nature of the investigation, the name, rank and command of the member in charge of the investigation, the interviewing members and all other persons to be present during the interview

.
(e) All interviews shall be for a reasonable period and the member's personal needs should be accommodated.

(f) No member should be subjected to offensive or threatening language, nor shall any promises, rewards or other inducements be used to obtain answers.

(g) Any member refusing to answer questions directly related to the investigation may be ordered to answer questions administratively and may be subject to discipline for failing to do so.

1. A member should be given an order to answer questions in an administrative investigation that might incriminate the member in a criminal matter only after the member has been given a Lybarger advisement. Administrative investigators should consider the impact that compelling a statement from the member may have on any related criminal investigation and should take reasonable steps to avoid creating any foreseeable conflicts between the two related investigations. This may include conferring with the person in charge of the criminal investigation (e.g., discussion of processes, timing, implications).

2. No information or evidence administratively coerced from a member may be provided to anyone involved in conducting the criminal investigation or to any prosecutor.

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(h) The interviewer shall record all interviews of members and witnesses. The member may also record the interview. If the member has been previously interviewed, a copy of that recorded interview shall be provided to the member prior to any subsequent interview.

(i) All members subjected to interviews that could result in discipline have the right to have an uninvolved representative present during the interview. However, in order to maintain the integrity of each individual's statement, involved members shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed. Members are allowed to meet individually with their representative prior to an interview.

(j) All members shall provide complete and truthful responses to questions posed during interviews.

(k) No member may be requested or compelled to submit to a polygraph examination, nor shall any refusal to submit to such examination be mentioned in any investigation

1025.6.3 ADMINISTRATIVE INVESTIGATION FORMAT
Formal investigations of personnel complaints shall be thorough, complete and essentially follow this format:

Introduction - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.

Synopsis - Provide a brief summary of the facts giving rise to the investigation.

Summary - List the allegations separately, including applicable policy or procedural sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.

Evidence - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.

Policy, Training or Equipment Recommendation - Any recommended policy, training or equipment issue recognized during the course of the investigation which should be addressed on an organizational level.

Conclusion - A recommendation regarding further action or disposition should be provided.

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Exhibits - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.

1025.6.4 DISPOSITIONS
Each personnel complaint shall be classified with one of the following dispositions:

Unfounded - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.

Exonerated - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.

Not sustained - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.

Sustained - A final determination by an investigating agency, commission, board, hearing officer, or arbitrator, as applicable, following an investigation and opportunity for an administrative appeal.

If an investigation discloses misconduct or improper job performance that was not alleged in the original complaint, the investigator in consultation with the Chief of Police & HR Director, shall take appropriate action with regard to any additional allegations.

1025.6.5 COMPLETION OF INVESTIGATIONS
Every investigator or Supervisor/Manager 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/Manager shall ensure that an extension or delay is warranted within the exceptions set forth in Government Code § 3508.1.

1025.6.6 NOTICE TO COMPLAINANT
The member conducting the investigation should provide the complainant with periodic updates on the status of the investigation, as appropriate.

## 1025.7 ADMINISTRATIVE SEARCHES
Assigned lockers, storage spaces and other areas, including desks, offices and vehicles, may be searched as part of an administrative investigation upon a reasonable suspicion of misconduct. Such areas may also be searched any time by a Supervisor/Manager for non-investigative purposes, such as obtaining a needed report, radio or other document or equipment.

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Lockers and storage spaces may only be administratively searched with either the member's presence, the member's consent, a valid search warrant, or where the member has been given reasonable notice that the search will take place.

### 1025.8 ADMINISTRATIVE LEAVE

The Chief of Police or the authorized designee may temporarily place a member on administrative leave in accordance with City policy. Any member placed on administrative leave:

(a) May be required to relinquish any department shield, proxy card, identification, and any other department equipment.

(b) Shall be required to continue to comply with all policies and lawful orders of a Supervisor/ Manager.

(c) May be temporarily reassigned to a different shift, generally a normal business-hours shift, during the investigation.

(d) The member may be required to remain available for contact at all times during such shift, and will report as ordered.

### 1025.9 CRIMINAL INVESTIGATION

Where a member is accused of potential criminal conduct, a separate investigator in the General Investigations Unit or an outside law enforcement agency shall be assigned to investigate the criminal allegations apart from any administrative investigation. Any separate administrative investigation may parallel a criminal investigation.

The Professional Standards & Training Division and Chief of Police shall be notified as soon as practicable when a member is accused of criminal conduct. The Chief of Police may request a criminal investigation by an outside law enforcement agency.

The Tracy Police Department may release information concerning the arrest or detention of any member that has not led to a conviction. No disciplinary action should be taken until an independent administrative investigation is conducted.

### 1025.10 POST-ADMINISTRATIVE INVESTIGATION PROCEDURES

Upon completion of a formal investigation, an investigation report shall be forwarded to the Chief of Police through the chain of command. Each level of command shall review the report and include his/her comments in writing before forwarding the report. The Chief of Police may accept or modify any classification or recommendation for disciplinary action.

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### 1025.10.1 BUREAU COMMANDER / MANAGER RESPONSIBILITIES

Upon receipt of any completed personnel investigation, the Bureau Commander/Manager of the involved member shall review the entire investigative file, the member's personnel file and any other relevant materials.

The Bureau Commander/Manager may make recommendations regarding the disposition of any allegations and the amount of discipline, if any, to be imposed.

Prior to forwarding recommendations to the Chief of Police, the Bureau Commander/Manager may return the entire investigation to the assigned investigator or Supervisor/Manager for further investigation or action.

When forwarding any written recommendation to the Chief of Police, the Bureau Commander/Manager shall include all relevant materials supporting the recommendation. Actual copies of a member's existing personnel file need not be provided and may be incorporated by reference.

### 1025.10.2 CHIEF OF POLICE RESPONSIBILITIES

Upon receipt of any written recommendation for disciplinary action, the Chief of Police shall review the recommendation and all accompanying materials. The Chief of Police may modify any recommendation and/or may return the file to the Professional Standards & Training Division or Bureau Commander/Manager for further investigation or action.

Once the Chief of Police is satisfied that no further investigation or action is required by staff, the Chief of Police shall determine the amount of discipline, if any, that should be imposed. In the event disciplinary action is proposed, the Chief of Police shall provide the member with a pre-disciplinary procedural due process hearing (Skelly) by providing written notice of the charges, proposed action and reasons for the proposed action. Written notice shall be provided within one year from the date of discovery of the misconduct (Government Code § 3508.1). The Chief of Police or designee shall also provide the member with:

(a) Access to all of the materials considered by the Chief of Police in recommending the proposed discipline.

(b) An opportunity to respond orally or in writing to the Human Resources Director. The response shall be received within:

10 days - Teamsters

8 days - TTSSEA

10 days - City Personnel Rules if not specifically covered in MOU.

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1. Upon a showing of good cause by the member, the Chief of Police or Human Resources Director (as per MOU) may grant a reasonable extension of time for the member to respond.
2. If the member elects to respond orally, the presentation may be recorded by the City/ Department. Upon request, the member shall be provided with a copy of the recording.

Once the member has completed their response or if the member has elected to waive any such response, the Chief of Police or Human Resources Director (as per MOU) shall consider all information received in regard to the recommended discipline. The Chief of Police or Human Resources Director shall render a timely written Notice of Discipline the member and specify the grounds and reasons for discipline and the effective date of the discipline. Once thewritten decision has been issued, the discipline shall become effective.

### 1025.11 DISCIPLINARY NOTIFICATION PROCEDURE

Once approved by the Chief of Police, disciplinary action will proceed. Informal discipline consisting of training, informal counseling and documented oral counseling can be imposed immediately.

In the absence of a disciplinary action process in the appropriate Memorandum of Understanding, Formal Discipline (greater than written reprimand) will be governed by the City of Tracy Personnel Rules and Regulations

In the case of discipline greater than a Written Reprimand, the Professional Standards Officer shall issue a written Notice of Intent to Discipline (NOID), describing the intended discipline, the basis for the discipline, and attaching any documents upon which the discipline is based. The proof of service verification will be completed via the employee's Chain of Command. The subject has ten (10) calendar days to respond, either orally or in writing, and submit to the Chief's Office.If the employee chooses to respond orally, the Human Resources Director or appointing authority as outlines to the employee's MOU ill convene a meeting to hear the employee's response.If the employee chooses to respond in writing, the written response shall be logged in the employee's personnel file.

### 1025.12 PRE-DISCIPLINE EMPLOYEE RESPONSE

For discipline greater than a written reprimand, the member has the right to respond either in writing or orally. The pre-discipline process is intended to provide the accused member with an opportunity to present a written or oral response to the Human Resources Director after having had an opportunity to review the supporting materials and prior to imposition of any recommended discipline. The member shall consider the following:

(a) The response is not intended to be an adversarial or formal hearing.
(b) Although the member may be represented by an uninvolved representative or legal counsel, the response is not designed to accommodate the presentation of testimony or witnesses.

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(c) The member may suggest that further investigation could be conducted or the member may offer any additional information or mitigating factors to consider.
(d) In the event that cause exists to conduct further investigation, the member shall be provided with the results prior to the imposition of any discipline.
(e) The member may thereafter have the opportunity to further respond orally or in writing to the Human Resources Director on the limited issues of information raised in any subsequent materials.

### 1025.13 DISCIPLINARY APPEAL PROCESS

At any step in the disciplinary appeal procedure, the member concerned may choose to represent himself/herself or may be represented by that certified employee organization which has been recognized by the City for that representation unit to which the employee's classification is assigned, or by legal counsel. The employee concerned shall be personally present at all stages of the disciplinary appeal process unless that employee specifically waives the right in writing.

### 1025.14 NOTICE OF FINAL DISCIPLINE

After the administrative appeal process is completed, the Chief of Police will approve a final recommendation and a Notice of Discipline (NOD) will be prepared and served on the involved member.

The NOD will designate the level of discipline and when the discipline will be imposed. Thesubject's Chain of Command will coordinate the administration of discipline, schedule suspension dates, demotions or terminations.

The Professional Standards & Training Division will immediately be notified by the member's Chain of Command that the NOD has been administered. A copy of the served NOD will be returned to the Professional Standards & Training Division and forwarded to Human Resources for placement in the employee's personnel file.

### 1025.15 APPEAL PROCESS FOR FINAL DISCIPLINE

For discipline that is greater in severity than a suspension of five (5) working days (or equivalent reduction in pay), members shall have the right to appeal from the final notice of discipline. The notice of appeal must be received within the prescribed timeframe as outlined in the members MOU with the City of Tracy. If no MOU exists for the involved member, the City of Tracy Personnel Rule shall govern the timeframe. If the appeal is not received within the timeframe prescribed in the MOU or Personnel Rules, the right to proceed to the next appeal shall be forfeited and the discipline shall become final.

Hearing Officer Selection - The appeal shall be heard by an independent hearing officer. The hearing officer shall be selected from among a list of names provided by the California State Mediation and Conciliation Service, or from a similar body mutually agreed to between the parties. The number of names selected shall be in alignment with the members MOU with the City of Tracy. After a toss of a coin to decide which party shall strike first, the representative of the City and the employee (or the employee's representative) shall alternately strike one name from the

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list until one name remains and such person shall act as the hearing officer. This procedure shall be followed until there is an available arbitrator.

Costs - The costs of the hearing officer shall be borne as described in the members MOU with the City of Tracy. Either party may request that the hearing be transcribed, and the requesting party shall bear the expense of the transcript and court reporter's fees. If the transcript is jointly requested by both parties, both parties will share equally in the expense of the transcript and court reporter's fees.

Hearing Officer Authority - The hearing officer shall have the authority to convene the hearing, receive evidence through testimony and documents and make findings of fact and conclusions about the discipline. Within sixty days (60) of the close of the hearing, the hearing officer shall serve a recommended decision on the City Manager and the member. The hearing officer's decision must contain detailed findings of fact relating to the disciplinary charges. For members of the Teamsters, the hearing officers decision is final. For all other members, the decision may include a recommendation regarding outcome, but the final decision regarding discipline rests with the City Manager. After consideration of the hearing officer's recommended decision, the City Manager shall issue a final decision in writing. The City Manager's decision may be reviewed by administrative writ of mandamus within the time frames established by California law.

Waiver of Steps or Time Limits. Notwithstanding any provision in this section, any time limit or stage of procedure specified in this section may be waived upon consent of all parties involved.

### 1025.16 RESIGNATION / RETIREMENTS PRIOR TO DISCIPLINE

In the event that a member tenders a written resignation or notice of retirement prior to the imposition of discipline, it shall be noted in the file. The tender of a resignation or retirement by itself shall not serve as grounds for the termination of any pending investigation or discipline.

### 1025.17 POST-DISCIPLINE APPEAL RIGHTS

Non-probationary members have the right to appeal a suspension without pay, punitive transfer, demotion, reduction in pay or step, or termination from employment. The employee has the right to appeal using the procedures established by the appropriate collective bargaining agreement, Memorandum of Understanding and/or the City of Tracy's personnel rules and regulations.

### 1025.18 PROBATIONARY EMPLOYEES AND OTHER MEMBERS

At-will and probationary members and those other than non-probationary members (e.g. part-time employees and volunteers) may be released from employment for non-disciplinary reasons (e.g., failure to meet standards) without adherence to the procedures set forth in this policy or any right to appeal.

At-will, probationary members and those other than non-probationary members (e.g. part-time employees and volunteers) subjected to discipline or termination as a result of allegations of misconduct shall not be deemed to have acquired a property interest in their position, but shall be given the opportunity to appear before the Chief of Police or authorized designee for a non-

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evidentiary hearing for the sole purpose of attempting to clear their name or liberty interest. There shall be no further opportunity for appeal beyond the liberty interest hearing and the decision of the Chief of Police shall be final.

### 1025.19 RETENTION OF PERSONNEL INVESTIGATION FILES

All personnel complaints shall be maintained in accordance with the established records retention schedule and as described in the City of Tracy Records Retention Policy.

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# Police Explorers

## 1026.1 PURPOSE AND SCOPE

Explorers work under direct supervision, perform a variety of routine and progressively more advanced tasks in an apprenticeship program in preparation for a career in law enforcement.

## 1026.2 EDUCATION REQUIREMENTS

Explorers are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken. Explorers out of high school shall complete a minimum of six semester units of college course work per semester.

## 1026.3 PROGRAM COORDINATOR

The Superiors of the Community Preservation Unit will serve as the Program Coordinator. This supervisor will be responsible for tracking the educational and job performance of explorers as well as making their individual assignments throughout the Department. He/she will also monitor the training provided for all explorers and review all decisions affecting job assignments,status for compensation, school attendance and performance evaluations.

### 1026.3.1 PROGRAM ADVISORS

The Program Coordinator may select individual officers to serve as advisors for the Explorer Program. These officers will serve as mentors for each explorer. Explorers will bring special requests, concerns, and suggestions to their program advisor for advice or direction before contacting the Program Coordinator. One advisor may be designated as the Coordinator's assistant to lead scheduled meetings and training sessions involving the explorers. Multiple explorers may be assigned to each program advisor. Program advisors are not intended to circumvent the established chain of command. Any issues that may be a concern of the individual's supervisor should be referred back to the Program Coordinator.

## 1026.4 ORIENTATION AND TRAINING

Newly appointed explorers 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 Explorer Training Manual. Training sessions will be scheduled as needed to train explorers for as many assignments as possible. In addition to job-specific training, information will be offered to prepare explorers to compete successfully in the police officer selection process, as well as the academy training. All training will focus on improving job performance, as well as preparation to become police officers. These meetings will also offer an opportunity to receive continuous feedback regarding progress of the program.

## 1026.5 EXPLORER UNIFORMS

Each explorer will be provided two uniforms meeting the specifications described in the Uniform Manual.

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### 1026.6 ROTATION OF ASSIGNMENTS

Rotating job assignments should occur on a regular basis to enhance the career development for each explorer. Department needs and concerns will take precedence over individual considerations with the final decision resting with the Support Division Commander.

In general, senior explorers will be assigned to positions requiring more technical skill or responsibility, as well as serving to train explorers for new assignments or those newly hired.

### 1026.7 RIDE-ALONG PROCEDURES

All explorers are authorized to participate in the Ride-Along Program on their own time and as approved by their immediate supervisor and the appropriate Patrol Supervisor. Applicable waivers must be signed in advance of the ride-along. Explorers shall wear their uniform while participating on a ride-along.

### 1026.8 PERFORMANCE EVALUATIONS

Performance evaluations for all explorers shall be completed monthly during their first year on probation. Upon successful completion of probation, explorers and senior explorers will be evaluated on a yearly basis to assess their current job performance and their potential as police officers.

### 1026.9 EXPLORER'S OPERATIONS PROGRAM MANUAL

The Department shall maintain an Explorer Program Operations Manual.

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# Nepotism and Conflicting Relationships

## 1027.1 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.

### 1027.1.1 DEFINITIONS

**Business relationship** - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture or other transaction, where the Department employee's annual interest, compensation, investment or obligation is greater than $250.

**Conflict of interest** - Any actual, perceived or potential conflict of interest in which it reasonably appears that a department employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Nepotism** - The practice of showing favoritism to relatives over others in appointment, employment, promotion or advancement by any public official in a position to influence these personnel decisions.

**Personal relationship** - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

**Public official** - A supervisor, officer or employee vested with authority by law, rule or regulation or to whom authority has been delegated.

**Relative** - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

**Subordinate** - An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Supervisor** - An employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

## 1027.2 RESTRICTED DUTIES AND ASSIGNMENTS

The Department will not prohibit all personal or business relationships between employees. However, in order to avoid nepotism or other inappropriate conflicts, the following reasonable restrictions shall apply (Government Code § 12940):

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

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1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor in a different Bureau. This includes but is not limited to performance evaluations, administrative investigations, and disciplinary matters.
2. When personnel and circumstances permit, the Department will attempt to make every reasonable effort to avoid placing employees in such supervisor/ subordinate situations. The Department, however, reserves the right to transfer or reassign any employee to another position within the same classification in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever possible, FTOs and other trainers will not be assigned to train relatives. FTOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this department shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of or as a direct result of any official contact.

(e) Except as required in the performance of official duties or, in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, is a convicted felon, parolee, fugitive or registered sex offender or who engages in serious violations of state or federal laws.

### 1027.2.1 EMPLOYEE RESPONSIBILITY

Prior to entering into any personal or business relationship or other circumstance which the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, next highest level of supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved, immediate supervisor. In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify dispatch to have another uninvolved employee either relieve the involved employee or minimally remain present to witness the action.

### 1027.2.2 SUPERVISOR'S RESPONSIBILITY

Upon being notified of, or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor shall take all reasonable steps

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to promptly mitigate or avoid such violations whenever possible. Supervisors shall also promptly notify the Chief of Police of such actual or potential violations through the chain of command.

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# Department Badges / Shields

## 1028.1 PURPOSE AND SCOPE

The Tracy Police Department badge/shield and uniform patch as well as the likeness of these items and the name of the Tracy Police Department are property of the Department and their use shall be restricted as set forth in this policy.

## 1028.2 POLICY

Authorized uniform badges/shields are a symbol of authority and the use and display of authorized departmental badges shall be in strict compliance with this policy. Only department authorized badges shall be displayed, carried or worn by members while on duty or otherwise acting in an official or authorized capacity.

### 1028.2.1 FLAT BADGE

Sworn officers, with the written approval of the Chief of Police may purchase, at his/her own expense, a flat badge capable of being carried in a wallet. The use of the flat badge is subject to all the same provisions of departmental policy as the uniform badge.

(a) An officer may sell, exchange, or transfer the flat badge he/she purchased to another officer within the Tracy Police Department with the written approval of the Chief of Police.

(b) Should the flat badge become lost, damaged, or otherwise removed from the officer's control, he/she shall make the proper notifications as outlined in the Department Owned and Personal Property Policy.

(c) An honorably retired officer may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for professional staff.l.

### 1028.2.2 PROFESSIONAL STAFF PERSONNEL

Shields and departmental identification cards issued to professional staff shall be clearly marked to reflect the position of the assigned employee (e.g. Parking Internl, Dispatcher, etc.).

(a) Professional staff shall not display any department shield except as a part of his/her uniform and while on duty, or otherwise acting in an official and authorized capacity.

(b) Professional staff shall not display any department shield or represent him/herself, on or off duty, in such a manner which would cause a reasonable person to believe that he/she is a sworn peace officer.

### 1028.2.3 UNIFORM BADGE / SHIELD

Upon honorable separation of service and with the approval of the Chief of Police, employees may purchase his/her assigned duty badge/shield for display purposes. It is intended that the duty badge/shield be used only as private memorabilia as other uses of the badge/shield may be unlawful or in violation of this policy. Upon separation, the badge/shield will be turned into the Office of the Chief of Police and sent to the badge/shield manufacturer to be modified by having

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the rear clasp removed and a pin back installed in its place and engraved with "RETIRED" upon the backside of the badge/shield.

### 1028.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge/shield designed for carry or display in a wallet, badge/shield case or similar holder shall be issued to anyone other than a current or honorably separated peace officer.

Department badges/shields are issued to all sworn employees and professional staff uniformed employees for official use only. The department badge/shield, 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/shield, 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/shield or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

### 1028.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the department badge/shield 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/shield for merchandise and official association business provided they are used in a clear representation of the association and not the Tracy 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/shield number portion displays the acronym of the employee association.

(b) The likeness of the department badge/shield for endorsement of political candidates shall not be used without the expressed approval of the Chief of Police.

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# Temporary Modified-Duty Assignments

## 1029.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, City rules, current memorandums of understanding, or collective bargaining agreements. For example, nothing in this policy affects the obligation of the Department to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability or limitation that is protected under federal or state law.

## 1029.2 POLICY

Subject to operational considerations, the Tracy Police Department may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Tracy Police Department with a productive employee during the temporary period.

## 1029.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or the California Fair Employment and Housing Act (Government Code § 12940 et seq.) shall be treated equally, without regard to any preference for a work-related injury.

No position in the Tracy Police Department shall be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational needs of the Department. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational needs and the employee's ability to perform in a modified-duty assignment.

The Chief of Police or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, displaying a badge, carrying a firearm, operating an emergency vehicle or engaging in outside employment, or may otherwise limit them in employing their peace officer powers.

Temporary modified-duty assignments typically will not normally exceed a maximum of 90 days.

## 1029.4 PROCEDURE

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

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Employees seeking a temporary modified-duty assignment should submit a written request to their Bureau Commanders or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

(a) An assessment of the nature and probable duration of the illness or injury.

(b) The prognosis for recovery.

(c) The nature and scope of limitations and/or work restrictions.

(d) A statement regarding any required workplace accommodations, mobility aids or medical devices.

(e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

The Bureau Commander will make a recommendation through the chain of command to the Chief of Police regarding temporary modified-duty assignments that may be available based on the needs of the Department and the limitations of the employee. The Chief of Police or the authorized designee shall confer with the Department of Human Resources or the City Attorney as appropriate.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Watch Commander or Bureau Commander, with notice to the Chief of Police.

## 1029.5 ACCOUNTABILITY

Written notification of assignments, work schedules and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate Department operations and the employee's medical appointments, as mutually agreed upon with the Bureau Commander.

### 1029.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty shall include, but not be limited to:

(a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.

(b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.

(c) Communicating a status update to their supervisors no less than once every 30 days while assigned to temporary modified duty.

(d) Submitting a written status report to the Bureau Commander that contains a status update and anticipated date of return to full-duty when a temporary modified-duty assignment extends beyond 60 days.

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### 1029.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor shall monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors shall include, but not be limited to:

(a) Periodically apprising the Bureau Commander of the status and performance of employees assigned to temporary modified duty.

(b) Notifying the Bureau Commander and ensuring that the required documentation facilitating a return to full duty is received from the employee.

(c) Ensuring that employees returning to full duty have completed any required training and certification.

## 1029.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The Department may require a fitness-for-duty examination prior to returning an employee to full-duty status, in accordance with the Fitness for Duty Policy.

## 1029.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment. Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under Government Code § 12945.

If notified by an employee or the employee's representative regarding limitations related to pregnancy, childbirth, or related medical conditions, the Department should make reasonable efforts to provide an accommodation for the employee in accordance with federal and state law. The accommodation should be provided without unnecessary delay, as appropriate (42 USC § 2000gg-1; 29 CFR 1636.3; 29 CFR 1636.4; Government Code § 12945).

### 1029.7.1 NOTIFICATION

Pregnant employees should notify their immediate supervisors as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the City's personnel rules and regulations regarding family and medical care leave.

## 1029.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

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### 1029.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training and qualifications appropriate to both their regular and temporary duties, provided that the certification, training or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training or qualifications.

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# Performance Improvement Plans

## 1030.1 PURPOSE AND SCOPE

The standards of the Tracy Police Department contemplate 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, the policies and procedures of the City of Tracy 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 (PIP) 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.

## 1030.2 INITIAL SUPERVISORY CORRECTIONS

When minor policy infractions and / or performance deficiencies are noted for the first time; oral or verbal counseling is the preferred method for corrective action.

When repeated policy infractions and / or performance deficiencies are noted, a formal counseling session(s) should be initiated. Such counseling session(s) 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.

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.

## 1030.3 PERFORMANCE IMPROVEMENT PLAN PROCESS

The process whereby a Performance Improvement Plan is created occurs as follows:

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(a) The supervisor prepares a draft Performance Improvement Plan (PIP). (b) The supervisor forwards the draft PIP to his / her Bureau Commander for approval.

(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 PIP is implemented.

(f) The supervisor provides monitoring and conducts follow-up counseling with the employee.

(g) The supervisor completes the final progress report and forwards the completed file to the Bureau Commander for review and approval.

(h) Should disciplinary action be necessary, such action will be implemented in accordance with Policy Manual § 320.

1030.3.1 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.

(b) The supervisor should advise the employee of his / her intent to assist the employee in his / her improvement

(c) 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 he / she fails to satisfactorily complete the Performance Improvement Plan.

**(b) Follow-up Counseling**

1. During the implementation 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.

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(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.

(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 the penalty contained in the Performance Improvement Plan be implemented as consequence for a failure to improve.

3. Contain a detailed account of the employee's comments regarding the Final Report.

4. 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.

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# Employee Speech, Expression and Social Networking

## 1031.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balancing of employee speech and expression with the needs of the Department.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

### 1031.1.1 APPLICABILITY

This policy applies to all forms of communication including but not limited to film, video, print media, public or private speech, use of all internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

## 1031.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this department. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this department be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Tracy Police Department will carefully balance the individual employee’s rights against the Department’s needs and interests when exercising a reasonable degree of control over its employees’ speech and expression.

## 1031.3 SAFETY

Employees should consider carefully the implications of their speech or any other form of expression when using the internet. Speech and expression that may negatively affect the safety of the Tracy 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:

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- Disclosing a photograph and name or address of an officer who is working undercover.
- Disclosing the address of a fellow officer.
- Otherwise disclosing where another officer can be located off-duty.

### 1031.4 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

To meet the department's safety, performance, and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen, including acting as an authorized member of a recognized bargaining unit or officer associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the Tracy 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 Tracy Police Department and tends to compromise or damage the mission, function, reputation, or professionalism of the Tracy Police Department or its employees. Examples may include:

1. Statements that indicate disregard for the law or the state or U.S. Constitution.
2. Expression that demonstrates support for criminal activity.
3. Participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty, unlawful discrimination, or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Department. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen as potentially jeopardizing employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Tracy 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 Tracy Police Department on any personal or social networking or other website or web page, without the express authorization of the Chief of Police.

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Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

1031.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a recognized bargaining unit or officer associations, employees may not represent the Tracy Police Department or identify themselves in any way that could be reasonably perceived as representing the Tracy 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 Tracy Police Department.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a recognized bargaining unit or officer associations, on political subjects and candidates at all times while off-duty.

However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

## 1031.5 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to e-mails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook) that is accessed, transmitted, received, or reviewed on any department technology system (see the Information Technology Use Policy for additional guidance).

The Department shall not require an employee to disclose a personal user name or password for accessing personal social media or to open a personal social website; however, the Department

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may request access when it is reasonably believed to be relevant to the investigation of allegations of work-related misconduct (Labor Code § 980).

### 1031.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Chief of Police or authorized designee should consider include:

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Department or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Department.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Department.

### 1031.7 TRAINING

Subject to available resources, the Department should provide training regarding employee speech and the use of social networking to all members of the Department.

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# Line-of-Duty Deaths

## 1032.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the Tracy Police Department in the event of the death of a member occurring in the line of duty and to direct the Department in providing proper support for the member's survivors.

The Chief of Police may also apply some or all of this policy for a non-line-of-duty member death, or in situations where members are injured in the line of duty and the injuries are life-threatening.

### 1032.1.1 DEFINITIONS

Definitions related to this policy include:

**Line-of-duty death** - The death of an officer during the course of performing law enforcement-related functions while on- or off-duty, or a professional staff member during the course of performing assigned duties.

For an officer, a line-of-duty death includes death that is the direct and proximate result of a personal injury sustained in the line of duty (34 USC § 10281).

**Survivors** - Immediate family members of the deceased member, which can include spouse, children, parents, other next of kin, or significant others. The determination of who should be considered a survivor for purposes of this policy should be made on a case-by-case basis given the individual's relationship with the member and whether the individual was previously designated by the deceased member.

## 1032.2 POLICY

It is the policy of the Tracy Police Department to make appropriate notifications and to provide assistance and support to survivors and coworkers of a member who dies in the line of duty.

It is also the policy of this department to respect the requests of the survivors when they conflict with these guidelines, as appropriate.

## 1032.3 INITIAL ACTIONS BY COMMAND STAFF

(a) Upon learning of a line-of-duty death, the deceased member's supervisor should provide all reasonably available information to the Watch Commander and Dispatch.

1. Communication of information concerning the member and the incident should be restricted to secure networks to avoid interception by the media or others (see the Public Information Officer section of this policy).

(b) The Watch Commander should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the Watch Commander or the authorized designee should respond to the hospital to assume temporary responsibilities as the Hospital Liaison.

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(d) The Chief of Police or the authorized designee should assign members to handle survivor notifications and assign members to the roles of Hospital Liaison (to relieve the temporary Hospital Liaison) and the Department Liaison as soon as practicable (see the Notifying Survivors section and the Department Liaison and Hospital Liaison subsections in this policy).

### 1032.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

The Chief of Police or the authorized designee should review the deceased member's emergency contact information and make accommodations to respect the member's wishes and instructions specific to notifying survivors. However, notification should not be excessively delayed because of attempts to assemble a notification team in accordance with the member's wishes.

The Chief of Police, Watch Commander, or the authorized designee should select at least two members to conduct notification of survivors, one of which may be the Department chaplain.

Notifying members should:

(a) Make notifications in a direct and compassionate manner, communicating as many facts of the incident as possible, including the current location of the member. Information that is not verified should not be provided until an investigation has been completed.

(b) Determine the method of notifying surviving children by consulting with other survivors and taking into account factors such as the child's age, maturity, and current location (e.g., small children at home, children in school).

(c) Plan for concerns such as known health concerns of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in department vehicles. Notifying members shall inform the Hospital Liaison over a secure network that the survivors are on their way to the hospital. Notifying members should remain at the hospital while the survivors are present.

(e) When survivors are not at their residences or known places of employment, actively seek information and follow leads from neighbors, other law enforcement, postal authorities, and other sources of information in order to accomplish notification in as timely a fashion as possible. Notifying members shall not disclose the reason for their contact other than a family emergency.

(f) If making notification at a survivor's workplace, ask a workplace supervisor for the use of a quiet, private room to meet with the survivor. Members shall not inform the workplace supervisor of the purpose of their visit other than to indicate that it is a family emergency.

(g) Offer to call other survivors, friends, or clergy to support the survivors and to avoid leaving survivors alone after notification.

(h) Assist the survivors with meeting child care or other immediate needs.

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(i) Provide other assistance to survivors and take reasonable measures to accommodate their needs, wishes, and desires. Care should be taken not to make promises or commitments to survivors that cannot be met.

(j) Inform the survivors of the name and phone number of the Survivor Support Liaison (see the Survivor Support Liaison section of this policy), if known, and the Department Liaison.

(k) Provide their contact information to the survivors before departing.

(l) Document the survivors' names and contact information, as well as the time and location of notification. This information should be forwarded to the Department Liaison.

(m) Inform the Chief of Police or the authorized designee once survivor notifications have been made so that other Tracy Police Department members may be apprised that survivor notifications are complete.

#### 1032.4.1 OUT-OF-AREA NOTIFICATIONS

The Department Liaison should request assistance from law enforcement agencies in appropriate jurisdictions for in-person notification to survivors who are out of the area.

(a) The Department Liaison should contact the appropriate jurisdiction using a secure network and provide the assisting agency with the name and telephone number of the department member that the survivors can call for more information following the notification by the assisting agency.

(b) The Department Liaison may assist in making transportation arrangements for the member’s survivors, but will not obligate the Department to pay travel expenses without the authorization of the Chief of Police.

### 1032.5 NOTIFYING DEPARTMENT MEMBERS

Supervisors or members designated by the Chief of Police are responsible for notifying department members of the line-of-duty death as soon as possible after the survivor notification is made. Notifications and related information should be communicated in person or using secure networks and should not be transmitted over the radio.

Notifications should be made in person and as promptly as possible to all members on-duty at the time of the incident. Members reporting for subsequent shifts within a short amount of time should be notified in person at the beginning of their shifts. Members reporting for duty from their residences should be instructed to contact their supervisors as soon as practicable. Those members who are working later shifts or are on days off should be notified by phone as soon as practicable.

Members having a close bond with the deceased member should be notified of the incident in person. Supervisors should consider assistance (e.g., peer support, modifying work schedules, approving sick leave) for members who are especially affected by the incident.

Supervisors should direct members not to disclose any information outside the Department regarding the deceased member or the incident.

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## 1032.6 LIAISONS AND COORDINATORS

The Chief of Police or the authorized designee should select members to serve as liaisons and coordinators to handle responsibilities related to a line-of-duty death, including but not limited to:

(a) Department Liaison.

(b) Hospital Liaison.

(c) Survivor Support Liaison.

(d) Wellness Support Liaison.

(e) Funeral Liaison.

(f) Mutual aid coordinator.

(g) Benefits Liaison.

(h) Finance coordinator.

Liaisons and coordinators will be directed by the Department Liaison and should be given sufficient duty time to complete their assignments.

Members may be assigned responsibilities of more than one liaison or coordinator position depending on available department resources. The Department Liaison may assign separate liaisons and coordinators to accommodate multiple family units, if needed. The Department should consider seeking assistance from surrounding law enforcement agencies to fill liaison and coordinator positions, as appropriate.

### 1032.6.1 DEPARTMENT LIAISON

The Department Liaison should be a Bureau Commander or of sufficient rank to effectively coordinate department resources, and should serve as a facilitator between the deceased member's survivors and the Department. The Department Liaison reports directly to the Chief of Police. The Department Liaison's responsibilities include but are not limited to:

(a) Directing the other liaisons and coordinators in fulfilling survivors' needs and requests. Consideration should be given to organizing the effort using the National Incident Management System.

(b) Establishing contact with survivors within 24 hours of the incident and providing them contact information.

(c) Advising survivors of the other liaison and coordinator positions and their roles and responsibilities.

(d) Identifying locations that will accommodate a law enforcement funeral and presenting the options to the appropriate survivors, who will select the location.

(e) Coordinating all official law enforcement notifications and arrangements.

(f) Making necessary contacts for authorization to display flags at half-staff.

(g) Reminding department members of appropriate information-sharing restrictions regarding the release of information that could undermine future legal proceedings.

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(h) Coordinating security checks of the member's residence as necessary and reasonable.

(i) Serving as a liaison with visiting law enforcement agencies during memorial and funeral services.

1032.6.2 HOSPITAL LIAISON

The Hospital Liaison should work with hospital personnel to:

(a) Establish a command post or incident command system, as appropriate, to facilitate management of the situation and its impact on hospital operations (e.g., influx of people, parking).

(b) Arrange for appropriate and separate waiting areas for:

1. The survivors and others whose presence is requested by the survivors.
2. Department members and friends of the deceased member.
3. Media personnel.

(c) Ensure, as practicable, that any suspects who are in the hospital and their families or friends are not in proximity to the member's survivors or Tracy Police Department members (except for members who may be guarding a suspect).

(d) Arrange for survivors to receive timely updates regarding the member before information is released to others.

(e) Arrange for survivors to have private time with the member, if requested.

1. The Hospital Liaison or hospital personnel may need to explain the condition of the member to the survivors to prepare them accordingly.
2. The Hospital Liaison should accompany the survivors into the room, if requested.

(f) Stay with survivors and provide them with other assistance as needed at the hospital.

(g) If applicable, explain to the survivors why an autopsy may be needed.

(h) Make arrangements for hospital bills to be directed to the Department, that the survivors are not asked to sign as guarantor of payment for any hospital treatment, and that the member's residence address, insurance information, and next of kin are not included on hospital paperwork.

Other responsibilities of the Hospital Liaison include but are not limited to:

- Arranging transportation for the survivors back to their residence.
- Working with investigators to gather and preserve the deceased member's equipment and other items that may be of evidentiary value.
- Documenting their actions at the conclusion of duties.

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### 1032.6.3 SURVIVOR SUPPORT LIAISON

The Survivor Support Liaison should work with the Department Liaison to fulfill the immediate needs and requests of the survivors of any member who has died in the line of duty, and serve as the long-term department contact for survivors.

The Survivor Support Liaison should be selected by the deceased member's Bureau Commander. The following should be considered when selecting the Survivor Support Liaison:

- The liaison should be an individual the survivors know and with whom they are comfortable working.
- The selection may be made from names recommended by the deceased member's supervisor and/or coworkers. The deceased member's partner or close friends may not be the best selections for this assignment because the emotional connection to the member or survivors may impair their ability to conduct adequate liaison duties.
- The liaison must be willing to assume the assignment with an understanding of the emotional and time demands involved.

The responsibilities of the Survivor Support Liaison include but are not limited to:

(a) Arranging for transportation of survivors to hospitals, places of worship, funeral homes, and other locations, as appropriate.

(b) Communicating with the Department Liaison regarding appropriate security measures for the family residence, as needed.

(c) If requested by the survivors, providing assistance with instituting methods of screening telephone calls made to their residence after the incident.

(d) Providing assistance with travel and lodging arrangements for out-of-town survivors.

(e) Returning the deceased member's personal effects from the Department and the hospital to the survivors. The following should be considered when returning the personal effects:

1. Items should not be delivered to the survivors until they are ready to receive the items.
2. Items not retained as evidence should be delivered in a clean, unmarked box.
3. All clothing not retained as evidence should be cleaned and made presentable (e.g., items should be free of blood or other signs of the incident).
4. The return of some personal effects may be delayed due to ongoing investigations.

(f) Assisting with the return of department-issued equipment that may be at the deceased member's residence.

1. Unless there are safety concerns, the return of the equipment should take place after the funeral at a time and in a manner considerate of the survivors' wishes.

(g) Working with the Wellness Support Liaison for survivors to have access to available counseling services.

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(h) Coordinating with the department's Public Information Officer (PIO) to brief the survivors on pending press releases related to the incident and to assist the survivors with media relations in accordance with their wishes (see the Public Information Officer section of this policy).

(i) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal, and administrative investigations.

(j) Informing survivors of any related criminal proceedings and accompanying them to such proceedings.

(k) Introducing survivors to prosecutors, victim's assistance personnel, and other involved personnel as appropriate.

(l) Maintaining long-term contact with survivors and taking measures to sustain a supportive relationship (e.g., follow-up visits, phone calls, cards on special occasions, special support during holidays).

(m) Inviting survivors to department activities, memorial services (e.g., as applicable, the Annual Candlelight Vigil at the National Law Enforcement Officers Memorial), or other functions as appropriate.

Survivor Support Liaisons providing services after an incident resulting in multiple members being killed should coordinate with and support each other through conference calls or meetings as necessary.

The Department recognizes that the duties of a Survivor Support Liaison will often affect regular assignments over many years, and is committed to supporting members in the assignment.

If needed, the Survivor Support Liaison should be issued a personal communication device (PCD) owned by the Department to facilitate communications necessary to the assignment. The department-issued PCD shall be used in accordance with the Personal Communication Devices Policy.

### 1032.6.4 WELLNESS SUPPORT LIAISON

The Wellness Support Liaison should work with the department wellness coordinator or the authorized designee and other liaisons and coordinators to make wellness support and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the Wellness Support Liaison include but are not limited to:

(a) Identifying members who are likely to be significantly affected by the incident and may have an increased need for wellness support and counseling services, including:

1. Members involved in the incident.
2. Members who witnessed the incident.
3. Members who worked closely with the deceased member but were not involved in the incident.

(b) Making arrangements for members who were involved in or witnessed the incident to be relieved of department responsibilities until they can receive wellness support.

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(c) Making wellness support and counseling resources (e.g., peer support, Critical Incident Stress Debriefing) available to members as soon as reasonably practicable following the line-of-duty death.

(d) Coordinating with the Survivor Support Liaison to inform survivors of available wellness support and counseling services and assisting with arrangements as needed.

(e) Following up with members and the Survivor Support Liaison in the months following the incident to determine if additional wellness support or counseling services are needed.

### 1032.6.5 FUNERAL LIAISON

The Funeral Liaison should work with the Department Liaison, Survivor Support Liaison, and survivors to coordinate funeral arrangements to the extent the survivors wish. The Funeral Liaison's responsibilities include but are not limited to:

(a) Assisting survivors in working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

(b) Completing funeral notification to other law enforcement agencies.

(c) Coordinating the funeral activities of the Department, including but not limited to the following:

1. Honor Guard
    (a) Casket watch
    (b) Color guard
    (c) Pallbearers
    (d) Bell/rifle salute
2. Bagpipers/bugler
3. Uniform for burial
4. Flag presentation
5. Last radio call

(d) Briefing the Chief of Police and command staff concerning funeral arrangements.

(e) Assigning an officer to remain at the family home during the viewing and funeral.

(f) Arranging for transportation of the survivors to and from the funeral home and interment site using department vehicles and drivers.

(g) Addressing event-related logistical matters (e.g., parking, visitor overflow, public assembly areas).

### 1032.6.6 MUTUAL AID COORDINATOR

The mutual aid coordinator should work with the Department Liaison and the Funeral Liaison to request and coordinate any assistance from outside law enforcement agencies needed for, but not limited to:

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(a) Traffic control during the deceased member's funeral.

(b) Area coverage so that as many Tracy Police Department members can attend funeral services as possible.

The mutual aid coordinator should perform duties in accordance with the Outside Agency Assistance Policy.

Where practicable, the Chief of Police should appoint a mutual aid coordinator to identify external resources in advance of any need (e.g., regional honor guard teams, county- or state-wide resources).

### 1032.6.7 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and will assist them in applying for benefits. Responsibilities of the Benefits Liaison include but are not limited to:

(a) Confirming the filing of workers' compensation claims and related paperwork (see the Occupational Disease and Work-Related Injury Reporting Policy).

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the following:

1. Public Safety Officers' Benefits Program, including financial assistance available through the Public Safety Officers' Educational Assistance (PSOEA) Program, as applicable (34 USC § 10281 et seq.).
2. Social Security Administration.
3. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits, such as:

1. Education benefits (Education Code § 68120).
2. Health benefits (Labor Code § 4856).
3. Workers' compensation death benefit (Labor Code § 4702).

(d) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(e) Researching and informing survivors of support programs sponsored by police associations and other organizations.

(f) Documenting and informing survivors of inquiries and interest regarding public donations to the survivors.

1. If requested, working with the finance coordinator to assist survivors with establishing a process for the receipt of public donations.

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(g) Providing survivors with a summary of the nature and amount of benefits applied for, including the name of a contact person at each benefit office. Printed copies of the summary and benefit application documentation should be provided to affected survivors.

(h) Maintaining contact with the survivors and assisting with subsequent benefit questions and processes as needed.

1032.6.8 FINANCE COORDINATOR

The finance coordinator should work with the Chief of Police and the Department Liaison to manage financial matters related to the line-of-duty death. The finance coordinator's responsibilities include, but are not limited to:

(a) Establishing methods for purchasing and monitoring costs related to the incident.

(b) Providing information on finance-related issues, such as:

1. Paying survivors' travel costs if authorized.
2. Transportation costs for the deceased.
3. Funeral and memorial costs.
4. Related funding or accounting questions and issues.

(c) Working with the Benefits Liaison to establish a process for the receipt of public donations to the deceased member's survivors.

(d) Providing accounting and cost information as needed.

## 1032.7 PUBLIC INFORMATION OFFICER

In the event of a line-of-duty death, the department's PIO should be the department's contact point for the media. As such, the PIO should coordinate with the Department Liaison to:

(a) Collect and maintain the most current incident information and determine what information should be released.

(b) Instruct department members to direct any media inquiries to the PIO.

(c) Prepare necessary press releases.

1. Coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).
2. Disseminate important public information, such as information on how the public can show support for the department and deceased member's survivors.

(d) Arrange for community and media briefings by the Chief of Police or the authorized designee as appropriate.

(e) Respond, or coordinate the response, to media inquiries.

(f) If requested, assist the member's survivors with media inquiries.

1. Brief the survivors on handling sensitive issues such as the types of questions that reasonably could jeopardize future legal proceedings.

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(g) Release information regarding memorial services and funeral arrangements to department members, other agencies, and the media as appropriate.

(h) If desired by the survivors, arrange for the recording of memorial and funeral services via photos and/or video.

The identity of deceased members should be withheld until the member's survivors have been notified. If the media have obtained identifying information for the deceased member prior to survivor notification, the PIO should request that the media withhold the information from release until proper notification can be made to survivors. The PIO should notify media when survivor notifications have been made.

### 1032.8 DEPARTMENT CHAPLAIN

The Department chaplain may serve a significant role in line-of-duty deaths. Chaplain duties may include but are not limited to:

- Assisting with survivor notifications and assisting the survivors with counseling, emotional support, or other matters, as appropriate.
- Assisting liaisons and coordinators with their assignments, as appropriate.
- Assisting department members with counseling or emotional support, as requested and appropriate.

Further information on the potential roles and responsibilities of the chaplain is in the Chaplains Policy.

### 1032.9 INVESTIGATION OF THE INCIDENT

The Chief of Police should make necessary assignments to conduct thorough investigations of any line-of-duty death and may choose to use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

Investigators from other agencies may be assigned to work on any criminal investigation related to line-of-duty deaths. Partners, close friends, or personnel who worked closely with the deceased member should not have any investigative responsibilities because such relationships may impair the objectivity required for an impartial investigation of the incident.

Involved department members should be kept informed of the progress of the investigations and provide investigators with any information that may be pertinent to the investigations.

### 1032.10 LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL

The Chief of Police may authorize appropriate memorial and funeral services for law enforcement animals killed in the line of duty.

### 1032.11 NON-LINE-OF-DUTY DEATH

The Chief of Police may authorize certain support services for the death of a member not occurring in the line of duty.

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# PEER SUPPORT PROGRAM

## 1035.1 PURPOSE AND SCOPE

The Tracy Police Department recognizes that employees may be exposed to stressful and/or traumatic incidents, to which they may experience significant stress related symptoms that may adversely affect their personal well-being and ability to perform their assigned job functions. Therefore, the purpose of this policy is to provide Critical Incident Stress Management (CISM) and peer support programs for employees, enabling them to better manage symptoms of stress resulting from a personal or professional crisis. Decisions derived from this directive shall be done for the welfare of the employee.

## 1035.2 PROGRAM PHILOSOPHY AND OBJECTIVES

We recognize that the Tracy Police Department's employees are its greatest resource. Because we value our employees, we are dedicated to providing them with continued training and support in the area of stress management and career survival. This philosophy is kept vital through our commitment to provide intervention and structured support activities, which educate personnel and their families about stress and stress management. Such activities can occur prior to an incident in the form of training, during an incident to identify early warning signs of stress related symptoms, or after an incident in the form of debriefings and follow-up referrals.

The sheer nature of the job can take its toll on the men and women who devote their lives to protecting others. Emergency services are surely one of the most demanding professions in our nation. One of our goals is to keep the mental health of our employees as strong as possible by providing peer assistance through times of personal and professional crisis. The objective is to mitigate the likelihood of stress reactions that may arise out of exposure to a single critical or traumatic incident, or cumulative stressful incidents.

## 1035.3 POLICY

It shall be the policy of the Tracy Police Department to provide department employees with voluntary and confidential resources of support and assistance relating to personal, work, and/ or critical incident stress.

Management and supervisory personnel are encouraged to view the peer support program as a support mechanism for their personnel. Peer Support Team members will be involved in helping their fellow employees on and off duty. The Peer Support Team member and the employee seeking assistance will need the support and understanding of management and supervisory personnel during this process. Should any conflict arise, the program coordinator or liaison shall be contacted.

## 1035.4 DEFINITIONS

**Traumatic Event/ Critical Incident:**

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*PEER SUPPORT PROGRAM*

Any event that may temporarily overwhelm an individual's usual methods of coping or produces unusually strong reactions. It is important to note an individual's reaction to a traumatic event is individual-specific based on the totality of circumstances in that individual's life (i.e., the degree of involvement, cumulative events, personal likeness, children, etc.).
Critical Incidents that should automatically trigger a peer support team response include but are not limited to:

a) Officer Involved Fatal Incidents where investigative protocol is invoked, such as officer involved shootings, traffic collisions, and other incidents where anyone sustains a life-threatening injury.
b) Non-fatal officer involved shootings or use of force
c) Threat to one's life, another's life, or grievous physical harm
d) Suicide or attempted suicide of an employee
e) Serious injury inflicted upon or death of an employee
f) Serious injury or death of a non-employee, especially a child
g) Cruelty or abuse involving a child
h) Large scale incident or prolonged disaster
i) Perceived failure during a tragic/traumatic event
j) Event with high media exposure

**Peer Support Team (PST):**

PST is a partnership between mental health professionals, clergy, and department employees, who are interested in preventing and mitigating the negative impact of stress on themselves and their coworkers.

**Critical Incident Stress Management (CISM):**

CISM is a comprehensive, integrated, systematic and multi-component crisis intervention program. The word comprehensive means there are elements of the crisis intervention program in place before, during and after a traumatic event. Integrated means the individual parts of the CISM program are not used in isolation from each other. Instead, they are linked or blended as necessary to provide the very best services to people in crisis. Systematic means there are logical, reasonable steps to take to manage a crisis. Some steps must be accomplished first before others are introduced. Multi-component means no single crisis intervention technique should be used alone to the exclusion of other interventions. One isolated intervention rarely accomplishes the goals of crisis intervention. A program of support services is required to be effective in most cases.

CISM services should focus on all three phases of stress management including:

a) Pre-incident education, planning, and preparation.

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b) Identification and mitigation of acute distress during and immediately following a crisis event.
c) Follow-up mental health treatment and rehabilitation services.

**Critical Incident Stress Debriefing or "Debriefing" (CISD):**

A CISD is a mental health professional guided, peer driven, group discussion of a traumatic event for directly involved first responders. It is a process that should generally be conducted within 72 hours of the traumatic event unless a longer delay is indicated by the incident. The CISD usually lasts two to three hours depending on the number of participants. It is not an investigative inquiry. CISD shall be conducted by a Mental Health Professional (MHP), assisted by Department Team members.

**Defusing:**

A defusing is a shortened version of a CISD generally lasting less than one hour. A defusing is a peer guided discussion that should take place as soon as possible after the traumatic event and before involved personnel are released from duty (within 8 to 12 hours). A defusing should not be used in a line of duty death, suicide of an employee, or with severely impacted employees. A defusing shall not be used in a protocol case.

**Crisis Management Briefing (CMB):**

CMB is a form of "town meeting" or assembly designed to facilitate social support, mitigate the spread of dysfunctional rumors, and provide functional empowering information to large groups of people. This event driven intervention achieves these goals almost exclusively through the delivery of information to those groups affected by the event. CMB may be used for a wide variety of groups including emergency services personnel, families, schools, community groups, or any other group that would benefit from the dissemination of information.

**One-On-One Peer Interactions:**

Peer assistance via a process by which trained team members provide emotional support and referrals for a colleague during a crisis or when they are under stress. Generally, peer assistance is sought by the employee in need, or suggested by the employee's peer(s) or supervisor. Peer assistance does not replace the need for structured group intervention following trauma. Peer assistance does not replace the department's contracted Employee Assistance Program or other professional mental health services.

**Follow-up:**

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Phone calls, in-person contact, and/or home visits, when appropriate, to monitor the progress and wellbeing of the employee(s) and family members. Referrals to the appropriate resources can be initiated during a follow-up.

**Employee Assistance Program (EAP):**

The department's EAP is a consulting/counseling service for a variety of personal and/or work-related issues.

**Mental Health Professional (MHP):**

An individual, who through specialized training and experience has been licensed to practice mental health care. The term MHP may include psychologists, psychiatrists, licensed professional clinical counselors, licensed marriage and family therapists, or licensed clinical social workers. As it applies to the peer support program, a MHP shall have additional training and experience working with first responder populations, crisis intervention, suicide prevention, intervention, and postvention, trauma response and treatment modalities, and hold certifications in CISM from the International Critical Incident Stress Foundation. A MHP may also refer to a post-masters or post-doctoral level associate or intern working under the supervision of an appropriately licensed and experienced MHP.

**Suicidal Crisis:**

A Suicidal Crisis is a situation where a person is attempting to kill themselves, seriously considering killing themselves or has a plan to do so, and/or having thoughts of doing so. It is considered to be a medical emergency, requiring immediate suicide intervention and treatment.

### 1035.5 CONFIDENTIALITY

The promotion of trust, anonymity, and confidentiality is essential to the effectiveness of any peer support program. Communication between a peer support team member and an employee is considered "privileged" under California Government Code section 8669.1 et seq., and this policy. Members of the Peer Support Team shall honor and maintain confidentiality unless the disclosure of privileged communications is required by law.

It is the department's intent that no stigma will be attached to assistance seeking behavior under this policy; therefore, all employees of this department shall honor the presumption of confidentiality surrounding Peer Support Team activities or individuals accessing mental health services. Failure to honor confidentiality may be grounds for disciplinary action. Nothing in this policy is intended to prevent an employee from speaking about their own circumstance or experience with the peer support program provided they are talking for and about themselves.

It shall be mandatory that Peer Support Team members maintain strict confidentiality in matters discussed during one-on-one peer support interactions, debriefings, defusings, group crisis

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interventions, meetings, training, crisis responses, and any other setting where required by law. Any statement or discussion with Peer Support Team Members, while acting in their Peer Support Team role, shall remain confidential except as follows.

a) To refer an employee to crisis referral services
b) To refer an employee to a Mental Health Professional
c) During consultation between two Peer Support Team Members or between a Peer Support Team Member and a Mental Health Professional
d) If the Peer Support Team Member reasonably believes that disclosure is necessary to prevent death, substantial bodily harm, or the commission of a crime.
e) If the employee expressly agrees in writing that the confidential communication may be disclosed.
f) In a criminal proceeding.
g) If otherwise required by law.

Notwithstanding the aforementioned clauses, information regarding child, dependent adult, or elder abuse (11166 PC and 15630 W&I et al.) shall be reported as required by policy and law.

Except as otherwise provided for under California Government Code section 8669.7 (a), a law enforcement personnel, whether or not a part to the action, has a right to refuse to disclose, and to prevent another from disclosing a confidential communication between the law enforcement personnel and a crisis hotline or crisis referral service in a civil, administrative, or arbitration proceeding. Notwithstanding subdivision (a), a crisis hotline or crisis referral service may disclose confidential information communicated by law enforcement personnel to prevent reasonably certain death, substantial bodily harm, or commission of a crime.

Team members are required to successfully complete the basic peer support training listed under 1035.9 prior to confidentiality provisions being applicable to their peer interactions. As such, untrained team members are prohibited from acting in a peer role requiring confidentiality

### 1035.6 PROFESSIONAL STANDARDS AND INTERNAL AFFAIRS

The Peer Support Team is not an investigative unit of the department; therefore, it shall not be the policy of the department to question Peer Support Team members, or any other participant involved in a CISM process, concerning the content of such discussion, except as required by law.

It may occur that a Peer Support Team member is supporting an individual who becomes or is the subject of an internal affairs investigation. The Peer Support Tteam member providing assistance shall be guided by the confidentiality policy of the peer support program and Government Code section 8669.1 et seq. Peer Support Team members shall not hamper, interfere, impede the actual investigation nor shall they attempt to shelter the individual from the department. Peer Support Team members who are party to the same action as an employee seeking assistance are prohibited from providing assistance and shall refer the affected employee to another peer support team member.

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The Peer Support Team member's role in disciplinary situations shall be limited to providing support in dealing with and understanding the stressors and related stress responses experienced by the employee in the disciplinary process. If at any time the Peer Support Team member finds it necessary to invoke the confidentiality provisions of this policy or prevailing law, they shall immediately consult with the program coordinator, liaison, and/or mental health professional.

### 1035.7 PROGRAM STAFFING, COMPONENTS, DESCRIPTIONS, AND RESPONSIBILITIES

The Peer Support Team shall consist of the following positions:

**1. Program Liaison:** Is generally a police lieutenant, appointed by the Chief of Police, as the primary liaison between the team, the mental health professional and management staff. The team liaison will be the only management representative on the Team. They will serve as the team administrator.

Responsibilities: The liaison will be responsible for the team budget, authorizing overtime as necessary, approving team deployment in extraordinary circumstances, and maintaining team training standards. Serve as a peer support resource for other department managers.

**2. Program Coordinator:** Is generally a police sergeant(s), shall be selected from nominated employees for the day-to-day management, maintenance, and coordination of the Peer Support Team. Program coordinators may also be selected from professional or non-sworn supervisory staff members.

Responsibilities: The coordinator is responsible for the general supervision of team members while working in a peer support role. The coordinator(s) is responsible for maintaining a list of active referral resources and developing new resources as required. The coordinator(s) oversees and leads regular team meetings. The coordinator(s) is responsible for communicating training, meetings, and other information to peer support team members. The coordinator(s) gathers statistical information regarding team activities and reports them to the liaison, makes recommendations to the liaison and agency regarding team training, department training, equipment needs, or other items requiring additional approval, as well as, scheduling of CISM activities including CISDs, defusings, large group interventions, and other protocols where appropriate. The coordinator(s) also maintain the team roster, training records, and activity reports. The coordinator(s) serves as the first point of contact for any team or member deployment.

**3. Team Lead:** The department may elect to authorize line-level employees to serve as team leads. Leads should serve in a support role to the coordinator(s) in order to assist with the day-to-day operation of the team.

Responsibilities: As assigned by the liaison and coordinator.

**4. Mental Health Professional:** A licensed MHP(s) under City contract with specific expertise, experience, education, and training in the field of trauma services, CISM, crisis intervention, and International Critical Incident Stress Foundation protocols and standards with special emphasis on first responder populations.

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Responsibilities: The MHP shall serve as a referral resource and provide oversight to peer support team operations as requested. The MHP shall conduct all Critical Incident Stress Debriefings and may provide assistance during other peer led CISM protocols. The MHP will also act as a consultant to command staff, team leadership, and the department as needed. The MHP shall be integrated into the peer support team through team meetings, department and peer support team trainings, and through regular interactions with department personnel. Provides continuing education to the peer support team. Serves as a clinical resource to the team.

**5. Police Chaplain:** Police Chaplains serving on the peer support team shall be selected from the community and be endorsed by a local religious organization. Endorsement from a local religious organization shall include an extension of religious privilege in order to facilitate confidential communication between personnel seeking spiritual support and the Chaplain. Chaplains shall maintain certification through a nationally recognized police chaplaincy organization and be trained in Critical Incident Stress Management and Pastoral Crisis Intervention.

Responsibilities: Police Chaplains shall serve in a support role to the peer support team, providing spiritual resources, support, and referrals to the team as requested. Chaplain shall avoid proselytizing or soliciting membership to any specific religious organization from or to any member of the department without request or expressed permission of the involved personnel.

**6. Peer Support Team Member:** A peer support team member shall be an employee who, by virtue of prior experience, training, interest, and desire has been selected to provide support for employees of the department. Team members shall be nominated from department personnel at large. Team members should consist of sworn, non-sworn, dispatch, and civilian staff from all assignments and ranks where possible.

Responsibilities: Team members shall make themselves available to provide support to department personnel through one-on-one interactions and follow-up referrals. Referrals to team members may occur directly via an impacted employee or indirectly via a supervisor or team coordinator. Team members may be called upon to provide CISM and peer support services during debriefings, defusings, or other CISM interventions. Team members should be utilized to assist in teaching stress management techniques to department personnel either through formal CISM protocols, one-on-one interactions, or other department training.

### 1035.8 TEAM MEMBER SELECTION PROTOCOL AND CRITERIA

It is the intent of the Department that all requests for special and collateral assignments are considered equally. To facilitate the selection process peer support applicants shall adhere to the requirements set forth in policy 1014.

### 1035.9 INITIAL AND ON-GOING TRAINING REQUIREMENTS

Required Initial Training:

Initial training for all Peer Support Team members shall include the following courses:

a) 24 hour Basic Peer Support Course
b) CISM (Critical Incident Stress Management) course

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These training courses are intended to provide a basic understanding of and the skills necessary to apply the CISM protocols. These courses shall be completed prior to any Peer Support Team member providing services within the program.

All team members should be encouraged to complete additional training as recommended by the program coordinator and mental health professional.

**Required On-Going Update Training:**

Two, four-hour sessions of Regional Peer Support Training should be completed annually. Regional Peer Support Training is offered multiple times each year and team members should be encouraged to attend sessions regularly.

### 1035.10 PEER SUPPORT TEAM DUTIES

The responsibilities of peer support team members include, but are not limited to the following:

a) Providing emotional support during and after times of personal or professional crisis to other employees who need assistance.
b) Promoting trust, allowing anonymity, and preserving confidentiality for persons using peer support.
c) Responding to the scene of a critical incident if and as requested by the incident commander, watch commander, or program coordinator specifically to provide peer support to department personnel. Peer Support Team members shall not be called upon to provide peer support services to the general public, other city employees, or individuals outside of the department.
d) Promoting an awareness of self-help resources available to employees.
e) Promoting an atmosphere of support and trust among employees.
f) Checking on the welfare of members out on injury, leave, or other absence from the Department and providing support where desired and needed.
g) Understanding that being a peer support team member is voluntary and that team members be prepared to answer calls for help on a 24-hour basis.
h) Abiding by the program policy or risk being removed from program participation.
i) Notifying the program liaison or coordinator should a conflict of interest arise.
j) Developing members who can identify personal conflicts and provide guidance or referral to professional/alternate resources as required.
k) Providing training on topics such as resiliency, wellness, and CISM to department employees, as requested.

Generally, when a Peer Support Team member is on duty, peer support related meetings and follow-up contacts will be coordinated with the team member's immediate supervisor. Consideration should be given to minimum staffing levels and calls for service.

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### 1035.11 RECORD KEEPING

Record keeping will be for the utilization of statistical information only. Names or identification numbers of employees will not be used. Peer Support Team members shall keep a monthly tally of the number of contacts and hours involved in peer assistance. No identifying information regarding peer contact or group debriefing services will be collected.Specific topics of discussion or other HIPAA related information shall not be included in record keeping at any time.

Each Peer Support Team member shall submit a Peer Support Activity Summary to the program coordinator by the tenth day of the following month. The coordinator will compile individual information into a monthly report and then forward the report to the team liaison. The program liaison shall present team utilization information to command staff at least annually.

### 1035.12 COMPENSATION

Peer Support Team members must understand that being a member is voluntary and is not subject to specialty assignment or other incentive pay, except where required by the affected employee's collective bargaining agreement or MOU. In most cases, peer assistance should be performed during regularly scheduled on-duty time. Most one-on-one peer interactions should be relatively short in duration and frequency. Prolonged peer assistance, such as debriefings and defusings, should be scheduled during regular on-duty time where possible.

In the event that off-duty overtime is required, the Peer Support Team member shall secure prior approval from the Program Coordinator, Program Liaison, or Watch Commander. Peer Support Team members shall be compensated for their off-duty overtime as outlined in the employee's collective bargaining agreement or MOU.

### 1035.13 ACTIVATION, CALL-OUTS, AND MAJOR INCIDENT RESPONSE

**Requests For Individual Peer Assistance:** A list of active Peer Support Team members shall be posted on departmental bulletin boards, computer system, and department wellness applications. Any department employee in need of peer assistance may select a Peer Support Team member of their choice and contact them directly.

**Supervisory Referrals:** Any supervisor becoming aware of an individual that could benefit from peer support services may advise the employee of the Peer Support Team resource and how to contact a Peer Support Team member. Alternatively, a supervisor may contact the Peer Support Team coordinator and ask them to reach out to a specific employee suspected or known to need additional support. Such referrals are never disciplinary in nature and are intended to solely be in support of an employee facing a crisis or other challenge where peer support could be of assistance.

**Management Referrals:** A management referral is made when supervisory or management staff directs an employee to seek assistance from the department clinician or other mental health resources. Management referrals should be reserved for situations where other avenues of assistance have been exhausted or refused by the affected employee. In the case of a management referral, the referring manager, in conjunction with the peer support team liaison, shall contact the department clinician for guidance prior to making the management referral. If

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the management referral is being made in lieu of disciplinary action, a follow-up report may be requested from the department clinician. The affected employee shall be required to consent to the release of HIPAA-protected information to the referring manager and any report shall be limited to only the information related to the matter being referred.

**Referral To Mental Health Professional:** Peer support team members are trained to be effective listeners and to provide feedback, clarify issues and assist employees in identifying options or resources; however, they are not mental health professionals. When problems are acute or appear to require specialized assistance, information on referral resources will be made available to department employees. Any member of the department may access the services of the contracted mental health professional without the need for referral. The extent and duration of those services shall be governed by the city's contract with the MHP. Employees may also contact the MHP for assistance directly, without the need for referral or authorization, where such services are provided in the city's contract with the MHP. Peer support team members may advise department employees in need of assistance of this resource and provide contact information where needed. Employees may also access mental health services through the city's EAP, their private health insurance, or other licensed mental health resources.

**CISM Activation:** When a critical incident occurs, the supervisor of the involved employee(s) should notify the peer support coordinator, the department MHP, or Peer Support Team liaison as soon as possible. If the activating supervisor is unable to reach any one of the designated individuals, the supervisor may contact a peer support team member for assistance. The peer support coordinator, department MHP, or peer support liaison will then confer with the supervisor and assess whether or not the incident warrants the need for an immediate on-site response or a formal group crisis intervention. The final decision as to whether a debriefing or defusing is warranted will be made by the MHP or the peer support team coordinator/liaison. In any event, when an employee requests intervention, that request shall be granted.

This program is dependent upon the identification of critical incidents, both large and small, to help reduce the emotional impacts and avoid the effects of critical incidents or posttraumatic stress.

A critical incident stress debriefing should include all personnel immediately and directly involved in the incident. If the debriefing to be conducted for an incident described in this order, the attendance should be automatic for those involved. Active participation in the discussion is not a requirement. Anyone not directly involved in the incident may not attend the critical incident stress debriefing. Peer support team members should attend the debriefing as directed by the MHP and team coordinator.

Critical incident stress defusings may be used to provide immediate support services to a group of employees who have experienced a traumatic event. Defusings are typically conducted by a trained peer support team member and shall be conducted within eight to twelve hours of the incident and prior to involved personnel being sent home following their shift. A defusing should not be initiated after involved personnel has been sent home following their shift.

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Large group crisis interventions are utilized for large and/or significant events or disaster responses and should be implemented as recommended by the MHP. Typical large group crisis interventions for major incidents affecting a significant number of department employees include Crisis Management Briefings (CMB)

**Referral to EAP:** Any department employee may access the services of the city's Employee Assistance Program. EAP program information should be posted on department bulletin boards, computer systems, and department wellness applications. Department supervisors and managers, as well as peer support team members, should also have EAP contact information available for employees who request the information. Employee's seeking assistance through the city's EAP should contact the EAP directly for assistance.

**Follow-Up:** Responsibility for follow-up with any employee who has sought the assistance of the peer support team should lay with the peer support team member who provided assistance to the employee. The purpose of follow-up is to ensure that the affected employee has been able to resolve the presenting issue or that they have been able to access additional resources. In the event that the original employee that provided assistance is unavailable, the peer support team coordinator should follow up with the affected employee.

**Wellness Applications:** Wellness applications may be used to support team operations and employee wellness, but they shall not serve as a replacement for those services.

### 1035.14 ALLIED AGENCY REQUEST

The interagency cooperation of Peer Support Teams is paramount to the successful response to large scale incidents or traumatic events that overwhelm the resources of an individual agency. As such, the Peer Support Team should honor and respond to outside requests whenever possible. Requests for Peer Support Team assistance from outside agencies shall be referred to the Program Coordinator and/or Liaison as expeditiously as possible.

When a response to an outside agency is made, a Program Coordinator should be assigned to oversee the department's response. The Program Coordinator shall consult the department's contracted MHP, who will advise on the specifics of the department's response. If an outside agency requesting a response lacks a department MHP the ProgramCoordinator should also request that the department's MHP respond to support team operations. In limited circumstances, the department's MHP may advise that a response is contraindicated. In that case, the peer support team shall respectfully decline the request for assistance while providing other options or referral resources as indicated by the department MHP.

The Peer Support Team, including individual team members, shall not deploy or respond to an outside agency request without being asked to respond by the affected agency and only after approval by the program coordinator or in their absence the on-duty Watch Commander or Bureau Captain.

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Before a Peer Support Team deployment to an outside agency, the Program Coordinator shall inform the Chief of Police via the chain of command of the nature of the request or incident.

### 1035.15 WITHDRAWAL OR REMOVAL FROM THE PROGRAM

Peer Support Team members may be removed at the discretion of the Chief of Police.

The following criteria, while not exhaustive, shall be grounds for removal from the Peer Support Team

(a) Breach of confidentiality

(b) Inappropriate conduct between the team member and department employee

(c) Providing peer services when the team member is aware of a pre-existing conflict of interest or dual relationship

(d) Sustained serious misconduct, disciplinary action, or unsatisfactiory annual report rating(s)

(e) Repeated failure to adhere to and follow peer support/CISM training and legal guidelines

(f) Failure to adhere to and follow this policy

(g) Failure to meet initial or on-going training requirements

Peer Support Team members may temporarily or permanently remove themselves from the team at any time. Peer Support Team members should consider a leave of absence from the team in order to address significant personal or professional stressors that may impact their ability to provide support to department personnel.

### 1035.16 USE OF DEPARTMENT EQUIPMENT AND FACILITIES

Peer Support Team members may seek the use of available department resources, including facilities and vehicles while they are assisting fellow employees. These facilities will be used with the knowledge and approval of the immediate supervisor responsible for the involved equipment or facility.

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# Attachments

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# Statutes and Legal Requirements.pdf

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## Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

### *Definitions*

**CPC 422.55** - Provides general definition of hate crimes in California.

**CPC 422.56**- Provides definitions of terms included in hate crimes statutes.

**GC 12926**- Disability-related definitions applicable to some hate crime statutes.

## Felonies

### *Hate Crimes*

**CPC 422.7** - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

### *Related Crimes*

**CPC 190.2(a)(16)** - Homicide penalties related to certain hate crime related acts.

**CPC 190.03(a)** - Homicide penalties related to certain hate crime related acts.

**CPC 288(b)(2)** - Sexual assault of dependent person by caretaker

**CPC 368(b)** - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

**CPC 11412** - Causing or attempting to cause other to refrain from exercising religion by threat.

**CPC 11413** - Arson or destructive device at place of worship.

## Misdemeanors

### *Hate Crimes*

**CPC 422.6** - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

**CPC 422.77** - Violation of civil order (Bane Act) protecting the exercise of civil rights

### *Related Crimes*

**CPC 302** - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

**CPC 538(c)** - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

**CPC 640.2** - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

**CPC 11411** - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

## Enhancements

**CPC 190.2(a)(16)** - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 190.3** - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 422.75** - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

**CPC 1170.8** - Enhancement for robbery or assault at a place of worship.

**CPC 1170.85(b)** - Felony assault or battery enhancement due to age or disability.

## Reporting

**CPC 13023**- Requirement for law enforcement agencies to report hate crime data to DOJ.

**WI 15630** – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

## Training and Policy Requirements

**CPC 422.87** - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

**CPC 13519.6** - Defines hate crime training requirements for peace officers.

**CPC 13519.41** - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

## Miscellaneous Provisions

**CPC 422.78** - Responsibility for prosecution of stay away order violations.

**CPC 422.86** - Public policy regarding hate crimes.

**CPC 422.89** - Legislative intent regarding violations of civil rights and hate crimes

**CPC 422.92** - Hate crimes victims brochure requirement for law enforcement agencies.

**CPC 422.93** - Protection of victims and witnesses from being reported to immigration authorities.

**GC 6254** - Victim confidentiality.

# Unit Identifier - Policy 801.pdf

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**UNIT IDENTIFIERS**

Apart from a patrol unit identifier, the unit identifier will designate the position the employee is currently assigned to.

The alpha character within a unit identifier designates what assignment the employee is currently assigned to.

| | | | |
|---|---|---|---|
| **A** | Administration | **NR** | Neighborhood Resource Officers |
| **B** | Code Enforcement | **O** | Volunteers (VIPS / Chaplains) |
| **C** | Corporals | **P** | Community Preservation Unit / Familiar Faces / PIO |
| **D** | Patrol double units | **R** | Reserve Officers |
| **E** | Crime Scene/Property Unit | **S** | Patrol Sergeants |
| **F** | Foot Patrol / Special Detail / Bike Patrol | **SR** | School Resource Officers |
| **G** | Animal Services | **T** | Traffic Interns |
| **H** | Community Service Officers | **U** | Office of the Chief of Police Sergeants |
| **I** | General Investigations | **V** | CRU (SWAT/CNT/Technical Support) |
| **J** | Real Time Information Center | **W** | Watch Commanders/Lieutenants |
| **K** | K-9 Officers | **X** | Explorer / Cadets |
| **L** | Patrol Officers | **Y** | Desk Relief Officer / Officer In Court |
| **M** | Traffic Safety Unit | **Z** | Special Enforcement Team |
| **N** | Special Investigations Unit | | |

**Administration Unit Identifiers**

| | |
|---|---|
| **A1** | Chief of Police |
| **A2** | Deputy Chief |
| **A3** | Bureau of Field Operations Captain |
| **A4** | Bureau of Investigations Captain |
| **A5** | Support Operations Manager |

**Code Enforcement Unit Identifiers**

| | |
|---|---|
| **B1** | Code Enforcement Manager / Community Preservation Manager |
| **B2** | Code Enforcement Case Analyst |
| **B3** | Code Enforcement Officer |
| **B4** | Code Enforcement Officer |
| **B5** | Code Enforcement Officer |
| **B6** | Code Enforcement Officer |

**Corporals**

| | |
|---|---|
| **C1** | Graveyard Patrol Corporal (when not assigned to a specific beat) |
| **C2** | Dayshift Patrol Corporal (when not assigned to a specific beat) |
| **C3** | Swingshift Corporal (when not assigned to a specific beat) |
| **C4** | Bureau of Field Operations Administrative Corporal |

**Crime Scene/Property Unit Identifiers**

| | |
|---|---|
| **E1** | Crime Scene/Property Unit Supervisor |
| **E2** | Crime Scene Technician |
| **E3** | Crime Scene Technician |
| **E4** | Crime Scene Technician |
| **E5** | Crime Scene Technician |
| **E6** | Senior Property and Evidence Technician |
| **E7** | Property and Evidence Technician |

**Foot Patrol / Special Detail / Bike Patrol**

| | |
|---|---|
| **F1 – F20** | Assigned to sergeants/corporals/officers on foot patrol, special detail or bike patrol |

**The supervisor of a special detail will log on as F1 and the corporal F2. Any officers will start with the F3 series and so on. If no sergeant is supervising, the corporal will assume F1 and leave F2 open. If no supervisor is on the detail, officers will log on starting with F3 with F1 and F2 open. For large events (4th of July) where multiple "F" teams are needed, F1-10 will be one team and the second team will start with F11 (Sergeant) F12 (Corporal) etc**

**Animal Services Unit Identifiers**

| | |
|---|---|
| **G1** | Animal Services Manager |
| **G2** | Senior Animal Services Officer |
| **G3** | Animal Services Officer |
| **G4** | Animal Services Officer |
| **G5** | Animal Services Officer |
| **G6** | Animal Services Officer |

**Community Services Officer**

| | |
|---|---|
| **H1** | Community Services Officer |
| **H2** | Community Services Officer |
| **H3** | Community Services Officer |
| **H4** | Community Services Officer |

**General Investigations Unit**

| | |
|---|---|
| **I1** | General Investigations Unit Sergeant |
| **I2** | General Investigations Unit Corporal |
| **I3** | General Investigations Unit Detective |
| **I4** | General Investigations Unit Detective |
| **I5** | General Investigations Unit Detective |
| **I6** | General Investigations Unit Detective |
| **I7** | General Investigations Unit Detective |
| **I8** | General Investigations Unit Detective |
| **I9** | General Investigations Unit Detective |
| **I10** | General Investigations – Assigned to Delta RATT |

**Real Time Information Center**

| | |
|---|---|
| **J1** | Real Time Information Center Supervisor/Sergeant |
| **J2** | Real Time Information Center Corporal/Second in command |
| **J3** | Real Time Information Center |
| **J4** | Real Time Information Center |
| **J5** | Real Time Information Center |

**K-9 Officers** (when not assigned a beat or in a special unit)

| | |
|---|---|
| **K1** | K-9 Officer |
| **K2** | K-9 Officer |
| **K3** | K-9 Officer |
| **K4** | K-9 Officer |
| **K5** | K-9 Officer |

**Motors / Traffic Safety Unit**

| | |
|---|---|
| **M1** | Traffic Safety Unit Sergeant |
| **M2** | Traffic Safety Unit Corporal |
| **M3** | Traffic Safety Unit Officer |
| **M4** | Traffic Safety Unit Officer |
| **M5** | Traffic Safety Unit Officer |
| **M6** | Traffic Safety Unit Officer |
| **M7** | Traffic Safety Unit Officer |
| **M8** | Traffic Safety Unit Officer |

**Special Investigations Unit (SIU)**

| | |
|---|---|
| **N1** | Special Investigations Unit Sergeant |
| **N2** | Special Investigations Unit Corporal |
| **N3** | Special Investigations Unit Detective |

| | |
|---|---|
| **N4** | Special Investigations Unit Detective |
| **N5** | Special Investigations Unit Detective |
| **N6** | Special Investigations Unit Detective – Assigned to Metro |
| **N9** | Special Investigations Unit K9 Detective |

**Neighborhood Resource Officer (NRO)**

| | |
|---|---|
| **NR1** | Neighborhood Resource Sergeant (also supervises SRO's) |
| **NR2** | Neighborhood Resource Corporal |
| **NR3** | Neighborhood Resource Officer |
| **NR4** | Neighborhood Resource Officer |
| **NR5** | Neighborhood Resource Officer |

**Volunteers (Chaplains / VIPS)**

| | |
|---|---|
| **O1** | Chaplain |
| **O2** | Chaplain |
| **O3** | Chaplain |
| **O4** | Chaplain |
| **O5** | Chaplain |
| **O6** | Chaplain |
| **O7** | Chaplain |
| **O8 – O30** | VIPS assigned by VIPS Coordinator |

**Community Preservation**

| | |
|---|---|
| **P1** | Crime Prevention Specialist |
| **P2** | Crime Prevention Specialist |
| **P3** | Homeless Outreach Coordinator (Familiar Faces Program) |
| **P4** | Homeless Outreach Coordinator (Familiar Faces Program) |
| **P5** | Homeless Outreach Coordinator (Familiar Faces Program) |

**Reserve Officers** (when working patrol solo or special detail)

| | |
|---|---|
| **R1** | Reserve Officers |
| **R2** | Reserve Officers |
| **R3** | Reserve Officers |
| **R4** | Reserve Officers |
| **R5** | Reserve Officers |

**Sergeant**

| | |
|---|---|
| **S1** | Patrol Sergeant Graveyard |
| **S2** | Patrol Sergeant Day Shift |
| **S3** | Patrol Sergeant Swing Shift |
| **S11** | -Retired call sign for Sergeant Cox |

If a corporal is acting in place of a patrol sergeant, he/she will assume the appropriate "S" unit for the shift they are working.

**School Resource Officer (SRO)**

| | |
|---|---|
| **SR1** | School Resource Sergeant (future assignment) |
| **SR2** | School Resource Officer West High |
| **SR3** | School Resource Officer Kimball High |
| **SR4** | School Resource Officer Tracy High |
| **SR5** | School Resource Officer Jefferson School District |

**Traffic / Parking Interns**

| | |
|---|---|
| **T1** | Traffic / Parking Intern |
| **T2** | Traffic / Parking Intern |

**Office of the Chief of Police**

| | |
|---|---|
| **U1** | Chief of Staff (Sergeant) |
| **U2** | Professional Standards and Training Sergeant |
| **U3** | Community Relations Coordinator (PIO) |

**Crisis Response Unit**

| | |
|---|---|
| **V1 – V20** | Assigned to SWAT |
| **V21 – V30** | Assigned to CNT |
| **V31 – V42** | Assigned to CRU Technical Support (Drones etc) |

**Watch Commanders/Lieutenants**

| | |
|---|---|
| **W1** | Crisis Response Unit Commander/Incident Commander |
| **W2** | Watch Commander Day Shift |
| **W3** | Watch Commander Swing Shift |
| **W4** | Community Services Division Lieutenant |
| **W5** | Professional Standards and Training Lieutenant |
| **W6** | Bureau of Investigations Lieutenant |

**Explorer / Cadets**

| | |
|---|---|
| **X1 -X20** | Explorers assigned by Explorer Coordinator |

**Desk Relief Officer / Officer In Court**

| | |
|---|---|
| **Y1 – Y4** | Assigned to officers on light duty working front desk or officers off duty attending court in a marked patrol vehicle |

**Special Enforcement Team (SET)**

| | |
|---|---|
| **Z1** | Special Enforcement Team Sergeant |
| **Z2** | Special Enforcement Team Corporal |
| **Z3** | Special Enforcement Team Officer |
| **Z4** | Special Enforcement Team Officer |
| **Z5** | Special Enforcement Team Officer |
| **Z6** | Special Enforcement Team Officer |
| **Z9** | Special Enforcement Team K9 Officer |

**Patrol**

Patrol unit identifiers are a combination of alpha-numeric which designate the shift (numeric), type of unit (alpha), beat (numeric) and number of units in a beat for the same shift (numeric).

Shift:

- 1 – Graveyard
- 2 – Day shift
- 3 – Swing Shift

Type of Unit:

- C – Corporal
- D – Double Unit
- K – K-9 Officer
- L – Solo Officer

Beat:

- 1 – Beat one
- 2 – Beat two
- 3 – Beat three
- 4 – Beat four
- 5 – Beat five
- 6 – Beat six

Unit In Beat:

1 – first unit in beat for the same shift
2 – second unit in beat for the same shift
3 – third unit in beat for the same shift

Examples:

- 1C21 – Graveyard, Corporal, beat two, first unit
- 2L11 – Day shift, solo patrol officer, beat one, first unit
- 3D22 – Swing shift, double unit, beat two, second unit

**RETIREMENT OF UNIT IDENTIFIERS**

A request to retire a unit identifier that was assigned to a position (examples: Administration, Watch Commander, Sergeant) shall be submitted in memo via the chain of command. The memo should contain a detailed reason for the request.

# Unit Identifier list.pdf

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**UNIT IDENTIFIERS**

Apart from a patrol unit identifier, the unit identifier will designate the position the employee is currently assigned to.

The alpha character within a unit identifier designates what assignment the employee is currently assigned to.

| | | | |
|---|---|---|---|
| **A** | Administration | **NR** | Neighborhood Resource Officers |
| **B** | Code Enforcement | **O** | Volunteers (VIPS / Chaplains) |
| **C** | Corporals | **P** | Community Preservation Unit / Familiar Faces / PIO |
| **D** | Patrol double units | **R** | Reserve Officers |
| **E** | Crime Scene/Property Unit | **S** | Patrol Sergeants |
| **F** | Foot Patrol / Special Detail / Bike Patrol | **SR** | School Resource Officers |
| **G** | Animal Services | **T** | Traffic Interns |
| **H** | Community Service Officers | **U** | Office of the Chief of Police Sergeants |
| **I** | General Investigations | **V** | CRU (SWAT/CNT/Technical Support) |
| **J** | Real Time Information Center | **W** | Watch Commanders/Lieutenants |
| **K** | K-9 Officers | **X** | Explorer / Cadets |
| **L** | Patrol Officers | **Y** | Desk Relief Officer / Officer In Court |
| **M** | Traffic Safety Unit | **Z** | Special Enforcement Team |
| **N** | Special Investigations Unit | | |

**Administration Unit Identifiers**

| | |
|---|---|
| **A1** | Chief of Police |
| **A2** | Deputy Chief |
| **A3** | Bureau of Field Operations Captain |
| **A4** | Bureau of Investigations Captain |
| **A5** | Support Operations Manager |

**Code Enforcement Unit Identifiers**

| | |
|---|---|
| **B1** | Code Enforcement Manager / Community Preservation Manager |
| **B2** | Code Enforcement Case Analyst |
| **B3** | Code Enforcement Officer |
| **B4** | Code Enforcement Officer |
| **B5** | Code Enforcement Officer |
| **B6** | Code Enforcement Officer |

**Corporals**

| | |
|---|---|
| **C1** | Graveyard Patrol Corporal (when not assigned to a specific beat) |
| **C2** | Dayshift Patrol Corporal (when not assigned to a specific beat) |
| **C3** | Swingshift Corporal (when not assigned to a specific beat) |
| **C4** | Bureau of Field Operations Administrative Corporal |

**Crime Scene/Property Unit Identifiers**

| | |
|---|---|
| **E1** | Crime Scene/Property Unit Supervisor |
| **E2** | Crime Scene Technician |
| **E3** | Crime Scene Technician |
| **E4** | Crime Scene Technician |
| **E5** | Crime Scene Technician |
| **E6** | Senior Property and Evidence Technician |
| **E7** | Property and Evidence Technician |

**Foot Patrol / Special Detail / Bike Patrol**

| | |
|---|---|
| **F1 – F20** | Assigned to sergeants/corporals/officers on foot patrol, special detail or bike patrol |

**The supervisor of a special detail will log on as F1 and the corporal F2. Any officers will start with the F3 series and so on. If no sergeant is supervising, the corporal will assume F1 and leave F2 open. If no supervisor is on the detail, officers will log on starting with F3 with F1 and F2 open. For large events (4th of July) where multiple "F" teams are needed, F1-10 will be one team and the second team will start with F11 (Sergeant) F12 (Corporal) etc**

**Animal Services Unit Identifiers**

| | |
|---|---|
| **G1** | Animal Services Manager |
| **G2** | Senior Animal Services Officer |
| **G3** | Animal Services Officer |
| **G4** | Animal Services Officer |
| **G5** | Animal Services Officer |
| **G6** | Animal Services Officer |

**Community Services Officer**

| | |
|---|---|
| **H1** | Community Services Officer |
| **H2** | Community Services Officer |
| **H3** | Community Services Officer |
| **H4** | Community Services Officer |

**General Investigations Unit**

| | |
|---|---|
| **I1** | General Investigations Unit Sergeant |
| **I2** | General Investigations Unit Corporal |
| **I3** | General Investigations Unit Detective |
| **I4** | General Investigations Unit Detective |
| **I5** | General Investigations Unit Detective |
| **I6** | General Investigations Unit Detective |
| **I7** | General Investigations Unit Detective |
| **I8** | General Investigations Unit Detective |
| **I9** | General Investigations Unit Detective |
| **I10** | General Investigations – Assigned to Delta RATT |

**Real Time Information Center**

| | |
|---|---|
| **J1** | Real Time Information Center Supervisor/Sergeant |
| **J2** | Real Time Information Center Corporal/Second in command |
| **J3** | Real Time Information Center |
| **J4** | Real Time Information Center |
| **J5** | Real Time Information Center |

**K-9 Officers** (when not assigned a beat or in a special unit)

| | |
|---|---|
| **K1** | K-9 Officer |
| **K2** | K-9 Officer |
| **K3** | K-9 Officer |
| **K4** | K-9 Officer |
| **K5** | K-9 Officer |

**Motors / Traffic Safety Unit**

| | |
|---|---|
| **M1** | Traffic Safety Unit Sergeant |
| **M2** | Traffic Safety Unit Corporal |
| **M3** | Traffic Safety Unit Officer |
| **M4** | Traffic Safety Unit Officer |
| **M5** | Traffic Safety Unit Officer |
| **M6** | Traffic Safety Unit Officer |
| **M7** | Traffic Safety Unit Officer |

**Special Investigations Unit (SIU)**

| | |
|---|---|
| **N1** | Special Investigations Unit Sergeant |
| **N2** | Special Investigations Unit Corporal |
| **N3** | Special Investigations Unit Detective |
| **N4** | Special Investigations Unit Detective |
| **N5** | Special Investigations Unit Detective |
| **N6** | Special Investigations Unit Detective – Assigned to Metro |
| **N9** | Special Investigations Unit K9 Detective |

**Neighborhood Resource Officer (NRO)**

| | |
|---|---|
| **NR1** | Neighborhood Resource Sergeant (also supervises SRO's) |
| **NR2** | Neighborhood Resource Corporal |
| **NR3** | Neighborhood Resource Officer |
| **NR4** | Neighborhood Resource Officer |
| **NR5** | Neighborhood Resource Officer |

**Volunteers (Chaplains / VIPS)**

| | |
|---|---|
| **O1** | Chaplain |
| **O2** | Chaplain |
| **O3** | Chaplain |
| **O4** | Chaplain |
| **O5** | Chaplain |
| **O6 – O30** | VIPS assigned by VIPS Coordinator |

**Community Preservation**

| | |
|---|---|
| **P1** | Crime Prevention Specialist |
| **P2** | Crime Prevention Specialist |
| **P3** | Police Community Relations Coordinator / Public Information Officer |
| **P4** | Police Community Relations Coordinator / Public Information Officer |
| **P5** | Homeless Outreach Coordinator (Familiar Faces Program) |
| **P6** | Homeless Outreach Coordinator (Familiar Faces Program) |
| **P7** | Homeless Outreach Coordinator (Familiar Faces Program) |

**Reserve Officers** (when working patrol solo or special detail)

| | |
|---|---|
| **R1** | Reserve Officers |
| **R2** | Reserve Officers |
| **R3** | Reserve Officers |
| **R4** | Reserve Officers |
| **R5** | Reserve Officers |

**Sergeant**

| | |
|---|---|
| **S1** | Patrol Sergeant Graveyard |
| **S2** | Patrol Sergeant Day Shift |
| **S3** | Patrol Sergeant Swing Shift |
| **S11** | -Retired call sign for Sergeant Cox |

If a corporal is acting in place of a patrol sergeant, he/she will assume the appropriate "S" unit for the shift they are working.

**School Resource Officer (SRO)**

| | |
|---|---|
| **SR1** | School Resource Sergeant (future assignment) |
| **SR2** | School Resource Officer West High |
| **SR3** | School Resource Officer Kimball High |
| **SR4** | School Resource Officer Tracy High |
| **SR5** | School Resource Officer Jefferson School District |

**Traffic / Parking Interns**

| | |
|---|---|
| **T1** | Traffic / Parking Intern |
| **T2** | Traffic / Parking Intern |

**Office of the Chief of Police**

| | |
|---|---|
| **U1** | Chief of Staff (Sergeant) |
| **U2** | Professional Standards and Training Sergeant |

**Crisis Response Unit**

| | |
|---|---|
| **V1 – V20** | Assigned to SWAT |
| **V21 – V30** | Assigned to CNT |
| **V31 – V40** | Assigned to CRU Technical Support (Drones etc) |

**Watch Commanders/Lieutenants**

| | |
|---|---|
| **W1** | Crisis Response Unit Commander/Incident Commander |
| **W2** | Watch Commander Day Shift |
| **W3** | Watch Commander Swing Shift |
| **W4** | Community Services Division Lieutenant |
| **W5** | Professional Standards and Training Lieutenant |
| **W6** | Bureau of Investigations Lieutenant |

**Explorer / Cadets**

| | |
|---|---|
| **X1 -X20** | Explorers assigned by Explorer Coordinator |

**Desk Relief Officer / Officer In Court**

| | |
|---|---|
| **Y1 – Y4** | Assigned to officers on light duty working front desk or officers off duty attending court in a marked patrol vehicle |

**Special Enforcement Team (SET)**

| | |
|---|---|
| **Z1** | Special Enforcement Team Sergeant |
| **Z2** | Special Enforcement Team Corporal |
| **Z3** | Special Enforcement Team Officer |
| **Z4** | Special Enforcement Team Officer |
| **Z5** | Special Enforcement Team Officer |
| **Z6** | Special Enforcement Team Officer |
| **Z9** | Special Enforcement Team K9 Officer |

**Patrol**

Patrol unit identifiers are a combination of alpha-numeric which designate the shift (numeric), type of unit (alpha), beat (numeric) and number of units in a beat for the same shift (numeric).

Shift:

- 1 – Graveyard
- 2 – Day shift
- 3 – Swing Shift

Type of Unit:

- C – Corporal
- D – Double Unit
- K – K-9 Officer
- L – Solo Officer

Beat:

- 1 – Beat one
- 2 – Beat two
- 3 – Beat three
- 4 – Beat four
- 5 – Beat five
- 6 – Beat six

Unit In Beat:

1 – first unit in beat for the same shift
2 – second unit in beat for the same shift
3 – third unit in beat for the same shift

Examples:

- 1C21 – Graveyard, Corporal, beat two, first unit
- 2L11 – Day shift, solo patrol officer, beat one, first unit
- 3D22 – Swing shift, double unit, beat two, second unit

**RETIREMENT OF UNIT IDENTIFIERS**

A request to retire a unit identifier that was assigned to a position (examples: Administration, Watch Commander, Sergeant) shall be submitted in memo via the chain of command. The memo should contain a detailed reason for the request.

# Supplemental Hate Crime Report-Agency.pdf

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**SUPPLEMENTAL HATE CRIME REPORT**



☐ **Hate incident (No Crime Committed)** ☐ **Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)**

## VICTIM

### *VICTIM TYPE*

☐ **Individual**

Legal name (Last, First):

_____

| Date of Birth | Age | Sex | Race |
|---|---|---|---|
| | | | |

☐ **School, business or organization**

Name: _____

Type: _____

*(e.g., non-profit, private, public school)*

☐ **Faith-based organization**

Name: _____

Faith: _____

☐ **Other**

Name: _____

Type: _____

Address: _____

Date and time of incident:

_____

Location of incident:

_____

Date and time of report:

_____

Location of report:

_____

Agency Case #:

_____

**NATURE OF CALL FOR SERVICE (check all that apply)**

☐ Crime against persons

☐ Crime against property

☐ Gang activity

☐ Other _____

## BIAS

### TYPE OF BIAS

***(Check all characteristics that apply)***

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
*(e.g., 9/11, holy days)*
☐ Association with a person or group with one or more of these characteristics (actual or perceived)
☐ Other:
_____

### ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT

☐ Actual bias [Victim has the indicated characteristic(s)].
☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

### REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No

### BIAS INDICATORS (CHECK ALL THAT APPLY):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

**SUPPLEMENTAL HATE CRIME REPORT**


## HISTORY

### SUSPECT INFORMATION

Legal name (Last, First):

_____

Other Names used (AKA):

_____

| Date of Birth | Age | Sex | Race |
|---|---|---|---|
| | | | |

Relationship to Victim:

_____

### RELATIONSHIP BETWEEN SUSPECT & VICTIM

Suspect known to victim: ☐ Yes ☐ No

Nature of relationship:

_____

Length of relationship: _____

☐ Prior reported incidents with suspect: *Total #* _____

Prior unreported incidents with suspect:

☐ Yes ☐ No ☐ Unknown

## WEAPONS/FORCE

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____

Force used during incident? ☐ Yes ☐ No Type: _____

## EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo/video ☐ Known

## RESOURCES

Resources offered at scene: ☐ Yes ☐ No

☐ Marsy's Law Handout ☐ Hate Crimes Brochure ☐ Other: _____

## MEDICAL

| Victim | Suspect | |
|---|---|---|
| ☐ | ☐ | Declined medical treatment |
| ☐ | ☐ | Will seek own medical treatment |
| ☐ | ☐ | Received medical treatment |
| ☐ | ☐ | Injuries observed |

| ***Completed by*** | ***Date*** |
|---|---|
| | |

Name/Title/ID number

# Unit Identifier (6-30-25).pdf

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**THIS POLICY MODIFICATION WILL BE EFFECTIVE AS OF JANUARY 1, 2025**

Modification of Tracy PD Lexipol Policy 801.6.2 RADIO IDENTIFICATION

**PURPOSE AND SCOPE**

This policy establishes a process for the assignment and configuration of unit identifiers for all Department Bureaus when communicating on Tracy Police Department radio frequencies.

**ADMINISTRATIVE CONTROL OF UNIT IDENTIFIERS**

The Office of the Chief of Police, in coordination with the Bureau Commanders, shall assign unit identifiers and provide the Communications Division with an update when unit identifiers are assigned.

The Communications Division shall be responsible for assigning employee names in the Computer Aid Dispatch System (CAD) to unit identifiers that are assigned by position.

**UNIT IDENTIFIERS**

Apart from a patrol unit identifier, the unit identifier will designate the position the employee is currently assigned to.

The alpha character within a unit identifier designates what assignment the employee is currently assigned to.

| | | | |
|---|---|---|---|
| **A** | Administration | **NR** | Neighborhood Resource Officers |
| **B** | Code Enforcement | **O** | Volunteers (VIPS/Chaplains) |
| **C** | Corporals | **P** | Community Preservation Unit/Familiar Faces/PIO |
| **D** | Patrol Double Units | **R** | Reserve Officers |
| **E** | Crime Scene/Property Unit | **S** | Patrol Sergeants |
| **F** | Foot Patrol/Special Detail / Bike Patrol | **SR** | School Resource Officers |
| **G** | Animal Services | **T** | Traffic Interns |
| **H** | Community Service Officers | **U** | Office of the Chief of Police Sergeants |
| **I** | General Investigations | **V** | CRU (SWAT/CNT/Technical Support) |
| **J** | Real-Time Information Center | **W** | Watch Commanders/Lieutenants |
| **K** | K-9 Officers | **X** | Explorer/Cadets |
| **L** | Patrol Officers | **Y** | Desk Relief Officer / Officer In Court |
| **M** | Traffic Safety Unit | **Z** | Special Enforcement Team |
| **N** | Special Investigations Unit | | |

**Administration Unit Identifiers**

| | |
|---|---|
| **A1** | Chief of Police |
| **A2** | Deputy Chief |
| **A3** | Bureau of Field Operations Captain |
| **A4** | Bureau of Investigations Captain |
| **A5** | Support Operations Manager |

**Code Enforcement Unit Identifiers**

| | |
|---|---|
| **B1** | Code Enforcement Manager/Community Preservation Manager |
| **B2** | Code Enforcement Case Analyst |
| **B3** | Code Enforcement Officer |
| **B4** | Code Enforcement Officer |
| **B5** | Code Enforcement Officer |
| **B6** | Code Enforcement Officer |

**Corporals**

| | |
|---|---|
| **C1** | Graveyard Patrol Corporal (when not assigned to a specific beat) |
| **C2** | Day Shift Patrol Corporal (when not assigned to a specific beat) |
| **C3** | Swing Shift Corporal (when not assigned to a specific beat) |
| **C4** | Bureau of Field Operations Administrative Corporal |

**Crime Scene/Property Unit Identifiers**

| | |
|---|---|
| **E1** | Crime Scene/Property Unit Supervisor |
| **E2** | Crime Scene Technician |
| **E3** | Crime Scene Technician |
| **E4** | Crime Scene Technician |
| **E5** | Crime Scene Technician |
| **E6** | Senior Property and Evidence Technician |
| **E7** | Property and Evidence Technician |

**Foot Patrol / Special Detail / Bike Patrol**

| | |
|---|---|
| **F1 – F20** | Assigned to Sergeants/Corporals/Officers on foot patrol, special detail, or bike patrol |

**The supervisor of a special detail will log on as F1 and the corporal F2. Any officers will start with the F3 series and so on. If no sergeant is supervising, the corporal will assume F1 and leave F2 open. If no supervisor is on the detail, officers will log on starting with F3 with F1 and F2 open. For large events (4th of July) where multiple "F" teams are needed, F1-10 will be one team and the second team will start with F11 (Sergeant) F12 (Corporal), etc.**

**Animal Services Unit Identifiers**

| | |
|---|---|
| **G1** | Animal Services Manager |
| **G2** | Senior Animal Services Officer |
| **G3** | Animal Services Officer |
| **G4** | Animal Services Officer |
| **G5** | Animal Services Officer |
| **G6** | Animal Services Officer |

**Community Services Officer**

| | |
|---|---|
| **H1** | Community Services Officer |
| **H2** | Community Services Officer |
| **H3** | Community Services Officer |
| **H4** | Community Services Officer |

**General Investigations Unit**

| | |
|---|---|
| **I1** | General Investigations Unit Sergeant |
| **I2** | General Investigations Unit Corporal |
| **I3** | General Investigations Unit Detective |
| **I4** | General Investigations Unit Detective |
| **I5** | General Investigations Unit Detective |
| **I6** | General Investigations Unit Detective |
| **I7** | General Investigations Unit Detective |
| **I8** | General Investigations Unit Detective |
| **I9** | General Investigations Unit Detective |
| **I10** | General Investigations – Assigned to Delta RATT |

**Real-Time Information Center**

| | |
|---|---|
| **J1** | Real-Time Information Center Supervisor/Sergeant |
| **J2** | Real-Time Information Center Corporal/Second in command |
| **J3** | Real-Time Information Center |
| **J4** | Real-Time Information Center |
| **J5** | Real-Time Information Center |

**K-9 Officers** (when not assigned a beat or in a special unit)

| | |
|---|---|
| **K1** | K-9 Officer |
| **K2** | K-9 Officer |
| **K3** | K-9 Officer |
| **K4** | K-9 Officer |
| **K5** | K-9 Officer |

**Motors / Traffic Safety Unit**

| | |
|---|---|
| **M1** | Traffic Safety Unit Sergeant |
| **M2** | Traffic Safety Unit Corporal |
| **M3** | Traffic Safety Unit Officer |
| **M4** | Traffic Safety Unit Officer |
| **M5** | Traffic Safety Unit Officer |
| **M6** | Traffic Safety Unit Officer |
| **M7** | Traffic Safety Unit Officer |

**Special Investigations Unit (SIU)**

| | |
|---|---|
| **N1** | Special Investigations Unit Sergeant |
| **N2** | Special Investigations Unit Corporal |
| **N3** | Special Investigations Unit Detective |
| **N4** | Special Investigations Unit Detective |
| **N5** | Special Investigations Unit Detective |
| **N6** | Special Investigations Unit Detective – Assigned to Metro |
| **N9** | Special Investigations Unit K9 Detective |

**Neighborhood Resource Officer (NRO)**

| | |
|---|---|
| **NR1** | Neighborhood Resource Sergeant (also supervises SRO's) |
| **NR2** | Neighborhood Resource Corporal |
| **NR3** | Neighborhood Resource Officer |
| **NR4** | Neighborhood Resource Officer |
| **NR5** | Neighborhood Resource Officer |

**Volunteers (Chaplains / VIPS)**

| | |
|---|---|
| **O1** | Senior Chaplain |
| **O2** | Chaplain |
| **O3** | Chaplain |
| **O4** | Chaplain |
| **O5** | Chaplain |
| **O10** | Senior VIPS Supervisor |
| **O11** | VIPS Supervisor |
| **O12 – O30** | VIPS assigned by VIPS Coordinator |

**Community Preservation**

| | |
|---|---|
| **P1** | Crime Prevention Specialist |
| **P2** | Crime Prevention Specialist |
| **P3** | Police Community Relations Coordinator/Public Information Officer |
| **P4** | Police Community Relations Coordinator/Public Information Officer |
| **P5** | Homeless Outreach Coordinator (Familiar Faces Program) |
| **P6** | Homeless Outreach Coordinator (Familiar Faces Program) |
| **P7** | Homeless Outreach Coordinator (Familiar Faces Program) |

**Reserve Officers** (when working patrol solo or special detail)

| | |
|---|---|
| **R1** | Reserve Officers |
| **R2** | Reserve Officers |
| **R3** | Reserve Officers |
| **R4** | Reserve Officers |

| | |
|---|---|
| **R5** | Reserve Officers |

**Sergeant**

| | |
|---|---|
| **S1** | Patrol Sergeant Graveyard |
| **S2** | Patrol Sergeant Day Shift |
| **S3** | Patrol Sergeant Swing Shift |
| **S11** | -Retired call sign for Sergeant Cox |

If a corporal is acting in place of a patrol sergeant, he/she will assume the appropriate “S” unit for the shift they are working.

**School Resource Officer (SRO)**

| | |
|---|---|
| **SR1** | School Resource Officer Tracy High |
| **SR2** | School Resource Officer West High |
| **SR3** | School Resource Officer Kimball High |
| **SR4** | School Resource Officer Jefferson School District |
| **SR5** | DARE Officer |

**Traffic / Parking Interns**

| | |
|---|---|
| **T1** | Traffic/Parking Intern |
| **T2** | Traffic/Parking Intern |

**Office of the Chief of Police**

| | |
|---|---|
| **U1** | Chief of Staff (Sergeant) |
| **U2** | Professional Standards & Training Sergeant |

**Crisis Response Unit**

| | |
|---|---|
| **V1 – V20** | Assigned to SWAT |
| **V21 – V30** | Assigned to CNT |
| **V31 – V40** | Assigned to CRU Technical Support (Drones etc.) |

**Watch Commanders/Lieutenants**

| | |
|---|---|
| **W1** | Crisis Response Unit Commander/Incident Commander |
| **W2** | Watch Commander Day Shift |
| **W3** | Watch Commander Swing Shift |
| **W4** | Community Services Division Lieutenant |
| **W5** | Bureau of Investigations Lieutenant |
| **W6** | Professional Standards & Training Lieutenant |

**Explorer / Cadets**

| | |
|---|---|
| **X1 -X20** | Explorers assigned by Explorer Coordinator |

**Desk Relief Officer / Officer In Court**

| | |
|---|---|
| **Y1 – Y4** | Assigned to officers on light duty working front desk or officers off duty attending court in a marked patrol vehicle |

**Special Enforcement Team (SET)**

| | |
|---|---|
| **Z1** | Special Enforcement Team Sergeant |
| **Z2** | Special Enforcement Team Corporal |
| **Z3** | Special Enforcement Team Officer |
| **Z4** | Special Enforcement Team Officer |
| **Z5** | Special Enforcement Team Officer |
| **Z6** | Special Enforcement Team Officer |
| **Z9** | Special Enforcement Team K9 Officer |

**Patrol**

Patrol unit identifiers are a combination of alpha-numeric which designate the shift (numeric), type of unit (alpha), beat (numeric) and number of units in a beat for the same shift (numeric).

Shift:

1 – Graveyard
2 – Day shift
3 – Swing Shift

Type of Unit:

C – Corporal
D – Double Unit
K – K-9 Officer
L – Solo Officer

Beat:

1 – Beat one
2 – Beat two
3 – Beat three
4 – Beat four
5 – Beat five
6 – Beat six

Unit In Beat:

1 – first unit in beat for the same shift
2 – second unit in beat for the same shift
3 – third unit in beat for the same shift

Examples:

- 1C21 – Graveyard, Corporal, beat two, first unit
- 2L11 – Day shift, solo patrol officer, beat one, first unit
- 3D22 – Swing shift, double unit, beat two, second unit

**RETIREMENT OF UNIT IDENTIFIERS**

A request to retire a unit identifier that was assigned to a position (examples: Administration, Watch Commander, Sergeant) shall be submitted in a memo via the chain of command. The memo should contain a detailed reason for the request.

# Promotion and Transfer Policy Quick Guide - APPENDIX A_UPDATED June 2026.pdf

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*1002 - Promotional and Transfer Policy*

**APPENDIX A**

Quick reference guide for length of special assignment and ancillary duties.

| POSITION | LENGTH OF ASSIGNMENT |
|---|---|
| Captain | 3 years – Chief of Police Discretion |
| Lieutenant – BOI, Community Services Division | 3 years |
| Lieutenant & Sergeant – Professional Standards & Training | 4 years |
| GIU - Sergeant, Corporal, Detective | 4 years |
| GIU - Hi Tech Detective | 6 years - 1 Position |
| SIU - Sergeant, Detective (including K9 handler) | 4 years |
| SIU - Corporal | 2 years |
| Traffic Sergeant, Corporal, Officer | 4 years |
| Traffic - Accident Reconstruction Specialist | 6 years - 1 Position |
| Administrative Sergeant / Chief of Staff - OCOP | 4 years |
| SET - Sergeant, Corporal, Officer | 2 years |
| NRO - Sergeant, Corporal, Officer | 4 years (Sgt) - 4 years (Cpl/Ofc) |
| SWAT, CNT, Tactical Medic (CRU) | Not capped, depending upon performance |
| Administrative Corporal - BFO | 2 years |
| K9 handler *Refer to section 1002.5 | 4 years minimum with up to 6 years total |
| SRO | 4 years |
| | |
| All other Cadres and Ancillary duties | 4 years w/ annual review thereafter |
| | |
| | |
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# Unit Identifier list (2-11-26).pdf

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**UNIT IDENTIFIERS**

Apart from a patrol unit identifier, the unit identifier will designate the position the employee is currently assigned to.

The alpha character within a unit identifier designates what assignment the employee is currently assigned to.

| | | | |
|---|---|---|---|
| **A** | Administration | **NR** | Neighborhood Resource Officers |
| **B** | Code Enforcement | **O** | Volunteers (VIPS / Chaplains) |
| **C** | Corporals | **P** | Community Preservation Unit / Familiar Faces / PIO |
| **D** | Patrol double units | **R** | Reserve Officers |
| **E** | Crime Scene/Property Unit | **S** | Patrol Sergeants |
| **F** | Foot Patrol / Special Detail / Bike Patrol | **SR** | School Resource Officers |
| **G** | Animal Services | **T** | Traffic Interns |
| **H** | Community Service Officers | **U** | Office of the Chief of Police Sergeants |
| **I** | General Investigations | **V** | CRU (SWAT/CNT/Technical Support) |
| **J** | Real Time Information Center | **W** | Watch Commanders/Lieutenants |
| **K** | K-9 Officers | **X** | Explorer / Cadets |
| **L** | Patrol Officers | **Y** | Desk Relief Officer / Officer In Court |
| **M** | Traffic Safety Unit | **Z** | Special Enforcement Team |
| **N** | Special Investigations Unit | | |

**Administration Unit Identifiers**

| | |
|---|---|
| **A1** | Chief of Police |
| **A2** | Deputy Chief |
| **A3** | Bureau of Field Operations Captain |
| **A4** | Bureau of Investigations Captain |
| **A5** | Bureau of Special Operations Captain |
| **A6** | Support Operations Manager |

**Code Enforcement Unit Identifiers**

| | |
|---|---|
| **B1** | Code Enforcement Manager / Community Preservation Manager |
| **B2** | Code Enforcement Case Analyst |
| **B3** | Code Enforcement Officer |
| **B4** | Code Enforcement Officer |
| **B5** | Code Enforcement Officer |
| **B6** | Code Enforcement Officer |

**Corporals**

| | |
|---|---|
| **C1** | Graveyard Patrol Corporal (when not assigned to a specific beat) |
| **C2** | Dayshift Patrol Corporal (when not assigned to a specific beat) |
| **C3** | Swingshift Corporal (when not assigned to a specific beat) |
| **C4** | Bureau of Field Operations Administrative Corporal |

**Crime Scene/Property Unit Identifiers**

| | |
|---|---|
| **E1** | Crime Scene/Property Unit Supervisor |
| **E2** | Crime Scene Technician |
| **E3** | Crime Scene Technician |
| **E4** | Crime Scene Technician |
| **E5** | Crime Scene Technician |
| **E6** | Senior Property and Evidence Technician |
| **E7** | Property and Evidence Technician |

**Foot Patrol / Special Detail / Bike Patrol**

| | |
|---|---|
| **F1 – F20** | Assigned to sergeants/corporals/officers on foot patrol, special detail or bike patrol |

**The supervisor of a special detail will log on as F1 and the corporal F2. Any officers will start with the F3 series and so on. If no sergeant is supervising, the corporal will assume F1 and leave F2 open. If no supervisor is on the detail, officers will log on starting with F3 with F1 and F2 open. For large events (4th of July) where multiple "F" teams are needed, F1-10 will be one team and the second team will start with F11 (Sergeant) F12 (Corporal) etc**

**Animal Services Unit Identifiers**

| | |
|---|---|
| **G1** | Animal Services Manager |
| **G2** | Senior Animal Services Officer |
| **G3** | Animal Services Officer |
| **G4** | Animal Services Officer |
| **G5** | Animal Services Officer |
| **G6** | Animal Services Officer |

**Community Services Officer**

| | |
|---|---|
| **H1** | Community Services Officer |
| **H2** | Community Services Officer |
| **H3** | Community Services Officer |
| **H4** | Community Services Officer |

**General Investigations Unit**

| | |
|---|---|
| **I1** | General Investigations Unit Sergeant |
| **I2** | General Investigations Unit Corporal |
| **I3** | General Investigations Unit Detective |
| **I4** | General Investigations Unit Detective |
| **I5** | General Investigations Unit Detective |
| **I6** | General Investigations Unit Detective |
| **I7** | General Investigations Unit Detective |
| **I8** | General Investigations Unit Detective |
| **I9** | General Investigations Unit Detective |
| **I10** | General Investigations – Assigned to Delta RATT |

**Real Time Information Center**

| | |
|---|---|
| **J1** | Real Time Information Center Supervisor/Sergeant |
| **J2** | Real Time Information Center Corporal/Second in command |
| **J3** | Real Time Information Center |
| **J4** | Real Time Information Center |
| **J5** | Real Time Information Center |

**K-9 Officers** (when not assigned a beat or in a special unit)

| | |
|---|---|
| **K1** | K-9 Officer |
| **K2** | K-9 Officer |
| **K3** | K-9 Officer |
| **K4** | K-9 Officer |
| **K5** | K-9 Officer |

**Motors / Traffic Safety Unit**

| | |
|---|---|
| **M1** | Traffic Safety Unit Sergeant |
| **M2** | Traffic Safety Unit Corporal |
| **M3** | Traffic Safety Unit Officer |
| **M4** | Traffic Safety Unit Officer |
| **M5** | Traffic Safety Unit Officer |
| **M6** | Traffic Safety Unit Officer |
| **M7** | Traffic Safety Unit Officer |

**Special Investigations Unit (SIU)**

| | |
|---|---|
| **N1** | Special Investigations Unit Sergeant |
| **N2** | Special Investigations Unit Corporal |
| **N3** | Special Investigations Unit Detective |
| **N4** | Special Investigations Unit Detective |
| **N5** | Special Investigations Unit Detective |
| **N6** | Special Investigations Unit Detective – Assigned to Metro |
| **N9** | Special Investigations Unit K9 Detective |

**Neighborhood Resource Officer (NRO)**

| | |
|---|---|
| **NR1** | Neighborhood Resource Sergeant (also supervises SRO's) |
| **NR2** | Neighborhood Resource Corporal |
| **NR3** | Neighborhood Resource Officer |
| **NR4** | Neighborhood Resource Officer |
| **NR5** | Neighborhood Resource Officer |

**Volunteers (Chaplains / VIPS)**

| | |
|---|---|
| **O1** | Chaplain |
| **O2** | Chaplain |
| **O3** | Chaplain |
| **O4** | Chaplain |
| **O5** | Chaplain |
| **O6 – O30** | VIPS assigned by VIPS Coordinator |

**Community Preservation**

| | |
|---|---|
| **P1** | Crime Prevention Specialist |
| **P2** | Crime Prevention Specialist |
| **P3** | Police Community Relations Coordinator / Public Information Officer |
| **P4** | Police Community Relations Coordinator / Public Information Officer |
| **P5** | Homeless Outreach Coordinator (Familiar Faces Program) |
| **P6** | Homeless Outreach Coordinator (Familiar Faces Program) |
| **P7** | Homeless Outreach Coordinator (Familiar Faces Program) |

**Reserve Officers** (when working patrol solo or special detail)

| | |
|---|---|
| **R1** | Reserve Officers |
| **R2** | Reserve Officers |
| **R3** | Reserve Officers |
| **R4** | Reserve Officers |
| **R5** | Reserve Officers |

**Sergeant**

| | |
|---|---|
| **S1** | Patrol Sergeant Graveyard |
| **S2** | Patrol Sergeant Day Shift |
| **S3** | Patrol Sergeant Swing Shift |
| **S11** | -Retired call sign for Sergeant Cox |

If a corporal is acting in place of a patrol sergeant, he/she will assume the appropriate "S" unit for the shift they are working.

**School Resource Officer (SRO)**

| | |
|---|---|
| **SR1** | School Resource Sergeant (future assignment) |
| **SR2** | School Resource Officer West High |
| **SR3** | School Resource Officer Kimball High |
| **SR4** | School Resource Officer Tracy High |
| **SR5** | School Resource Officer Jefferson School District |

**Traffic / Parking Interns**

| | |
|---|---|
| **T1** | Traffic / Parking Intern |
| **T2** | Traffic / Parking Intern |

**Office of the Chief of Police**

| | |
|---|---|
| **U1** | Chief of Staff (Sergeant) |
| **U2** | Professional Standards and Training Sergeant |

**Crisis Response Unit**

| | |
|---|---|
| **V1 – V20** | Assigned to SWAT |
| **V21 – V30** | Assigned to CNT |
| **V31 – V40** | Assigned to CRU Technical Support (Drones etc) |

**Watch Commanders/Lieutenants**

| | |
|---|---|
| **W1** | Crisis Response Unit Commander/Incident Commander |
| **W2** | Watch Commander Day Shift |
| **W3** | Watch Commander Swing Shift |
| **W4** | Community Services Division Lieutenant |
| **W5** | Professional Standards and Training Lieutenant |
| **W6** | Bureau of Investigations Lieutenant |

**Explorer / Cadets**

| | |
|---|---|
| **X1 -X20** | Explorers assigned by Explorer Coordinator |

**Desk Relief Officer / Officer In Court**

| | |
|---|---|
| **Y1 – Y4** | Assigned to officers on light duty working front desk or officers off duty attending court in a marked patrol vehicle |

**Special Enforcement Team (SET)**

| | |
|---|---|
| **Z1** | Special Enforcement Team Sergeant |
| **Z2** | Special Enforcement Team Corporal |
| **Z3** | Special Enforcement Team Officer |
| **Z4** | Special Enforcement Team Officer |
| **Z5** | Special Enforcement Team Officer |
| **Z6** | Special Enforcement Team Officer |
| **Z9** | Special Enforcement Team K9 Officer |

**Patrol**

Patrol unit identifiers are a combination of alpha-numeric which designate the shift (numeric), type of unit (alpha), beat (numeric) and number of units in a beat for the same shift (numeric).

Shift:

- 1 – Graveyard
- 2 – Day shift
- 3 – Swing Shift

Type of Unit:

- C – Corporal
- D – Double Unit
- K – K-9 Officer
- L – Solo Officer

Beat:

- 1 – Beat one
- 2 – Beat two
- 3 – Beat three
- 4 – Beat four
- 5 – Beat five
- 6 – Beat six

Unit In Beat:

1 – first unit in beat for the same shift
2 – second unit in beat for the same shift
3 – third unit in beat for the same shift

Examples:

- 1C21 – Graveyard, Corporal, beat two, first unit
- 2L11 – Day shift, solo patrol officer, beat one, first unit
- 3D22 – Swing shift, double unit, beat two, second unit

**RETIREMENT OF UNIT IDENTIFIERS**

A request to retire a unit identifier that was assigned to a position (examples: Administration, Watch Commander, Sergeant) shall be submitted in memo via the chain of command. The memo should contain a detailed reason for the request.

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2024

# TRACY POLICE DEPARTMENT




# UNIFORM SPECIFICATIONS MANUAL

SEKOU MILLINGTON, CHIEF OF POLICE

MAY 1, 2024

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# CHIEF'S MESSAGE



Uniformity standards impresses upon the public and amongst our peers an image of unity and conformity. This manual provides the specifications for members of the Tracy Police Department who are required to wear uniforms.

These uniform specifications are provided to aid Sworn and Professional Staff when making purchases of new and replacement items. Local uniform suppliers have been provided with these uniform specifications. Sworn and Professional Staff who purchase uniform items from other merchants are responsible for purchasing items that conform to these specifications.

The photographs in this manual also demonstrate examples of what uniform and equipment articles are deemed appropriate.

Sekou Millington

*Sekou Millington*
**Chief of Police**

# UNIFORM LEXIPOL POLICY

This Uniform Manual is established to ensure that Sworn and Professional Staff will be readily identifiable to the public through the proper use and wearing of department uniforms.

Employees should also refer to the following associated policies:

- 700 - Department Owned and Personal Property
- 1012 - Body Armor
- 1015 - Commendations and Awards
- 1023 - Personal Appearance Standards
- 1024 - Uniform Specifications
- Attachment A of the Uniform Manual - Medals/Ribbons, Function Pins and Commendation Bars

This uniform specification manual is maintained and periodically updated by the Chief of Police or his/her designee. This manual should be consulted regarding authorized equipment and uniform specifications.

# SWORN OFFICER UNIFORM

***All sworn staff shall purchase and maintain a full Class A uniform within one year of employment. When wearing any class of TPD uniform, Men shall have their hair neatly trimmed or groomed, face clean shaven or beard neatly trimmed. Women shall have their hair neatly groomed.***

## SWORN CLASS "A" UNIFORM

Sworn Officer Class "A" Uniform includes the following items: Hat (Soft Cap), Jacket, Shirt, black crew neck undershirt, Trousers, Trouser Belt, Tie w/Tie bar, Duty Belt (magazines, firearm, and handcuffs only), Footwear (highly polished or Corfam), Socks, Badges, Rank Insignia, Medals/Ribbons, Service Stripes, Nameplate and Patches. It is worn to special events to include promotions, ceremonies, and funerals.

*Soft Cap:*

The Bayly, Inc model soft cap is standard for the Department. The cap is round and has a navy-blue wool upper with a black patent leather-type visor with a high gloss finish. Officers, Corporals and Sergeants will use a silver metallic snake coil strap with the silver buttons. Traffic Officers on motor duty will wear an approved motorcycle helmet. Captains and Lieutenants will use a gold metallic snake coil straps with gold buttons. The Chief of Police will use a police cap strap – Permagold Double 8519 and Army Style visor Permagold #6309.

**Use:** The soft cap is the only hat worn with the **Class "A"** Uniform.

*Soft Cap Emblem:*

The Blackinton model is the example of this emblem. The emblem consists of a shield with the seal of California in bronze color. A spread-winged eagle sits above the shield. Located at the bottom of the shield is a band with the word "POLICE" inscribed in black. The color of the emblem for Corporals, Sergeants, and Chaplain is silver with appropriate rank title. The color of the emblem for the Lieutenant, Captain and Chief is gold with appropriate rank title. Officers will have no ribbon signifying their rank.

**Use:** The emblem is worn on the soft cap.

**OFFICER**




**CORPORAL**



**SERGEANT**




**LIEUTENANT/CAPTAIN**




**DEPUTY CHIEF OF POLICE**




**CHIEF OF POLICE**




*Class "A" Dress (Ike) Jacket:*

Flying Cross (style 32189), LAPD- dark navy-blue dress (Ike) jacket with TPD patches on both sleeves and appropriate insignias as described in this policy. Traffic officers on motor duty may wear an approved safety jacket. A "T.P.D." Dress pin shall be placed on the inner collars of the jacket and shall be parallel to the ground. The Lapel Ornament Gilt metal "T.P.D." letters are 1/2" high and 3/8" wide, attached to each side of the collar lapel, 1/2" from the collar notch to lower collar edge (gold for Command Staff and silver for Officers, Corporals, Sergeants, and Chaplains). The lapel ornament gilt to be worn leveled with badge.

**CHIEF OF POLICE JACKET**



*Rank Insignia on Jacket:*

Chevrons for Sergeants are blue outlined with gold on both sleeves. One gold bar on each epaulet for Lieutenants, two gold bars on each epaulet for Captains, one silver cross on each epaulet for Chaplains, two gold stars on each epaulet for Deputy Chief of Police, and four gold stars on each epaulet for the Chief of Police.

*Class "A" Epaulet:*

**LIEUTENANT**




**CAPTAIN**




**DEPUTY CHIEF OF POLICE**



**CHIEF OF POLICE**



*Shoulder Patches on Jacket:*

One TPD (blue and gold) patch centered on each sleeve, ¾" below shoulder seam.

*Service Stripes on Jacket:*

Each service stripe designates five years as a full-time peace officer in any accredited municipal police department or county sheriff's office. The Police Officers Standards and Training (POST) certification or certification by a comparable agency may be accepted as proof of sworn service. Stripes for all ranks are blue outlined with gold; 1 stripe for each 5 years of sworn service as a peace officer.

**Use:** When worn, they must be professionally sewn, and stripes shall be centered on the left sleeve with the bottom of lowest stripe 1" above top of sleeve braid.

*Sleeve Braid on Jacket:*

The bottom of the bottom strip for all ranks will be 3" above the cuff. One ½" stripe of gold with blue in the center for Officers, Corporals, Sergeants, and Chaplains. One ½" stripe of all gold braid on each sleeve for Lieutenants. Two ½" stripes of all gold braid on each sleeve with ¼" space between stripes for Captains. Three ½" stripes of all gold braid on each sleeve with ¼" space between stripes for Deputy Chief of Police. Four ½" stripes of all gold braid on each sleeve with ¼" space between stripes for the Chief of Police.

**Use:** Sleeve braid represents officer rank and should be worn accordingly.

**Sleeve Braid on Jacket**
Officers, Corporals, Sergeants, & Chaplains



**Sleeve Braid on Jacket**
Lieutenant



**Sleeve Braid on Jacket**
Captain



**Sleeve Braid on Jacket**
Deputy Chief of Police



**Sleeve Braid on Jacket**
Chief of Police



*"P" Buttons on Jacket:*

Officers, Corporals, Sergeants, and Chaplains are silver in color with one each on epaulets, pocket flaps and waist tabs. Command Staff and the Chief of Police are gold (brass) in color with one on each epaulet, pocket flaps and waist tabs.





*Nameplate on Class "A" Jacket:*

The standard nameplate brand is Blackinton, model J-1, with a polished finish. Nameplate will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. Nameplates for Officers, Corporals, Sergeants, Chaplains, and Professional Staff are silver. Nameplates for Command Staff are gold (brass) in color. The metal nameplate is 2 ½" wide and ½" tall with initial of first name, period, and full last name in black lettering. The nameplate shall be attached using clutch style pins.

**Use:** The nameplate shall be worn on uniform shirts and Class "A" Dress (Ike) Jacket. The nameplate is centered above the right pocket flap.






*Flag Pin on Jacket:*

A metal US flag pin is an authorized option for all uniforms. If worn, it will be centered above the right breast pocket. In the event of a command staff direction for no jacket, the badge, rank insignia, nameplate, department award/special assignment pins and flag pin will be worn on the long sleeve shirt in the same positioning as on the jacket.

**Use:** The pin must be worn above the nameplate, as with department award or special assignment pins. The flag pin shall be worn centered over any combination of the above-mentioned devices or in the upper left position in an award holder.



## DEPARTMENT AWARDS/SPECIAL ASSIGNMENT PINS ON CLASS "A" JACKET

Tracy PD Lexipol Policy 1015 "Commendations and Awards" details authorized Department Awards/Ribbons and Pins. Department Award pins will be centered over the nameplate with1/8" space. In the event of multiple awards, commendation pins shall be mounted in a slide-bar style holder, positioned from top to bottom in order of ranking (American Flag, Medal of Honor, Police Cross, Medal of Valor, Meritorious Service Medal, Life Saving Award, Blue Star, Silver Star, Chief's Leadership Award, Officer of the Year, Rookie of the Year, Community Service, Unit Citation, FBI National Academy, POST Command College, Senior Management Institute for Police, FBI LEEDA, Good Conduct, Outstanding Performance Evaluation, Crisis Response Unit, Advanced POST Certificate, Perfect Attendance, Perfect Driving.) with 1/8" spacing between the awards and the nameplate. Special assignment pins are to be silver or gold in color (based on rank) and will be centered over the nameplate or Department Award pins with a 1/8" space. Medals/Ribbons shall also be donned on Class "A" Dress (Ike) Jackets and when wearing long sleeves and tie as a Class A uniform.



Updated department medals/ribbons are pictured below. The corresponding medal slide bar will match the color scheme of the medal ribbon. Medal manufacturer is Symbol Arts company and slide medal bar manufacturer is Blackinton. If an officer has three or more medals, the nameplate will be worn centered on the top edge of the right pocket flap. The medal rows will be worn above the nameplate.

**Medal of Honor**




**Police Cross**




**Medal of Valor**




**Meritorious Service**




**Lifesaving**




**Blue Star**



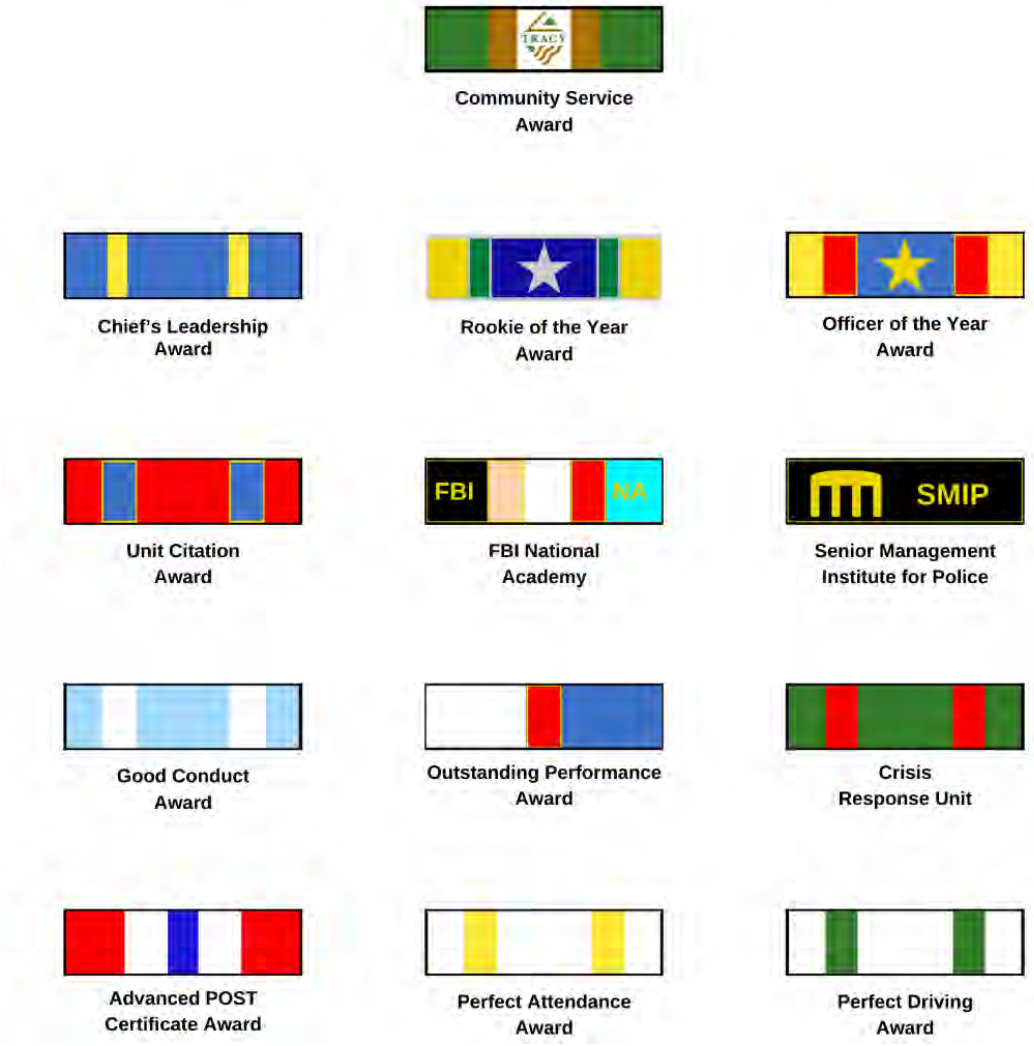

**Silver Star**




Department members who have successfully completed the Senior Management Institute for police (SMIP), the FBI National Academy (FBINA), FBI LEEDA, POST Command College or other courses approved by the Chief of Police, may wear the respective enamel pin. Officers who have received awards from a previous agency may wear the awards if the criterion for issuance meets Department standards. Officers may also wear MADD "23152" and AAA "10851" award pins centered above their medals.

***NOTE:*** The Lifesaving Medal color scheme has changed from blue/gold to green/white/green. All employees awarded the Lifesaving Medal prior to the update may continue to wear the blue/gold medal. If an additional Lifesaving Medal is awarded to an employee, that employee shall wear the new color scheme medal bar with an oak leaf designating a second award.

# Service Bars Order of Precedence




*Class "A" Shirt:*

The Flying Cross #49W8486 L/S (Men's) and 149W8486 L/S (Women's) is the standard of the Class "A" Uniform. The shirts are dark navy-blue long sleeve shirts and are made of 75% Dacron Polyester and 25% Wool with *non-pleated* front breast pockets and shoulder epaulets. Patches for Corporal and Sergeant Chevrons are sewn onto both sleeves. Service stripes are sewn onto the left sleeve.

**Use:** The shirt must be neatly tucked into the trousers and cuff and arm buttons will always remain buttoned. The collar will be worn closed, and a tie shall be worn. The sleeves shall not be rolled.

*Tie and Tie Bar:*

There is no specified brand. The tie is a black standard, clip-on or breakaway Dacron, wool, or other quality fabric with a basic conservative knot at the top (Windsor knot). The tie should have a maximum width of 3 ½" and the bottom of tie must be within 1" of top of duty belt. The tie bar shall match color of the badge or shield (silver or gold) and be emblazoned with an enamel version of the department patch. The tie bar is issued to each employee.

**Use:** The tie is required for Class "A" Uniforms. When a tie is worn, a tie bar shall also be worn. The tie bar is worn centered and horizontally aligned with the bottom of the shirt pocket.







*Undershirt:*

The undershirt shall be a black crew neck undershirt in good condition without visible designs or logos.

**Use:** A black crewneck undershirt is required with any sworn uniform.

*Class "A" Trousers:*

Trousers can be with or without an SAP pocket. The Flying Cross trouser with an SAP pocket is model 47289 (Men's) and 47289W (Women's). Without an SAP pocket is 47280-86 (Men's) and 47280W-86 (Women's) is for the standard of the Class "A" Uniform. The trousers are made of 75% Dacron Polyester and 25% Wool. Plain front with straight side pockets with exposed top and bottom cord. Bottom of leg will be plain and hemmed allowing the front to rest on the shoe without any break. Traffic Officers on motor duty will wear approved motorcycle breeches. No stripes on trousers for any personnel including motors.

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel. The front of the leg shall touch the top of the footwear and the back of the leg should be between 1" and 1 ½" from the ground.

*Trouser Belt:*

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one-pronged silver or gold (based on rank) finish buckle to match the badge. The buckle is approximately 2 ½" high by 2" wide.

Members may substitute the "traditional" trouser belt buckle for a custom buckle matching the color (silver/gold) of their badge or shield. The buckle is 3" long and 1 ¾" high, and the letters "TPD" are overlapping and centered on the front. A western style belt buckle (pictured below) is also approved.






*Duty Belt:*

Authorized duty belts are black basket weave leather or similar synthetic (no nylon) and with a standard 2 ¼" width. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference examples. All visible hardware (buckle) will be nickel finish for Officers, Corporal, and Sergeants. The hardware for Lieutenants, Captains and the Chief of Police will be gold (brass) finish. All other accessories will have hidden snaps or Velcro closures. Belt and accessories will be highly polished. Unless otherwise announced by Command Staff, the only equipment worn on the belt will be the holster (duty approved), firearm (duty approved), magazine pouch with magazines (duty approved), handcuff case with handcuffs, and keepers (optional for Velcro systems). No duty belt will be worn by the Chaplains.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

*Socks:*

Black crew length socks.

**Use:** To be worn with footwear.

*Footwear:*

Authorized boots shall be black in color, with smooth rounded toe with seams or stitching optional. Either boots (duty style) or "low quarter" dress shoes made of full grain, scuff resistant smooth leather or high gloss poromeric (Corfam) material capable of accepting a high gloss polish. The optional dress Oxford shoe, full gloss finish is approved for the Class "A" Uniform.

**Use:** This footwear is required whenever wearing the **Class "A"** Uniform. Non-Corfam footwear shall be highly polished.

## CLASS "A" MOTOR OFFICER UNIFORM ADDITIONS

Approved safety jacket and long sleeve uniform shirt with standard tie and tie bar during cold weather. No jacket and short sleeve uniform shirt during warm weather.

*Badge:*

Ed Jones is the standard of the regulation badge. Any other badge must meet or exceed their standards in all respects. Officers, Corporals, Sergeants, and Reserve Officers will use silver-colored badges. Command Staff will use gold-colored badges (brass). The badge number is inscribed in the center of the badge. The rank of the member is inscribed below the word "POLICE". The Chief of Police has the option of a number or initials centered on a custom badge.







**Use:** The badge must be worn on the outermost garment over the left breast when wearing a uniform. All authorized uniform shirts, sweaters and jackets have badge holders in the appropriate location. The badge must be polished and free from **significant** scratches and blemishes.

*Mourning Band:*

The mourning band is a black elastic band or cloth strip 3/8" wide that shall be affixed diagonally in the 2 o'clock to 8 o'clock position. The band will be placed between the points of the star/badge at the 2 o'clock position and over the point at the 8 o'clock position. Professional Staff shall place the mourning band horizontally across the center of the shield.

**Use:** The mourning band is worn upon the line of duty death of an active law enforcement officer and removed after the funeral of the officer.






## SWORN CLASS "B" STANDARD UNIFORM

Sworn Officers **Class "B"** Uniform is the standard uniform for officers daily when performing patrol functions. When the **Class "A"** Uniform is not required the **Class "B"** Uniform can be worn for patrol, to special events such as Tip-a-Cop, Shop with a Cop, National Night Out, etc.

*Baseball Cap:*

Black baseball cap "Flexfit" or adjustable with Department Silver Star with rank sewn on the front of the cap. Caps with sections of netlike material are not authorized. Caps for Command Staff will have gold-colored stars and rank. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver or gold to match the patch.

**Use:** To protect the members from inclement weather or overexposure to direct sun. The baseball cap is optional and authorized when wearing **Class "B"** Uniform or utility uniform (**Class "D"**).

### Authorized Cloth Badge for Baseball Cap







*Shirt:*

The Flying Cross #49W8486 long sleeve (Men's), 149W8486 long sleeve (Women's), #99R8486 short sleeve (Men's), and #199R8486 short sleeve (Women's) is the standard of the Class "B" Uniform. The shirts are dark navy-blue shirts and are made of 75% Dacron Polyester and 25% Wool with *non-pleated* front breast pockets and shoulder epaulets. Patches for Corporal and Sergeant Chevrons are sewn onto both sleeves. Service stripes are sewn onto the left sleeve.

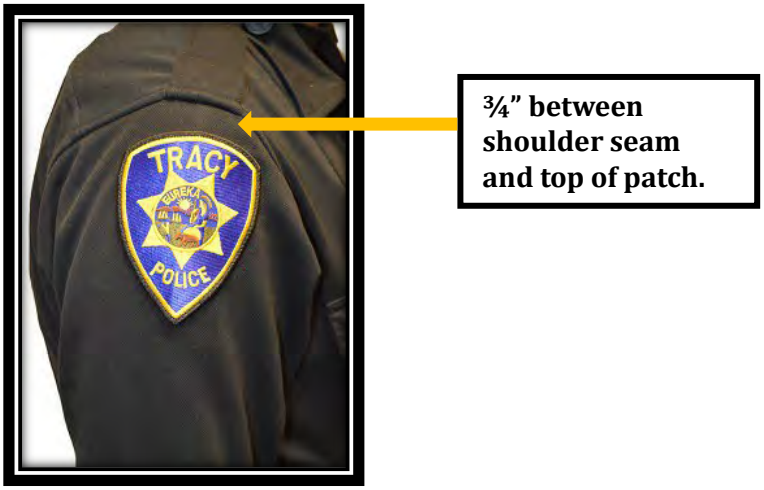
**Use:** The shirt must be neatly tucked into the trousers, cuffs and arm buttons (long sleeve) will always remain buttoned and not be rolled. The collar will be worn with no more than one buttoned undone.

*Shoulder Patches and Service Stripes:*

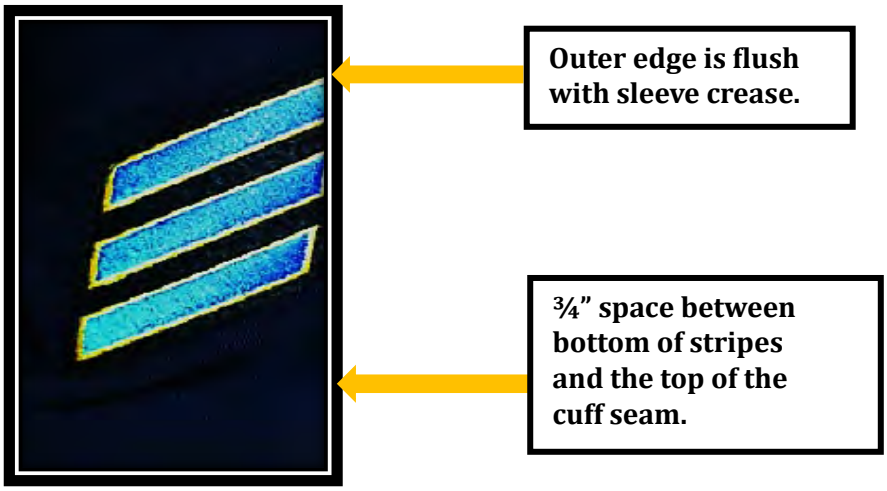
One TPD (blue and gold) patch centered on each sleeve, ¾" below shoulder seam. Service stripes shall be worn on long sleeve shirts, duty jackets and **Class "A"** jackets. Each service stripe designates five years as a full-time peace officer in any accredited municipal police department. POST certification or certification by a comparable agency may be accepted as proof of sworn service. Stripes for all ranks are blue outlined with gold; 1 stripe for each 5 years of sworn service as a peace officer. Service stripes will not be worn on knit sweaters.

**Use:** When worn, they must be professionally sewn, and stripes shall be centered on the left sleeve with the bottom of lowest stripe 1" above top of sleeve cuff.

**TRACY PD PATCH**




**SERVICE STRIPES**



*Rank Insignia on Shirts:*

Chevrons for Corporals and Sergeants are blue outlined with gold on both sleeves. One gold bar centered on each collar and parallel to the bottom of the collar for Lieutenants, two gold bars centered on each collar and parallel to the bottom of the collar for Captains, one silver cross on tip of each collar for Chaplains and four gold stars on tip of each collar parallel to the bottom side of the collar for the Chief of Police.

**CORPORAL** **SERGEANT**




***Note: Both patch and stripes are centered on outside crease.***

The insignia is 3" wide and 3 ½" from top point to bottom point, blue stripes with yellow outline and a black background. Chevrons are worn on uniform shirt, sweater, and duty jacket.

**LIEUTENANT**



**CAPTAIN**



**Two gold bars centered on each collar and parallel to the bottom of the collar, ¼" from collar edge.**

**CHIEF OF POLICE**



**Four gold stars centered on each collar, parallel with the top of the collar, ¼" from collar edge.**

*Badge on Shirt:*

All ranks for current department issued badges/shields shall be worn above left pocket.

**Use:** The badge must be worn on the outermost garment over the left breast when wearing a uniform. The badge must be polished and free from scratches and blemishes.

*Nameplate on Shirt:*

The standard nameplate brand is Blackinton, model J-1, with a polished finish. Nameplate will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. Nameplates for Officers, Corporals, Sergeants, Professional Staff, VIPS and Chaplains, are silver. Nameplates for Command Staff are gold (brass) in color. The metal nameplate is 2 ½" wide and ½" tall with initial of first name, period, and full last name in black lettering.

**Use:** The nameplate is worn on uniform shirts. The nameplate is *centered* above the right pocket flap.



*Flag Pin on Shirts:*

A metal US flag pin is an authorized option for all uniforms. If worn, it will be centered above the name plate above the right pocket with the bottom of the pin parallel to the name plate.

**Use:** The pin must be worn above the name plate, as with department award or special assignment pins. The flag pin shall be worn centered above any combination of the above-mentioned devices. See Attachment A for pin authorization and placement description.



*Department Awards/Special Assignment Pins on Shirt:*

Department Award pins will be centered over the nameplate with 1/8" space. In the event of multiple awards, pins will be positioned from top to bottom in order of ranking (Medal of Honor, Medal of Valor, Meritorious Service Medal, Life Saving Award, Unit Citation) with 1/8" spacing. If more than two awards are worn, they shall be in a device designed to hold multiple awards. Special assignment pins will be centered over the nameplate or Department Award pins with a 1/8" space. Metal for awards devices and special assignment pins shall be silver for officers, sergeants and professional staff, gold for command staff. Officers may also wear MADD "23152" and AAA "10851" award pins centered above their medals.



*Undershirt:*

When visible, a black crewneck undershirt shall be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar. "T.P.D." may be embroidered in ½", block letters on the left portion of the collar. Embroidery thread shall match color of the badge.

**Use:** A black crewneck undershirt without visible designs or logos is required with any open collared uniform shirt.

*Trousers:*

Trousers can be with or without an SAP pocket. The Flying Cross trouser with an SAP pocket is model 47289 (Men's) and 47289W (Women's). Without an SAP pocket is 47280-86 (Men's) and 47280W-86 (Women's) is for the standard of the Class "A" Uniform. The trousers are made of 75% Dacron Polyester and 25% Wool. Plain front with straight side pockets with exposed top and bottom cord. Bottom of leg will be plain and hemmed allowing the front to rest on the shoe without any break. Traffic Officers on motor duty will wear approved motorcycle breeches. No stripes on trousers for any personnel including motors.

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel. The front of the leg shall touch the top of the footwear and the back of the leg should be between 1" and 1 ½" from the ground (boot cut).

*Trouser Belt:*

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one-pronged silver or gold finish buckle to match the badge. The buckle is approximately 2 ½" high by 2" wide. A similar nylon (Velcro) trouser belt is also authorized.

*Duty Belt:*

Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish for Officers, Corporals, Sergeants, and Professional Staff. Command Staff hardware will be gold (brass) finish. All other accessories will have hidden snaps or Velcro closures. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference examples. Nylon gear is optional, and shall have any loose material (paracord, etc.) secured neatly and the shortest length possible.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.



*Socks:*
Black crew length socks.

**Use:** To be worn with footwear.

*Footwear:*
Black laced boot or shoe with smooth rounded toe with optional seams or stitching capable of accepting a high gloss polish. If wearing a boot capable of being polished, the boot shall be polished.

***Optional:*** The black boot can also be a modern tactical boot/shoe. The boot/shoe would be durable and be made of synthetic leather, canvas, or suede upper material similar to a matte finish.

**Use:** This footwear is required whenever wearing the **Class "B" or "D"** Uniform.

*Duty Jacket:*
No specific brand is required; however, it must be similar in quality to a traditional "Duty" or "Tuffy" jacket in either nylon, Gortex, or other weather repellent material. A modern jacket such as First Tactical Softshell jacket may also be worn. Jackets shall be black or navy blue with TPD patches on shoulders, silver cloth badge (centered on left breast) sewn and first initial, period, followed by last name in thread matching the badge color in ½" block letters embroidered centered above the right pocket and parallel to the bottom of the cloth badge/shield. Gold badge for Command Staff, silver badge for all others.

**Use:** The duty jacket is worn at the discretion of the member with either the **Class "B" or "D"** Uniform.




*Rain Wear:*
No specific brand is required; however, it must be similar to a Flying Cross DutyGuard rain jacket (#F176230). The jacket shall have TPD patches on both shoulders, and pass- through openings that allow access to the officer's duty belt. A cloth badge and first initial, period, followed by the last name in thread matching the badge color in ½" block letters shall be embroidered directly onto the jacket either above the pockets or, if no pockets, name to be centered onto the left breast and cloth badge to be centered on right breast. If equipped with a badge tab, it shall be on left chest with metal eyelets.

The word "POLICE", in silver 3" block letters shall be laminated on the back for Officers and Sergeants. Gold block letters shall be used for Command Staff.

Black rain pants are also authorized. The pants material should be similar in appearance to material the raincoat is made of.

**Use:** Authorized during inclement weather. Rain wear can be of any weatherproof material.

*Rank Insignia on Duty Jacket/Knit Sweater:*
Chevrons for Corporals and Sergeants are blue outlined with gold on both sleeves. A gold bar on each epaulet for Lieutenants, two gold bars on each epaulet for Captains, one silver cross on each epaulet for Chaplains and four gold stars on each epaulet for the Chief of Police.

*Load Bearing Vest Carrier (Sworn):*
Sworn staff who are assigned to wear a duty belt may wear a load bearing vest carrier, provided at their own cost. Lieutenants assigned to the Watch Commander position in BFO are authorized to wear the load bearing vest carrier. If worn, it shall conform to the following standards:

- Brand: Point Blank
- Color: Dark Navy Blue
- The department member's assigned metal badge or rank appropriate cloth badge may be worn on the upper left side of the load bearing vest.
- A non-reflective name tag shall be worn on the upper right side of the load bearing vest.
- The employee's first initial and last name shall be on the name tag in white or gray with block lettering.



- The back of then vest shall have a patch bearing "POLICE" with white or gray 4" block letters.




- Pouches must be dark navy blue, ballistic cloth, with no visible manufacturer logos.
    - Set up of the pouches and inspection to ensure proper set up (secured properly, mandatory carry items, damaged pouches, etc.) to be done prior to the member wearing the vest carrier for the first time, and then on a regular basis by a member of the DTAC Cadre.

*Equipment to be Carried on the Vest Carrier – MANDATORY:*

All *required* equipment that is not carried on the members belt or in a leg holster, must be carried on the load bearing vest carrier.

*Equipment Carried on the Vest Carrier – OPTIONAL:*

The following optional equipment maybe worn on the load bearing vest carrier:

- Collapsible Baton
- Radio
- OC Spray
- Knife/Multi-Tools
- Flashlight
- Keys—worn so they are secured tightly to the vest
- PPE Pouch
- Body Worn Camera

*Taser:*

For Sworn staff, the wearing of the Taser will be done in accordance with Tracy Police Department Policy 304 *Conducted Energy Devices*. The Taser may be worn on the duty belt or load-bearing vest in a manner that allows a non-dominant (non-gun side) draw, or in a thigh holster on the support side, in a manner approved by the DTAC Cadre, and must be available to be drawn with the support hand.

Knives, Multi-Tools, and flashlights shall be carried in a pouch, **NOT** hanging off a pouch.

*Handgun/Holster:*

Handguns shall be carried on the duty belt in accordance with the Tracy Police Department Uniform Regulations Manual, Tracy Police Department Policy 306 *Firearms.*

*Uniforms:*

Sworn or Professional Staff wearing the load-bearing vest will wear the following uniform:

- Dark Navy Blue Blauer brand Polyester Armorskin Base Shirt model 8372 (Men's short sleeve), 8372W (Women's short sleeve), 8371 (Men's long sleeve), 8371W (Women's long sleeve, 8373 (Men's long sleeve) lined, unisex with TPD patches and rank insignia on both shoulders, OR
- Dark Navy-Blue Class "B" Uniform shirt, as specified in the uniform manual.
- Dark Navy-Blue Class "B" Uniform pants, as specified in the uniform manual.
- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).
- LAPD Navy Blue Flying Cross FX Class B Style Pants FX57300 (Men's) FX57300W (Women's).
    - Or similar type navy blue pants that do not have exposed kneepads.
- Professional Staff who wear French Blue shall wear a regular uniform shirt.
    - The shirt shall bear no visible name tag or badge.
- Lieutenants assigned to the Watch Commander position in BFO: Dark Navy Blue Blauer brand SS Polyester Armorskin Base Shirt model 8372 and 8372W, (long sleeve or short sleeve) with TPD patches on both shoulders, embroidered rank insignia on collar of shirt and gold TPD embroidered 7-point star with "Lieutenant" in the middle of the badge on the left breast area. Lieutenants assigned to the Watch Commander positions shall have their first initial, period, and last name directly embroidered onto shirt, centered above right front breast in ½" block letters in thread matching the badge.

The uniform worn with the load bearing vest is subject to change at the discretion of the Chief of Police.

## SWORN CLASS "C" UNIFORM

Sworn Officer **Class "C"** Uniform is the optional summer uniform during the months of May through mid-October.

*Baseball Cap:*

Same as Sworn **Class "B"** Uniform.

**Use:** The baseball cap is optional and authorized when wearing **Class "B"** Uniform, **Class "C"** Uniform or utility uniform (**Class "D"**).

*Polo Shirt:*

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy short-sleeve style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- First Tactical Performance Polo Midnight Navy short-sleeve style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). Long Sleeve style F5357 (Women's), style F5315 (Men's).
- Class "B" Uniform shirt, as specified in the uniform manual, and
- Dark Navy-Blue Class "B" Uniform pants, as specified in the uniform manual.

For sworn members an embroidered 7-point star with the unit in the middle of the badge on the left breast area. Unit names such as "GIU", "SWAT," "RANGE," "TRAFFIC," "CNT," "DTAC", "PS&T" are examples of authorized unit titles for the purpose of this uniform. The badge will be embroidered or sewn on the left breast area. For Sworn members the first initial, period, and last name directly embroidered onto shirt, centered above right front breast in ½" block letters in thread matching the badge. The Polo shall be worn with a black crew neck T- shirt. A Polo can be purchased in short sleeve or long sleeve. A long sleeve under shirt shall not be worn underneath a short sleeve Polo. The shirt will be tucked in at all times.

**Use:** Black crew collar undershirt shall be worn with **Class "C"** Uniform.

*Shoulder patches:*
One TPD (blue and gold) patch centered on each sleeve, ¾" below shoulder seam.

*Badge on Shirt:*
All ranks, cloth badge shall be sewn to front of shirt, centered above the left front breast. Gold badge for Command Staff, silver for all other ranks.

**Use:** Properly identifies TPD members by rank.

*Department Awards/Special Assignment Pins on Shirt:*
No department awards/special assignment pins shall be worn with the summer uniform.

*Shorts:*
No specific brand is required; however, it must be similar in quality to Flying Cross brand style 49330 (Men) or 49330WT (Women) or Olympic, F/C or Tact squad. LAPD or dark blue, hemmed a maximum 2" above the knee, 65% polyester and 35% Rayon.

*Shorts Belt:*
Same as Sworn **Class "B"** Uniform.

**Use:** The shorts are worn as part of the **Class "C"** Uniform and is authorized in the months of May through mid-October.

*Duty Belt:*
Same as Sworn **Class "B"** Uniform.

*Socks:*
Black crew length socks.

**Use:** To be worn with footwear.

*Footwear:*
Black athletic shoes. No trim or logo of a different color. No specifications.

**Use:** Black athletic shoes are authorized with black socks.

## SWORN CLASS "D" BDU UNIFORM

The **Class "D"** Uniform is the standard uniform for members on training days, the daily uniform for K-9 handlers, and the uniform of the day in inclement weather, as authorized by the supervisor.

*Baseball Cap or Watch Cap:*
Black baseball cap "Flexfit" or adjustable with TPD Silver Star with rank sewn on the front of the cap. Caps with sections of netlike material are not authorized. Caps for Command Staff will have gold-colored stars and rank. It is optional to have the last name of the member inscribed on the back of the fitted cap in block letters and color to match star.

**Use:** Watch cap or baseball cap are optional wear for this uniform at supervisor's discretion.

*Shirt:*

- 5.11 Stryke- Dark Navy Blue (724) S/S style 71354 (Men's), style 61325 (Women's); L/S style 72399 (Men's), 62404 (Women's).
- First Tactical V2 Tactical- Midnight Navy S/S- style 122007 (Women's), style 112007 (Men's) L/S- style 121006 (Women's), style 111008 (Men's).

TPD patches on both sleeves, and appropriate insignia. Cloth badge sewn above left front breast pocket. First initial, period, followed by last name directly embroidered onto shirt, centered above right front breast pocket, in ½" block letters, thread to match color of cloth badge. K9 officers will have "K9" embroidered 1/8" above and centered over the name, in ½" letters the same color of the cloth badge. No service stripes on Shirt.

**Use:** Black crewneck undershirt to be worn. Turtleneck or mock turtleneck are optional, and to be worn only with long sleeve shirt and open collar.




*Trousers:*

- 5.11 Stryke- Dark Navy Blue (724) style 74369 (Men's), style 64386 (Women's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).
- LAPD Navy Blue Flying Cross FX Class B Style Pants FX57300 (Men's) FX57300W (Women's)
- Or similar type navy blue pants that do not have exposed kneepads

Trousers are non-bloused, blue utility pants with plain front and cargo pockets on the back side and the legs. The pant will have no break. K9 officers shall not wear shorts (Bike patrol uniform) while on-duty.

*Trouser Belt:*
Same as Sworn **Class "B"** Uniform.

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

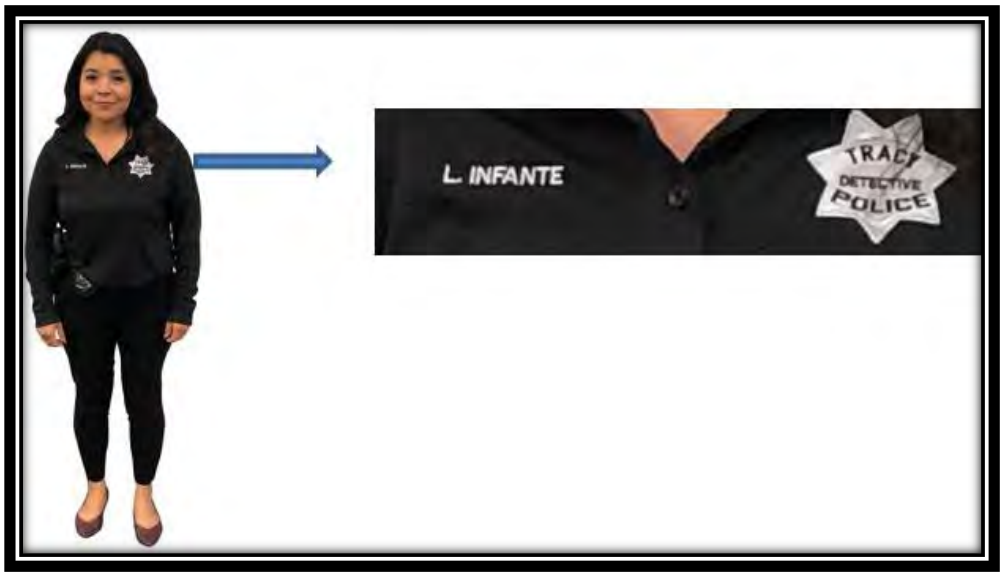
## SWORN CLASS "E" UNIFORM (POLO SHIRT)

Personnel may wear their designated color Polo shirt with the designated BDU color pant for the specific unit on days directed by the supervisor. This is not intended to replace the **Class "B" or Class "D"** Uniform and is meant to be worn at late night, weekend callouts, during special training or operation days. It can be worn in lieu of civilian attire on holidays, or at out- of-town training, where Sworn or Professional Staff needs to present a uniform appearance.

*Polo Shirt:*

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable.
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). Long Sleeve style F5357 (Women's), style F5315 (Men's).

For Sworn members an embroidered 7-point star with the unit in the middle of the badge on the left breast area. Unit identifier such as "DETECTIVE", "SWAT," "RANGE," "TRAFFIC," "CNT," "DTAC, OFFICER," etc. are examples of authorized titles for the purpose of this uniform. The badge will be embroidered or sewn on the left breast area. For Sworn members the first initial, period, and last name directly embroidered onto shirt, centered above right front breast in ½" block letters in thread matching the badge. The Polo shall be worn with a black crew neck T-shirt. A Polo can be purchased in short sleeve or long sleeve. A long sleeve under shirt shall not be worn underneath a short sleeve Polo.




*Department Awards/Special Assignment Pins on Shirt:*
No department awards/special assignment pins will be worn with the **Class "E**" Uniform.

*Trousers:*

- Dark Navy Blue 5.11 Apex style 64446 (Women's), style 74434 (Men's).
- First Tactical V2, 124011 (Women's), style 114011 (Men's).

Trousers are non-bloused, utility pants with plain front and cargo pockets on the back side and the legs. Color of pants may be designated by the unit/cadre supervisor and shall be the same for the entire unit.

*Trousers Belt:*
Same as Sworn **Class "B"** Uniform.

*Color Specifications:*
All members of the unit who choose to wear this uniform shall wear the same color of Polo and BDU pants and can be designated by the supervisor of the unit. These are the designated colors for the following units:

- Command Staff: Navy Blue Polo shirt and Khaki pants
- Professional Standards and Training: Navy Blue Polo shirt and Khaki pants
- General Investigations Unit: Black Polo shirt and Khaki pants

- CNT (Sworn and Professional Staff): Black Polo shirt and Khaki pants
- Range Cadre: Black Polo shirt and OD green BDU style pants
- DTAC Cadre: Charcoal Grey Polo shirt and Black pants
- SWAT: Navy Blue Polo shirt and Grey Pants
- All others: Navy Blue Polo shirt and Khaki pants

*Field Operations Unit (Patrol):*
Black Polo shirt with **Class "D"** Uniform pants. If attending outside Training jeans in good repair may be worn. *This uniform is optional and purchase of it is not mandatory.*

**Use:** To give the appearance of uniformity among units.

# BICYCLE PATROL UNIFORM

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.

*Helmet:*

Black cycling helmet issued by the Department, or similar model if personally owned. "POLICE" stenciling is required.

**Use:** Worn for the safety and identification of Officers.

*Shirt:*

No specific brand is required; however, it must be similar in quality to 5.11 Tactical Performance or Propper Polo. For sworn members an embroidered 7-point star with the unit in the middle of the badge on the left breast area. The badge will be embroidered or sewn on the left breast area. For Sworn members the first initial, period, and last name directly embroidered onto shirt, centered above right front breast in ½" block letters in thread matching the badge. The Polo shall be worn with a black crew neck T-shirt. A Polo can be purchased in short sleeve or long sleeve. A long sleeve under shirt shall not be worn underneath a short sleeve Polo. POLICE in 3" silver block letters shall be on the back of the polo shirt across the shoulders, unless user is wearing a department authorized outer carrier vest.

**Use:** Black crewneck undershirt to be worn with shirt.



*Shorts:*
No specific brand is required; however, it must be similar in quality to 5.11 Uniform shorts. Shorts must be dark navy in color. Cargo pockets shall be straight and rectangular. Long

*Pants:* No specific brand is required; however, it must be similar in quality to 5.11 BDU pants, LAPD, or dark navy in color.

**Use:** During cold or inclement weather **Class "D"** Uniform is authorized.

*Shorts Belt:*
Same as Sworn **Class "B"** Uniform.

*Duty Belt:*
Same as Sworn **Class "B"** Uniform.

*Socks:*
Black crew length socks.

**Use:** To be worn with footwear.

*Footwear:*
Black athletic type or a type designed for bicycle riding.

**Use:** This footwear is required whenever wearing the "Bicycle" Patrol Uniform.

## MOTOR OFFICER CLASS "B" UNIFORM

*Helmet:*

Shark (brand) Evo one 2 (model) or LS2 (brand) Valliant 2 (model) black and white helmet. The helmet will have badge affixed to the front center of the helmet, above the forehead. TPD helmet badge will be affixed to the front center.



*Shirt:*

The Traffic Safety Unit also has the option of wearing a long or short sleeve Polo shirt, similar to the dark navy Blauer 8160 Performance Polo, with their department issued metal badge and name tag, TPD patches on both sleeves, and appropriate insignias as described in this policy are required.

- Dark Navy Blue Blauer brand Polyester Armorskin Base Shirt model 8372 (Men's short sleeve), 8372W (Women's short sleeve), 8371 (Men's long sleeve), 8371W (Women's long sleeve), 8373 (Men's long sleeve) lined, unisex with TPD patches and rank insignia on both shoulders, OR
- Dark Navy Blue Blauer brand Polyester Armorskin Base Shirt model 8160 (short sleeve), 8165 (long sleeve).
- Dark Navy-Blue Class "B" Uniform shirt, as specified in this manual.

**Use:** Black crew neck to be worn with shirt.



*Tie/Tie Bar:*
Same specifications as Class "A" and "B" specifications (optional).

*Duty Jacket:*
Motoport Air Mesh Jacket with aero-tex liner. Navy blue with 1.5" black reflective stripe across back. TPD patches on both sleeves, Velcro name tape with first initial and last name above right pocket and cloth badge on left chest, and sergeant and corporal stripes in the same manner as the Duty Jacket.

**Use:** The duty jacket is worn at the discretion of the member.




*Trousers (Breeches):*
Motorport Kevlar Breeches (Uniform Blue). The breeches will be "over the boot" with Zip/ Velcro cuffs, 1.5" black reflective stripe on lower leg, removable Motorport aero-tex inner liner for cold weather, optional Motoport hip pad.

*Duty Belt:*
Same as Sworn Class "B" Uniform.

*Trouser Belt:*
Same as Sworn Class "B" Uniform.

*Footwear:*
Boots approved for the Class "A", "B", or "D" Uniform are brand SIDI, model Canyon Gore-tex 2. See picture for description.



## MOTOR OFFICER CLASS "D" UNIFORM

The department approved Class "D" Uniform may be worn during training sessions, periods of inclement weather, or during specialized duty assignments (commercial enforcement, vehicle inspections, etc.) which have condition here Class "B" Uniform would not be practical. Pants shall be bloused for safety.



# HONOR GUARD UNIFORM

The dress uniform is worn by the members of the Honor Guard detail. It consists of a hat, Marlo White dress coat with white shoulder braid on the right shoulder white gloves, Marlo White Uniform trousers with one inch silver braid, black high-gloss footwear and duty belt with pistol and holster.

*Hat:*

Stratton brand midnight blue hat. Campaign style/F-40 felt. Silver cords with silver acorns, and 3-piece, black patent leather strap. Use department issued hat badge.





*Dress Coat:*

The dress coat will have the following specifications.

*Midnight Blue Elastique High Collar Coat:*

- Midnight Blue, 450 Shade 55%/45% Poly/Wool Elastique Cloth
- Buttons - Silver "P" buttons
- Trim Location – Top of Collar, Epaulettes & down front of Coat. No trim on bottom of collar; No trim on bottom hem of coat
- Trim color - #7257 Silver
- Sleeve Decoration: V-shape Cuff- MB Elastique w/#7257 Silver Trim; Silver “P” buttons
- Hash Marks – Attached ½” above tip of “V” on sleeve decoration, applied at a slant. Hash marks provided by Tracy PD
- 4 Pockets – Two top standard “pleated” pockets; Two bottom pocket flaps with functional hidden pockets
- Badge tab – Attached at 2 ½” + ¼”
- Belt Hooks- set of (4) attached
- Patches – Attached ¾” below each shoulder seam.
- Ranks – Attached ¾” below each department patch. Rank patches provided by Tracy PD
- Metal Hook & Closure with Velcro closure
- Functional Epaulettes

The coat will be adorned on the collar with two 1 ¼" replica department badges with "HG" in the center.

**Use:** The coat must be neatly pressed; all buttons will be buttoned at all times.





*Shoulder Strap:*
Marlow White Item #60-071 Sam Brown Shoulder Strap High Gloss black with Nickel Silver hardware. (Not Shown).

*Shoulder Cords:*
N/2121B-RWhite, white shoulder braid, with button loop. Worn on the right shoulder.

*Gloves:*
White gloves; leather or cotton.

*Nameplate:*
Blackinton is the standard of the regulation nameplate. Plate shall be silver in color to match badge and will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and 5/8" tall with initial of first name, period, and full last name in black letters.

*Honor Guard Pin:*

Blackinton is the standard of the regulation honor guard pin. The Blackinton Commendation Bar A9924-C, is white/rhodium, and inscribed with "Honor Guard." The pin to be worn centered and above the nameplate.

**Use:** Can be purchased online at EPoliceSupply.com




*Trousers:*

The dress trousers will have the following specifications.

*Midnight Blue Elastique Trousers:*

- Midnight Blue, 450 Shade 55%/45% Poly/Wool Elastique Blend.
- Trouser braid – 1 inch #7257 Silver trouser braid, attached to each trouser side.

*Trouser Belt:*

Same as Sworn **Class "A"** Uniform.

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

*Duty Belt:*

Sam Browne brand, Safariland 4 Row Stitch Sam Browne Belt type with silver (nickel finish) buckle. Safariland brand belt with high gloss black, not basket weave and holster.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.



# OPTIONAL AUTHORIZED EQUIPMENT (SWORN)

*Headband/Ear Warmers:*

Solid black headbands/ear warmers are optional. They can be of any thermal, fleece, microfleece, or similar material. Headband to be worn no lower than the eyebrows and fit snugly on the head.

**Use:** Earmuffs and crochet style headbands are not authorized. Headbands/ear warmers authorized during inclement weather or at supervisors' discretion.

*Earpieces:*

Earpieces are authorized for use when in uniform.

**Use:** The earpiece is worn when using Department radios and telephones. The earpiece wire is a potential safety hazard and should be secured under the clothing and as close to the neck as possible. The earpiece and wire must be neutral or dark tinted.

*Eyewear:*

Any lenses, frames, or straps worn while in uniform should be primarily to enhance vision and be practical during patrol operations and physical exertion. Eccentric colors and shapes that detract from a professional appearance while in uniform are not authorized.

**Use:** When necessary to perform work-related task. Straps should be plain blue or black in color.

*Dickey, Turtleneck, & Mock Turtleneck:*

All three articles must be black and plain-woven. The dickey and turtleneck collars must be no more than 5" wide. The mock turtleneck collar must be no more than 2" wide. No visible printing is permitted.

**Use:** All three articles are allowed when wearing the long sleeve shirt or utility uniform. They are *not* authorized when the Class "A" Uniform is required or when wearing a short sleeve shirt.

*Gloves:*

Black unlined, unweighted gloves that fit the hand snugly so that all safety equipment items can be used are authorized.

**Use:** During inclement weather.

*Knife:*

Authorized knives must have a folding blade less than 5" long and fit snugly into a holder if worn on the duty belt. Knives may be carried on the uniform trouser pockets.

**Use:** Knife holders on the duty belt must match the other equipment holders.

# SWAT UNIFORM

The SWAT Uniform is authorized for SWAT members, Tactical Medics, and Commander(s)only during SWAT operations, SWAT training, and other events as authorized by the Crisis Response Unit (CRU) Commander(s).

*Hats:*

- A black baseball-style cap with one (1) silver Tracy Police 2 ½" SWAT patch sewn or embroidered onto the center of the front crown. The patch will be embroidered with "SWAT" instead of "POLICE." Inscribing the last name in block letters on the back of fitted cap is optional.
  - The stitching shall be silver to match patch. The other specifications of the SWAT cap will be identical to the **Class "B"** baseball cap.
- A black "Boonie" style hat with optional one (1) Tracy Police 2 ½" or SWAT patch sewn to the center of the front.
- A black knit cap with optional one (1) Tracy Police 2 ½" SWAT patch sewn on.

**Use:** The wearing of a hat is optional. Only the three (3) hats listed above are authorized.

*Uniform Shirt:*

The Crye G3 brand LAC Combat shirt #5124 is the standard SWAT Uniform shirt.

- One (1) subdued United States of America flag will be attached with Velcro onto the left shoulder.
- One (1) subdued TPD SWAT patch will be attached with Velcro onto the left shoulder, directly below the USA flag patch.
- One (1) subdued TPD SWAT patch will be attached with Velcro onto the right shoulder. This will include the Tactical Medics.

*Tactical/Entry Vest:*

SWAT Team members shall only utilize *department issued* tactical vests and carriers, to include the NIJ .06 Level III SA ballistic plates.

Names, "POLICE" identifiers, and cloth police patches will be attached with Velcro on the front. The SWAT vest will also have name, and "POLICE" identifiers on the back also attached with Velcro. One (1) silver 3" subdued Tracy Police SWAT badge will be attached with Velcro on the front left side of the vest.

**Use:** The vest along with identifying patches shall be worn during any type of tactical operation and tactical training for safety and identification.

*Trousers:*

The Crye G3 brand LAC Combat pant #5124 is the standard SWAT Uniform pant. As with other equipment, replacement will be considered ono an as-needed basis.

*Trouser Belt:*

No specific brand is required; however, it must be similar in quality to 5.11, 1 ¾" wide, trouser belt black, Camo or OD green to match SWAT Uniform.

**Use:** The standard SWAT Tactical Uniform is navy blue. The Tactical Commanders may authorize snipers and observers to utilize alternate uniforms to meet the environmental needs of an operation. While participating in training with the entry team, snipers and observers will wear the standard navy-blue uniform. The shirt will be neatly tucked inside the trousers.

## SWAT SPECIAL EVENT/TRAINING UNIFORM

*Polo Shirt:*

Navy blue First Tactical brand Polo model number (112509) with one (1) silver subdued 3" Tracy Police SWAT badge sewn on the left side of the chest. The member's first initial and last name in block letters (example: J. DOE) will be embroidered in silver or gold ½" block letters on the right side of the chest to match badge.

*Trousers:*

Grey 5.11 brand Stryker pant.

*Trouser Belt:*

Same as Sworn **Class "B"** Uniform.

**Use:** The SWAT training uniform will be worn by members who are presenting training to civilians, outside businesses, or Officers from TPD or another agency.

*Socks:*

Black crew length socks.

**Use:** To be worn with footwear

*Shoes:*

Black hiking or tactical *boots* are the only authorized footwear.

**Use:** Athletic shoes, even high-top ones, are not authorized.

*SWAT Cold Weather Sweatshirt:*

The SWAT cold weather sweatshirt shall be black with white silkscreen print. The back of the sweatshirt shall have "POLICE" in 2 ½" block letters. Both sleeves of the sweatshirt shall have "POLICE" down each sleeve along with a Tracy Police SWAT patch matching the authorized SWAT patch worn on the tactical uniform. The front of the sweatshirt shall have the 3" subdued Tracy Police SWAT badge sewn on the left side of the chest.

**Use:** SWAT officers are allowed to wear a black performance style hooded sweatshirts during cold weather tactical training and tactical operations.

# PROFESSIONAL STAFF UNIFORM

## ALL PROFESSIONAL STAFF (CLASS "A") UNIFORM

The Class "A" Uniform is optional. The Class "A" Uniform for Professional Staff is to be purchased at one's own expense or purchased through the uniform allowance. Tracy PD will purchase a shield for those who purchase a Class "A" Uniform. Please contact the Office of the Chief of Police Executive Assistant for ordering specifications.

The Professional Staff Class "A" Uniform is to be worn for formal events such as funerals, swearing in ceremonies, department issued photographs to name a few. If you elect to not purchase a Class "A" Uniform, please review attire for Professional Staff at Formal Events.

*Class "A" Shirt:*

TPD patches on both sleeves and appropriate insignias as described in this policy.

The Flying Cross #252R66 short sleeve (Women's), #202W66 long sleeve (Women's); Men's styles 95R66 short sleeve and 45W66 long sleeve are the standard of the Class "B" Uniform. The shirts are French Blue with *pleated* front breast pockets and shoulder epaulets. Department patches for are sewn onto both sleeves. Service stripes are sewn onto the left sleeve.

**Use:** The shirt must be neatly tucked into the trousers and cuffs will remain buttoned at all times. The collar will be worn closed, and a tie shall be worn.

*Tie and Tie Bar:*

There is no specific brand. The tie is a black standard, clip-on or break-away Dacron, wool, or other quality fabric with a basic conservative knot at the top (Windsor knot). The tie should have a maximum width of 3 ½" and the bottom of tie must be within 1" from the top of the duty belt. When a tie is worn, a tie bar may also be worn. The tie bar shall match the color of the badge (silver or gold).

**Use:** The standard tie bar is worn centered and horizontally aligned on the tie between the third and fourth shirt buttons. The tie is required for **Class "A"** Uniforms. An optional Class "A" Uniform tie for Professional Staff ladies is the black cross over tie.

*Nameplate on Shirt:*

The standard nameplate brand is Blackinton, model J-1, silver in color, with a polished finish. The nameplate will be worn centered above the right pocket flap. The bottom of the nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and ½" tall with the following inscribed: Initial of first name, period, and full last name in black lettering.

*Shields:*

Ed Jones is the standard of the regulation shields; Professional Staff shall wear the Ed Jones EJ 792C metal shield. When in uniform, supervisors and managers shall wear the Ed Jones EJ 792 C metal shield with "Supervisor" or "Manager" inscribed. Shield number shall coincide with members designated unit assignment. Any other shield must meet or exceed their

standards in all respects. The shield number is inscribed on the bottom center of the shield and corresponds with the member's unit assignment.

*Professional Staff Unit Supervisor Shield and Insignia:*

The Professional Staff Unit Supervisor's shield will have the word "Supervisor" incorporated on to it, and a "Supervisor" rocker patch centered and sewn above each shoulder patch.

| | |
|---|---|
| Crime Prevention Specialist: | 1-9 |
| Code Enforcement: | 10, 11, 12… |
| Office of the Chief: | 400 Series |
| Crime Scene Unit: | 500 Series |
| Community Services: | 600 Series |
| Animal Services: | 700 Series |
| Records Unit: | 800 Series |
| Dispatch Supervisors/Parking Interns: | 900 Series |

**PROFESSIONAL**




**SUPERVISOR**




*Police Support Services Bureau Manager Badge and Insignia:*

The Police Support Services Bureau Managers' badge and nameplate will be identical to that of Sworn Command Staff in gold (brass).

*Trousers:*

Trousers can be with or without a SAP pocket. The Flying Cross trouser with a SAP pocket is model 47289 (Men's) and 47289W (Women's). Without a SAP pocket is 47280-86 (Men's) and 47280W-86 (Women's) is for the standard of the Class "A" Uniform. The trousers are made of 75% Dacron Polyester and 25% Wool. Plain front with straight side pockets with exposed top and bottom cord. Bottom of leg will be plain and hemmed allowing the front to rest on the shoe without any break. The front of the leg should touch the top of the footwear and the back of the leg should be between 1" and 1 ½" from the ground.

*Trouser Belt:*

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield. The Police Support Services Bureau Managers' hardware will be gold (brass).

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

*Duty Belt:*

Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish to match shield. All other accessories will have hidden snaps or Velcro closures. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference examples. Nylon gear is optional.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

*Socks:*
Black crew length socks.

**Use:** To be worn with footwear

*Footwear:*
Authorized boots must be black in color, with smooth rounded toe, with seams or stitching being optional. Either boots (duty style) or "low-quarter" dress shoes made of full grain, scuff resistant and smooth leather, or high gloss poromeric (Corfam) material capable of accepting high gloss polish. The optional dress Oxford shoe, full gloss finish is approved for the Class "A" Uniform.

**Use:** This footwear is required whenever wearing the Class "A" Uniform.

*Polo Shirt **(optional)**:*
Cloth shield is embroidered or sewn on the left breast with assignment and position (Code Enforcement- Admin, Animal Shelter- Aid, etc.) included. First initial, period, and last name directly embroidered on shirt, centered above right front breast in ½" block letters in thread grey/silver in color matching the shield. "Animal Services" silkscreened or printed in white 3" block letters on back center across the shoulders.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable.
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). Long sleeve style F5357 (Women's), style F5315 (Men's).

## ATTIRE FOR PROFESSIONAL STAFF DEPARTMENT EMPLOYEES AT FORMAL EVENTS

For formal events such as funerals, swearing in ceremonies, department photographs, (Drug Abuse Resistance Education (DARE) graduations, etc., where Professional Staff will be representing the department, it is expected they wear business attire that conforms to the Lexipol General Order 1024 *"Uniform Regulations"* or the Professional Staff **Class "A"** Uniform.

*Black Suit:*

Men shall wear black or dark blue business attire to include a long-sleeved dress shirt, tie, tailored sport coat or suit. Women shall wear black business attire to include tailored pantsuits, skirts no shorter than 2 fingers above the knee and worn with a black or dark blue blazer. Women can wear black or neutral hosiery. TPD lapel star, patch or shield may be worn with attire.

*Footwear:*

Black closed toe shoes, no strappy sandals, or platforms. Women can wear basic pumps with a heel no higher than 2" in length.

*Hygiene:*

Men shall have their hair neatly trimmed or groomed, face clean shaven or beard neatly trimmed. Women shall have their hair neatly groomed.

*Accessories:*

Accessories to be kept simple, modest jewelry, make-up should be minimal and in conservative tones, and minimal cologne and perfume.

# CODE ENFORCEMENT

## CODE ENFORCEMENT OFFICER CLASS "A" UNIFORM

Shall follow the same standards as the Class "A" Professional Staff Standard.

## CODE ENFORCEMENT OFFICER CLASS "B" UNIFORM



This uniform is designed to be the day-to-day uniform for Code Enforcement Officers.

*Baseball Cap:*

Black baseball cap "Flexfit" or adjustable with TPD silver-star sewn on front of cap with unit identifier in center or blank center with filigree. Net-like material on the cap is authorized. It is optional to have the last name in block letters embroidered on the back of the cap.

**Use:** The baseball cap is optional and authorized when wearing.

*Polo Shirt:*

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) S/S style 41060 (Men's), style 61173 (Women's); L/S style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy S/S- style 122509 (Women's), style 112509 (Men's) L/S- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue S/S style F5327 (Women's), style F5341 (Men's). L/S style F5357 (Women's), style F5315 (Men's)

Code Enforcement cloth shield is embroidered or sewn on the left breast. First initial followed by last name directly embroidered onto shirt, centered on right breast, with bottom edge of name parallel to bottom edge of the shield in ½" block letters, using silver thread to match cloth shield. The Unit name "Code Enforcement" shall be silkscreened or printed in white 3" block letters center on back across the shoulders.

**Use:** This is the standard shirt for day-to-day operations of the Unit. The shirt must be neatly tucked into the trousers at all times.



*Shields:*
Code Enforcement Officers shall wear the Ed Jones EJ 792 C metal shield. When in uniform, supervisors and managers shall wear the Ed Jones EJ 792 C metal shield with "Supervisor" or "Manager" inscribed. Shield number shall coincide with members designated Unit. Unit "Supervisor" or "Manager" shall wear rocker patch centered and sewn above each shoulder patch.




*Undershirt:*
When visible, a black crewneck undershirt shall be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar. "T.P.D." may be embroidered in ½", block letters on the left portion of the collar. Embroidery thread shall match color of the shield.

**Use:** A black undershirt without visible designs or logos is required with any open collared uniform shirt.

*Load Bearing Vests (Code Enforcement):*
Professional Staff who are assigned to wear a duty belt may wear a load bearing vest carrier, provided at their own cost. If worn, it shall conform to the following standards:

- Brand: Point Blank
- Color: Dark Navy Blue
- The department member's assigned Shield shall be worn on the upper left side of the load bearing vest.
- A non-reflective name tag shall be worn on the upper right side of the load bearing vest.
- The employee's first initial and last name shall be on the name tag in white type.
- The back of the vest shall have a patch bearing "Code Enforcement" with white type 4" block lettering.
- Pouches must be dark navy blue, ballistic cloth, with no visible manufacturer logos.
- Set up of the pouches and inspection to ensure proper set up (Secured properly, mandatory carry items, damaged pouches, etc.) to be done prior to the member wearing the vest carrier for the first time, and then on a regular basis by a member of the DTAC Cadre.

*Equipment to be carried on the Vest Carrier-Mandatory:*

All required equipment that is not carried on the members belt must be carried on the load bearing vest carrier. All equipment should be carried in a manner similar to the configuration previously carried on their duty belt. The configuration of the equipment must be reviewed and approved by a member of the DTAC cadre, prior to wearing the load bearing vest on duty.

*Equipment carried on the Vest Carrier-Optional:*

The following optional equipment maybe worn on the load bearing vest carrier:

- Radio
- OC Spray
- Flashlight
- Keys
- PPE Pouch
- Body Worn Cameras







*Trousers:*

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

*Trouser Belt:*

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

*Duty Belt:*

Authorized duty belt is black, standard (2 ¼") width basket-weave finish. Belt may be leather or similar synthetic. All visible hardware will be nickel finish. All other hardware will have hidden snaps. The Sam Browne type belt (with or without Velcro) is a reference example. Nylon gear is optional.

**Use:** The duty belt is optional, but when in use shall be worn so that the trouser belt is covered, and all attached equipment is secured.

*Socks:*

Black crew length socks.

**Use:** Required to be worn with footwear.

*Footwear:*
Black laced boot or shoe with smooth rounded toe with optional seams or stitching capable of accepting a high gloss polish.

***Optional:*** The black boot can also be a modern tactical boot. The boot would be durable made of synthetic leather, canvas, or suede upper material similar to a matte finish.

## CODE ENFORCEMENT CLASS "C" SUMMER UNIFORM

*Baseball Cap:*
Black baseball cap "Flexfit" or adjustable with TPD Silver Star sewn on the front of the cap, with unit initials in the center or blank center with filigree. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match shield.

*Short Sleeve Shirt:*
Same as Code Enforcement Class "B" Uniform.

*Shields and Patches:*
Same as Class "B" Uniform specifications. Shield may be worn on a belt holder or lanyard when not wearing load bearing vest.

*Shorts:*
No specific brand is required; however, it must be similar in quality and style to the 5.11 Apex Short (#73334 Men's) or 5.11 Taclite Pro (#63071 Women's). LAPD or Dark Blue, hemmed at a maximum of "2" above the knee. The Class "C" Uniform is authorized in the months of May through mid-October.

*Trouser Belt:*
Same as Class "B" Uniform.

*Duty Belt:*
Optional with Class "C", but if worn, same as Class "B" Uniform.

*Socks:*
Black in color

*Footwear:*
Black athletic shoes or black boots.

## CRIME SCENE INVESTIGATIONS UNIT CLASS "A" UNIFORM

The Class "A" Uniform will be the same as the Professional Staff Class "A" Uniform.

## CRIME SCENE INVESTIGATIONS UNIT CLASS "B" UNIFORM

Crime Scene Investigations Unit Class "B" Uniform is the standard uniform for CSI on a daily basis when performing patrol functions.

*Baseball Cap:*

Black baseball cap "Flexfit" or adjustable with TPD Silver Star sewn on the front of the cap, with unit initials in the center. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match star.

**Use:** The baseball cap is optional and authorized when wearing **Class "B" or "C"** Uniforms.

*Uniform Shirt:*

No specific brand is required; however, it must be similar in quality to 5.11 TDU shirt #72002, #71339 (Men's) and #62016, #61025 (Women's). Dark navy-blue utility shirt, long or short sleeve with non-pleated front pockets and shoulder epaulets. TPD patches on both sleeves, and appropriate insignia. Issued TPD shield affixed above left front breast pocket. First initial, period, followed by last name directly embroidered onto shirt, centered above right front breast pocket, in ½" block letters, thread to match color of cloth badge. "CSI" directly embroidered onto shirt, centered above name in ½" block letters in gray/silver thread.

***Optional:*** Outer carrier uniform shirt: Dark navy Blue Blauer brand SS Polyester Armorskin Base Shirt model 8372 and 8372W, (long sleeve or short sleeve) with TPD patches and rank insignia on both shoulders are authorized.

*Shield, Name tag, Insignia on Shirt:*

Current department issued shield worn above left pocket. The back of the shirt shall have a patch bearing "CSI" with gray/silver colored 4" letters sewn on it. Name tag shall include first initial, period, followed by last name, directly embroidered onto shirt, centered above right front breast pocket, in ½" block letters, using gray/silver thread to match badge. The letters "CSI" embroidered in ½" gray/silver thread to match shield, centered above the name. The CSI Unit Supervisor shall have "CSI Supervisor" embroidered in ½" silver colored block lettering and centered above the right front pocket flap and below the embroidered name. Shoulder patches are the same as Sworn.

*Crime Scene Investigations Unit Supervisor Shield and Insignia:*

The Crime Scene Investigations Unit Supervisor's shield will have the word "Supervisor" incorporated on to it, and a "Supervisor" rocker patch centered and sewn above each shoulder patch.

*Undershirt:*
Black crewneck undershirt to be worn. Turtleneck or mock turtleneck are optional, and to be worn only with long sleeve shirts (Polo or utility) and open collar.

*Trousers:*

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

*Trouser Belt:*
The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one-pronged silver finish buckle to match the shield. The buckle is approximately 2 ½" high by 2" wide.

*Socks:*
Black crew length sock.

*Footwear:*
Black laced boot or shoe with smooth rounded toe with optional seams or stitching capable of accepting a high gloss polish.

***Optional:*** The black boot can also be a modern tactical boot. The boot would be durable made of synthetic leather, canvas, or suede upper material similar to a matte finish.

*Authorized Sweater:*
No specific brand is required; however, it must be blue or black in color. Sweater can be button or zip without patches or badges.

*Property and Evidence Technician:*
The Property and Evidence Technician's uniform specifications are identical to the Crime Scene Investigations Unit with the following exception: "EVIDENCE" embroidery in place of "CSI".

## CRIME SCENE INVESTIGATIONS UNIT CLASS "C" (SUMMER) UNIFORM

The following uniform regulations and standards apply to all Tracy Police Department uniformed personnel wearing the summer uniform. The summer uniform will ordinarily be authorized for use from May through mid-October but may be adjusted as deemed necessary by the Chief of Police. This uniform is optional for Interns and Police Assistants.

*Baseball Cap:*
Black baseball cap "Flexfit" or adjustable with TPD silver star sewn on the front of the cap, with unit initials in the center. Caps with sections of net like material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional.
The stitching shall be silver to match star.

**Use:** The baseball cap is optional and authorized when wearing **Class "B" or "C"** Uniform Polo Shirt.

*Polo:*

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable.
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). long sleeve style F5357 (Women's), style F5315 (Men's).

Shield shall be embroidered, or sewn shield centered on left breast in dark silver/grey/black. First initial followed by last name directly embroidered onto shirt, centered on right breast, with bottom edge of name parallel to bottom edge of the shield in ½" block letters, using silver thread to match cloth shield. CSI cloth shield is embroidered on the left breast. The letters "CSI" will be silkscreened or printed in white 3" block letters centered on the back across the shoulders.

*Shields, Rank Insignia, Service Stripes, Nameplates, and Patches:*
Same as **Class "B"** Uniform specifications

*Load Bearing Vests for (CSI):*
Professional Staff who are assigned to wear a duty belt may wear a load bearing vest carrier, provided at their own cost. If worn, it shall conform to the following standards:

- Brand: Point Blank
- Color: Dark Navy Blue
- The department member's assigned Shield SHALL be worn on the upper left side of the load bearing vest.
- A non-reflective name tag shall be worn on the upper right side of the load bearing vest.
- The employee's first initial and last name shall be on the name tag in white or gray block letters.
- The back of the vest shall have a patch bearing "CSI" with white or gray type 4" block letters.
- Pouches must be dark navy blue, ballistic cloth, with no visible manufacturer logos.
- Set up of the pouches and inspection to ensure proper set up (Secured properly, mandatory carry items, damaged pouches, etc.) to be done prior to the member wearing the vest carrier for the first time, and then on a regular basis by a member of the DTAC Cadre.

*Undershirt:*
Black crewneck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar. "T.P.D." may be embroidered in ½", block letters on the left portion of the collar. Embroidery thread shall match color of the badge.

*Trousers:*

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

*Trouser Belt:*
Same as Sworn **Class "B"** Uniform.

*Shorts:*
No specific brand is required; however, it must be similar in quality and style to 5.11 Apex Shorts (#73334 Men's) or 5.11 Taclite Pro (#63071 Women's). LAPD or Dark Blue, hemmed at maximum of 2" above the knee. The **Class "C"** Uniform is authorized in the months of May through mid-October.

*Duty Belt:*
Same as Sworn **Class "B"** Uniform.

*Socks:*
Same as Sworn **Class "C"** Uniform.

*Footwear:*
Same as Sworn **Class "C"** Uniform.

# COMMUNITY SERVICE OFFICERS, PARKING INTERNS AND CRIME PREVENTION SPECIALIST

## COMMUNITY SERVICE OFFICER/PARKING INTERN/CRIME PREVENTION SPECIALIST CLASS "A" UNIFORM

The Class "A" Uniform will be the same as the Professional Staff Class "A" Uniform.

## COMMUNITY SERVICE OFFICER/PARKING INTERN/CRIME PREVENTION SPECIALIST CLASS "B" UNIFORM

*Baseball Cap (Optional):*

Black baseball cap "Flexfit" or adjustable with TPD Silver Star sewn on the front of the cap, with unit initials in the center. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match star.

**Use:** To protect the members from inclement weather or overexposure to direct sun. The baseball cap is optional and authorized when wearing **Class "B"** Uniform or utility uniform (**Class "D"**).

*Shirt:*

French Blue shirt with epaulets on shoulders. TPD patches on both sleeves and appropriate insignias as described in this policy.

The Flying Cross #252R66 short sleeve (Women's), #202W66 long sleeve (Women's); Men's styles 95R66 short sleeve and 45W66 long sleeve are the standard of the Class "B" Uniform. The shirts are French Blue with *pleated* front breast pockets and shoulder epaulets. Department patches for are sewn onto both sleeves. Service stripes are sewn onto the left sleeve.

**Use:** Long sleeve shirts are optional and when worn cuffs shall not be rolled.

*Insignia and Nameplate on Uniform:*

Current department issued shield. To be worn above the left pocket. If wearing a mourning band, it will be affixed horizontally across the state seal. The standard nameplate brand is Blackinton, model J-1, silver in color, with a polished finish. The nameplate will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and ½" tall with initial of first name, period, and full last name in black lettering.

One TPD shoulder patch centered on each sleeve, ¾" below shoulder seam.

*Load Bearing Vests (CSO):*

Professional Staff who are assigned to wear a duty belt may wear a load bearing vest carrier, provided at their own cost. If worn, it shall conform to the following standards:

- Brand: Point Blank
- Color: Dark Navy Blue
- The department member's assigned Shield SHALL be worn on the upper left side of the load bearing vest.
- A non-reflective name tag shall be worn on the upper right side of the load bearing vest.
- The employee's first initial and last name shall be on the name tag in white type block letters.
    - The back of the vest shall have a patch bearing "CSO" with white type 4" blackletters.
- Pouches must be dark navy blue, ballistic cloth, with no visible manufacturer logos.
- Set up of the pouches and inspection to ensure proper set up (Secured properly, mandatory carry items, damaged pouches, etc.) to be done prior to the member wearing the vest carrier for the first time, and then on a regular basis by a member of the DTAC Cadre.

*Equipment to be carried on the Vest Carrier - Mandatory:*

All required equipment that is not carried on the members belt must be carried on the load bearing vest carrier.

All equipment should be carried in a manner similar to the configuration previously carried on their duty belt. The configuration of the equipment must be reviewed and approved by a Member of the DTAC cadre, prior to wearing the load bearing vest on duty.

*Equipment carried on the Vest Carrier-Optional:*

The following optional equipment maybe worn on the load bearing vest carrier:

- Radio
- OC Spray
- Flashlight
- Keys
- PPE Pouch
- Body Worn Cameras

While it is recommended the radio be carried on the duty belt, Professional Staff may carry the radio on the vest. Multi-tools and flashlights shall be carried in a pouch, NOT hanging off of a pouch. Uniform Used with Load Bearing Vest:

For CSO and Parking Interns wearing a load bearing vest the following uniform shall apply:

- French Blue Blauer brand SS Polyester Armorskin Base Shirt model 8372 and 8372W, (long sleeve or short sleeve) with TPD patches and rank insignia on both shoulders, or
- French Blue **Class "B"** Uniform shirt, as specified in the uniform manual, and
- French Blue **Class "B"** Uniform pants, as specified in the uniform manual.

*Undershirt:*
A navy-blue crewneck undershirt shall be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** A navy blue undershirt without visible designs or logos is required with any uniform.

*Trousers:*
Trousers are non-bloused, dark blue utility pants with plain front and cargo pockets on the back side and legs.

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

*Trouser Belt:*
The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

*Duty Belt:*
Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish to match shield. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference example. Nylon gear is optional.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

*Socks:*
Black crew length socks.

*Footwear:*
Black laced boot or shoe with smooth rounded toe with optional seams or stitching capable of accepting a high gloss polish.

***Optional:*** The black boot can also be a modern tactical boot. The boot would be durable made of synthetic leather, canvas, or suede upper material similar to a matte finish.

*Knit Sweater:*
Black, V-neck "commando sweater" with TPD patches on each shoulder. Metal shield and 1" black name tag with first initial and last name in block letters embroidered in silver thread to be worn.

*Duty Jacket:*
No specific brand is required; however, it must be similar in quality to a traditional "Duty" or "Tuffy" jacket in either nylon, Gortex, or other weather repellent material. A modern jacket such as First Tactical Softshell jacket may also be worn. Jackets shall be black with TPD patches on shoulders, silver cloth badge (centered on left breast) sewn and first initial, period, followed by last name in thread matching the badge color in ½" block letters embroidered centered above the right pocket and parallel to the bottom of the cloth badge/shield. Gold badge for Command Staff, silver badge for all others.

**Use:** The duty jacket is worn at the discretion of the member.

*Rain Wear:*
Black weatherproof jacket and pants (optional). Brand and style not specified and can be any weatherproof material.

**Use:** Authorized during inclement weather.

## COMMUNITY SERVICE OFFICER/PARKING INTERN/CRIME PREVENTION SPECIALIST CLASS "C" (SUMMER) UNIFORM

*Baseball Cap:*
Black baseball cap "Flexfit" or adjustable with TPD silver star sewn on the front of the cap, with unit initials in the center. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match star.

*Short Sleeve:*
Same as CSO **Class "B"** Uniform

**Use:** A navy blue crewneck undershirt without visible designs or logos with any uniform.

*Shorts:*
No specific brand is required; however, it must be similar in quality and style to 5.11 Apex Short (#73334 Men's) or 5.11 Taclite Pro (#63071 Women's). LAPD or Dark Blue, hemmed at a maximum of 2" above the knee. Cargo pockets shall be straight and rectangular.

**Use:** The shorts are worn as part of the **Class "C"** Uniform and is authorized in the months of May through mid-October.

*Duty Belt:*
Same as CSO **Class "B"** Uniform.

*Socks:*
Black crew length socks.

**Use:** To be worn with footwear.

*Footwear:*
Black athletic shoes (all black, no trim or logos of different color). No specification.

**Use:** This footwear is required when wearing **Class "C"** Uniform.

## COMMUNITY SERVICE OFFICER/PARKING INTERN/CRIME PREVENTION SPECIALIST CLASS "E" UNIFORM

The CSO/Traffic Intern/Crime Prevention Specialist Units may wear a unit Polo Shirt with navy blue BDU pants on days directed by the supervisor. This is not intended to replace the **Class "B"** or **Class "C"** Uniforms and is meant to be worn at late night or weekend callouts or during special training or operation days. It can be worn in lieu of the civilian attire on holidays, or at out-of-town training, where members need to present a uniform appearance.

*Polo Shirt:*
Department shield shall embroider or sewn on shield with the unit's name in the middle of the badge on the left breast area. First initial, period, and last name in block letters directly embroidered onto shirt, centered above right front breast in ½" block letters in thread matching the shield. The Unit name "CSO", "Traffic Intern" or "Crime Prevention" shall be silkscreened or printed in white 3" block letters centered on the back across the shoulders.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) S/S style 41060 (Men's), style 61173 (Women's); L/S style 42056 (Men's), Women's unavailable.
- First Tactical Performance Polo Midnight Navy S/S- style 122509 (Women's), style 112509 (Men's) L/S- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue S/S style F5327 (Women's), style F5341 (Men's). L/S style F5357 (Women's), style F5315 (Men's).

*Department Awards/Special Assignment Pin on Shirt:*
No department awards/special assignment pins shall be worn with the **Class "E"** Uniform

*Undershirt:*
Black crew neck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** Black crew neck undershirt without visible designs or logos is required with any uniform.

*Trousers:*
Same as CSO **Class "B"** Uniform.

# ANIMAL SERVICES UNIT

## ANIMAL SERVICES UNIT CLASS "A" UNIFORM

Refer to Professional Staff **Class "A"** Uniform.

## ANIMAL SERVICES UNIT CLASS "B" OR "C" UNIFORM

*Baseball Cap (Animal Service Officer or Animal Services Aide):*

Black baseball cap "Flexfit" or adjustable with TPD silver star sewn on the front of the cap, with unit initials in the center. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted caps is optional. The stitching shall be silver to match star.

*Polo Shirt:*

ASO cloth shield is embroidered or sewn on the left breast with animal services included. First initial, period, and last name directly embroidered on shirt, centered above right front breast in ½" block letters in thread grey/silver in color matching the shield. "Animal Services" silkscreened or printed in white 3" block letters on back center across the shoulders.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). long sleeve style F5357 (Women's), style F5315 (Men's)

**Use:** This is the standard duty uniform, when worn, cuffs shall not be rolled.

***See Below:*** Embroidered or sewn for the ASO cloth shield is on the left breast of the Polo shirt:



*Load Bearing Vests (Animal Services):*

Professional Staff who are assigned to wear a duty belt may wear a load bearing vest carrier. If worn, it shall conform to the following standards:

- Brand: Point Blank
- Color: Dark Navy Blue
- The department member's assigned Shield SHALL be worn on the upper left side of the load bearing vest.
- A non-reflective name tag shall be worn on the upper right side of the load bearing vest. The employee's first initial and last name shall be on the name tag in white type.
- The back of the vest shall have a patch bearing the name "Animal Control" with white type 4" block lettering.
- Pouches must be dark navy blue, ballistic cloth, with no visible manufacturer logos.
    - Set up of the pouches and inspection to ensure proper set up (Secured properly, mandatory carry items, damaged pouches, etc.) to be done prior to the member wearing the vest carrier for the first time, and then on a regular basis by a member of the DTAC Cadre.

*Equipment to be carried on the Vest Carrier-Mandatory:*

All required equipment that is not carried on the members belt must be carried on the load bearing vest carrier.

All equipment should be carried in a manner similar to the configuration previously carried on their duty belt. The configuration of the equipment must be reviewed and approved by a member of the DTAC cadre, prior to wearing the load bearing vest on duty.

*Equipment carried on the Vest Carrier-Optional:*

The following optional equipment maybe worn on the load bearing vest carrier:

- Radio
- OC Spray
- Flashlight
- Keys
- PPE Pouch
- Body Worn Cameras

*Undershirt:*

Navy blue crew neck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** A navy blue crew neck undershirt without visible designs or logos is required with any uniform.

*Trousers:*
Plain front and cargo pockets on the back side and the legs. The front of the leg should touch the top of the footwear and the back of the leg should be between 1" and 1 ½" from the ground.

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

*Trouser Belt:*
The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

*Socks:*
Black crew length socks.

*Footwear:*
Black footwear (all black, no trim or logos of different color). No specification.

*Duty Jacket:*
No specific brand is required; however, it must be similar in quality to a traditional "Duty" or "Tuffy" jacket in either nylon, Gortex, or other weather repellent material. A modern jacket such as First Tactical Softshell jacket may also be worn. Jackets shall be black with TPD patches on shoulders, silver cloth badge (centered on left breast) sewn and first initial, period, followed by last name in thread matching the badge color in ½" block letters embroidered centered above the right pocket and parallel to the bottom of the cloth badge/shield- TPD patches on shoulders and "Animal Services" rocker patch above TPD patch.

**Use:** Authorized during inclement weather. Rain wear can be of any weatherproof material.

*Duty Belt:*
Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference example. Nylon gear is optional.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

## ANIMAL SERVICES CLASS "C" UNIFORM

The following uniform regulations and standards apply to all Tracy Police Department uniformed personnel wearing the summer uniform. The summer uniform will ordinarily be authorized for use from the month of May through mid-October but may be adjusted as deemed necessary by the Chief of Police. The summer uniform is only approved for Animal Services Officer and Animal Services Aide.

*Baseball Cap (Animal Services Officer or Animal Services Aide):*

Black baseball cap "Flexfit" or adjustable with TPD Silver Star sewn on the front of the cap, with unit initials in the center. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match star.

**Use:** The baseball cap is optional and authorized when wearing **Class "B" or "C"** Uniforms.

*Short Sleeve Shirt:*

Same as **Class "B"** Uniform (Polo) with ASO shield.

*Insignia and Nameplate on Uniform:*

ASO **Class "B"** Uniform (Polo).

*Shorts:*

No specific brand is required; however, it must be similar in quality and style to 5.11 Apex Short (#73334 Men's) or 5.11 Taclite Pro (#63071 Women's). LAPD or Dark Blue, hemmed at a maximum of 2" above the knee. **Class "C"** Uniform is authorized in the months of May through mid-October.

*Shorts Belt:*

The shorts belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

*Duty Belt:*

Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference example. Nylon gear is optional.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

*Socks:*

Black crew length socks.

**Use:** To be worn with footwear.

*Footwear:*

Black athletic shoes (all black, no trim or logos of different color). No specification.

# PUBLIC SAFETY DISPATCHERS

The following uniform regulations and standards apply to all Tracy Police Department Dispatchers. It shall set a uniformed guideline for dispatchers.

## PUBLIC SAFETY DISPATCHER CLASS "C" UNIFORM

*Shirt:*

Navy Blue in color. Dispatch cloth shield is embroidered or sewn on the left breast area with unit name included. First initial, period, and last name directly embroidered onto shirt, centered above right front breast in ½" block letters in thread silver/grey matching the shield.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable.
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). long sleeve style F5357 (Women's), style F5315 (Men's).

*Undershirt:*

Navy blue crew neck undershirt is optional.

*Trousers:*

Navy blue utility with plain front and cargo pockets on the back side and the legs. The pant leg shall have no break.

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

*Socks:*

Black crew length socks

*Shoes:*

Black closed toe shoes (can be black tennis shoes). No trim or logo of a different color. Work boots or dress boots maybe worn; however, the pants must go over the boots.

*Jackets or Sweaters:*

No specific brand however must be similar to Sport Tek Sweatshirt Full Zip (ST259) or ¼ Zip (LST253). Color options Graphic Heather (grey), Navy or Black.

Navy blue or black sweaters and jackets may be worn while on duty. Sweaters/sweatshirts with hoodies are not authorized. A solid navy-blue blanket maybe worn in the Dispatch Center.

*Dispatch Flag Emblem:*
PSD may have the approved Dispatch Flag logo embroidered on their jackets at their own expense.

*Baseball Caps:*
Black baseball cap "Flexfit" or adjustable with TPD silver star sewn on the front of the cap, with unit initials in the center. Caps with sections of net like material are not authorized. Inscribing the last name in block letters on the back of the fitted caps is optional. The stitching shall be silver to match star. Baseball caps are not to be worn inside the dispatch center. Baseball caps may be worn for outside events with approval.

*Tactical Dispatch Uniform:*
Tactical Dispatcher's may wear their black Tactical Dispatch Polo with black pants or their dispatch uniform on call outs.

*Pink Patch Project:*
PSD may wear a pink polo that is purchased at their expense. The PSDs are not required to have the department logo or name embroidered on the polo.

*Court Appearance:*
PSD's may wear their uniform for a court appearance however they shall wear a trouser belt and tuck in their polo shirt. Trouser belt shall be traditional trouser belt that is black basket weave leather, 1 ¾ inch wide, with a plain rectangular one prong silver finish buckle to match the badge or Velcro black basket weave leather belt. If a buckle is worn, the buckle is approximately 2 ½ inch by 2 inch wide.

PSD may also appear in court in business attire. Business attire shall consist of, business suit, tie, sports coat slacks (men) and business attire (women).

*Ride Along Attire:*
PSDs on duty who ride-along with officers in the field shall wear their Class C Uniform. During cold weather, personnel are allowed to wear sweaters, coats, or windbreakers without department patches.

If the PSD is off duty, they shall wear business casual in accordance with the department's policy for civilian ride along.

# POLICE RECORDS UNIT

## POLICE RECORDS CLASS "A" UNIFORM

The records staff **Class "A"** Uniform will be the same as the Professional Staff **Class "A"** Uniform.

## POLICE RECORDS CLASS "B" UNIFORM

*Uniform Shirt:*

French Blue, short, or long sleeve shirt with breast pockets and shoulder epaulets. TPD patches on both sleeves and appropriate insignias as described in this policy.

The Flying Cross #252R66 short sleeve (Women's), #202W66 long sleeve (Women's); Men's styles 95R66 short sleeve and 45W66 long sleeve are the standard of the Class "B" Uniform. The shirts are French Blue with *pleated* front breast pockets and shoulder epaulets. Department patches for are sewn onto both sleeves. Service stripes are sewn onto the left sleeve.

**Use:** The shirt must be neatly tucked into the trousers and cuffs will remain buttoned at all times. The collar will be worn closed.

*Nameplate:*

The standard nameplate brand is Blackinton, model J-1, with a polished silver finish. Nameplate will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. The metal name plate is 2 ½" wide and ½" tall with initial of first name, period, and full last name in black lettering.

**Use:** The nameplate is worn on uniform shirts. The nameplate is centered above the right pocket flap.

*Shields:*

Members of the Records Unit shall wear the Ed Jones EJ 792 C metal shield. When in uniform, supervisors and managers shall wear the Ed Jones EJ 792 C metal shield with "Supervisor" or "Manager" inscribed. Shield number shall coincide with members designated Unit. Unit "Supervisor" shall wear rocker patch centered and sewn above each shoulder patch.




## POLICE RECORDS CLASS "C" UNIFORM

Members of the Records Unit may purchase at their own expense a navy-blue polo shirt. The uniform guidelines for Records Class "C" shall be the same as PSD Class B.

# EXPLORERS

## EXPLORER CADET CLASS "A" UNIFORM

*Class "A" Shirt:*

The shirt will be a French Blue long sleeve shirt with pleated breast pockets and shoulder epaulets. TPD patches on both sleeves. An "EXPLORER" rocker patch shall be sewn above both TPD patches.

Flying Cross #202W66 long sleeve (Women's), and 45W66 long sleeve (Men's). The shirts are French Blue with *pleated* front breast pockets and shoulder epaulets. Tie with tie bar

**Use:** The shirt must be neatly tucked into the trousers and cuffs will remain buttoned at all times. The collar will be worn closed, and a tie shall be worn.

*Nameplate:*

The standard nameplate brand is Blackinton, model J-1, silver in color, with a polished finish. The nameplate will be worn centered above the right pocket flap. The bottom of the nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and ½" tall with the following inscribed: Initial of first name, period, and full last name in black lettering.

*Badge:*

Current department issued Explorer badge worn above left pocket. If wearing a mourning band, it will be worn at the 2 o'clock to the 8 o'clock positions.

*Undershirt:*

A black crewneck undershirt shall be worn with all uniform shirts. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

*Trousers- Class A and B:*

Dark navy-blue trousers, plain front with straight side pockets with two back pockets.

Trousers can be with or without a SAP pocket. The Flying Cross trouser with a SAP pocket is model 47289 (Men's) and 47289W (Women's). Without a SAP pocket is 47280-86 (Men's) and 47280W-86 (Women's) is for the standard of the Class "A" Uniform. The trousers are made of 75% Dacron Polyester and 25% Wool. Plain front with straight side pockets with exposed top and bottom cord. Bottom of leg will be plain and hemmed allowing the front to rest on the shoe without any break.

*Trousers- Class D:*

Black in color with flush side pockets.

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

*Trouser Belt:*
The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one-pronged silver finish buckle to match the badge. The buckle is approximately 2 ½" high by 2" wide.

*Duty Belt:*
Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference example. The only authorized items to be worn on the duty belt are a handcuff case with handcuffs, a radio holder, tourniquet holder and a flashlight holder.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

*Socks:*
Black crew length socks.

*Footwear:*
Same as Sworn **Class "B"** Uniform.

*Duty Jacket:*
Dark navy-blue jacket with pockets on the front. Cloth Explorer badge sewn above left front breast pocket. The words "TRACY POLICE EXPLORER" in block letters laminated on the back in silver lettering.

Must be similar in quality to a traditional "Duty" or "Tuffy" jacket in either nylon, Gortex, or other weather repellent material. A modern jacket such as First Tactical Softshell jacket may also be worn. Jackets shall be black with TPD patches on shoulders, silver cloth badge (centered on left breast) sewn and first initial, period, followed by last name in thread matching the badge color in ½" block letters embroidered centered above the right pocket and parallel to the bottom of the cloth badge/shield- TPD patches on shoulders and "Explorer" rocker patch above TPD patch.

## EXPLORER CADET CLASS "B" UNIFORM

*Short Sleeve Shirt:*
French Blue, short sleeve shirt with pleated breast pockets and shoulder epaulets. TPD patches on both sleeves and "EXPLORER" rocker patch above each TPD patch.

Flying Cross #252R66 short sleeve (Women's), and 95R66 short sleeve (Men's) are the standard of the Class "B" Uniform. The shirts are French Blue with *pleated* front breast pockets and shoulder epaulets. Department patches for are sewn onto both sleeves with "EXPLORER" rocker patch above each TPD patch.

**Use:** The shirt must be neatly tucked into the trousers and cuffs will remain buttoned at all times. The collar will be worn closed, and a tie shall be worn.

*Undershirt:*
A navy-blue crewneck undershirt shall be worn with all uniform shirts.

**Use:** A navy blue undershirt without visible designs or logos is required with any uniform.

*Trousers:*
Same as Cadet **Class "A"** Uniform.

*Trouser Belt:*
Same as Cadet **Class "A"** Uniform.

*Duty Belt:*
Same as **Class "A"** Uniform.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

*Socks:*
Same as Sworn **Class "B"** Uniform

*Footwear:*
Same as Sworn **Class "B"** Uniform.

*Duty Jacket:*
Same as Cadet **Class "A"** Uniform.

## EXPLORER CADET CLASS "D" (TRAINING) UNIFORM

*Shirt:*
Embroidered or sewn 7-point star with the "504" Unit in the middle of the badge on the left breast area. First initial, period, and last name directly embroidered on shirt, centered above right front breast in ½" block letters in thread grey/silver in color matching the badge. "EXPLORER" silkscreened or printed in white 3" block letters on back centered across the shoulders.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). long sleeve style F5357 (Women's), style F5315 (Men's)

*Undershirt:*
A navy-blue crewneck undershirt to be worn.

**Use:** A navy blue crewneck undershirt without visible designs or logos is required with any uniform.

*Trousers:*
No specific brand is required; however, it must be similar in quality to 5.11 BDU/TDU pants. Trousers are non-bloused, utility pants with plain front and cargo pockets on the back side and the legs. Color shall be black.

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

Explorer Sergeant and advisors will choose.

*Trouser Belt:*
Same as Sworn **Class "B"** Uniform.

*Duty Belt:*
Same as Sworn **Class "B"** Uniform with the addition of an issued pistol and Taser holster.

*Socks:*
Same as Sworn **Class "B"** Uniform.

*Footwear:*
Same as Sworn **Class "B"** Uniform.

*Duty Jacket:*
Same as Sworn **Class "B"** Uniform.

# CHAPLAINS

## CHAPLAIN CLASS "A" UNIFORM

The Chaplains **Class "A"** Uniform will be the same as the Sworn **Class "A"** Uniform, with the following exceptions or additions:

*Soft Cap:*
The same cap that is described in the Sworn **Class "A"** Uniform section shall be used. The Chaplains will wear a silver metallic snake coil strap with silver "P" buttons on their caps.

*Soft Cap Emblem:*
The same cap emblem that is described in the Sworn **Class "A"** Uniform section shall be used. The Chaplains emblem will be silver and bear the word "CHAPLAIN" on the top band.

*Rank Insignia on Jacket:*
One silver cross on each epaulet with silver Gilt metal "T.P.D." pin affixed to the collar lapel for Chaplains.

*Nameplate:*
Blackinton is the standard of the regulation nameplate. The nameplate shall be silver in color and will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and 5/8" tall with initial of first name, period, and full last name in black lettering.

*Sleeve Braid on Jacket:*
One "½" stripe of gold with blue in the center for Chaplains, placed "3" above the cuff.

*"P" Buttons on Jackets:*
Chaplains will wear silver "P" buttons on each epaulet, pocket flaps and waist tabs.

*Shirt:*
The same shirt that is described in the Sworn **Class "A"** Uniform section shall be used. One silver cross on each collar tip shall be worn.

*Trouser:*
The same trouser as described in the Sworn **Class "A"** Uniform section shall be used.

*Trouser Belt:*
The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

## CHAPLAIN CLASS "B" UNIFORM

*Shirt:*
In addition to the specifications listed for the Sworn **Class "B"** Uniform shirt, Chaplains will wear a single silver cross on the tip of each shirt collar.

## CHAPLAIN CLASS "E" UNIFORM

This is the preferred uniform for Chaplains to wear while on a ride-along or attending informal meetings at the Department. The Chaplain **Class "E"** Uniform will be the same as the Sworn **Class "E"** Uniform, with the following exceptions or additions:

*Polo Shirt:*
No specific brand is required; however, it must be similar in quality to 5.11 Tactical Performance or Propper Polo, charcoal gray in color. Name and badge, (with the word "Chaplain" on the badge), shall be embroidered or sewn on the shirt as described Sworn **Class "E"** Uniform standards. Embroidery shall be done in light gray/silver thread. "CHAPLAIN" silkscreened or printed in light silver/gray 3" block letters on back centered across the shoulders.

*Trousers:*
No specific brand is required; however, it must be similar in quality to 5.11 BDU/TDU pants. Trousers are non-bloused, black utility pants with plain front and cargo pockets on the back side and the legs.

*Trouser Belt:*
Same as Sworn **Class "E"** Uniform.

*Duty Belt:*
A duty belt is authorized for Chaplains while wearing the **Class "E"** Uniform. Authorized equipment to be worn on the belt includes, radio and radio holster, phone in a clip or holster, and keys surrounded by a Velcro close key hush style holder.

## VOLUNTEERS IN POLICE SERVICES CLASS "B" UNIFORM

*Baseball Cap:*
Same as Sworn **Class "B"** Uniform.

*Shirt:*
No Specific brand is required; however, it must be similar in quality to Flying Cross/Horace Small. White long or short sleeve shirt. Pleated front pockets with scalloped flaps and shoulder epaulets. TPD patches on both sleeves, one "Volunteer" rocker patch centered above each shoulder patch and appropriate insignias as described in this policy.




*Nameplate:*
Blackinton is the standard of the regulation nameplate. Plate shall be silver in color and will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and ½" tall with initial of first name, period, and full last name in black lettering.

*Undershirt:*
White crewneck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** A white crewneck undershirt without visible designs or logos is required with any uniform.



*Trousers:*
LAPD, dark navy-blue trousers. Plain front with straight side pockets, one watch pocket and two back pockets with exposed top and bottom front will rest on the shoe without any break.

The Flying Cross #49W8486 long sleeve (Men's), 149W8486 long sleeve (Women's), #99R8486 short sleeve (Men's), and #199R8486 short sleeve (Women's) is the standard of the Class "B" Uniform. The shirts are dark navy-blue shirts and are made of 75% Dacron Polyester and 25% Wool with *non-pleated* front breast pockets and shoulder epaulets.

*Trouser Belt:*
The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish

buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

*Duty Belt:*
Authorized duty belts are black standard (2 ¼") width with basketweave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference examples. Nylon gear is optional.

*Socks:*
Black crew length socks.

*Footwear:*
Black colored laced boots or shoe. Black athletic shoes are allowed and must have no trim or logo of a different color.

## VOLUNTEERS IN POLICE SERVICES CLASS "C" UNIFORM

The following uniform regulations and standards apply to all Tracy Police Department uniformed VIPS wearing the summer uniform. The summer uniform will ordinarily be authorized for use from May through mid-October but may be adjusted as deemed necessary by the Chief of Police.

*Uniform Baseball Cap and Watch Cap:*
Same as Sworn **Class "B"** Uniform.

*Polo Shirt:*
"VIPS" shield on left front breast. First initial, period, followed by last name directly embroidered on shirt, centered above right front breast pocket, in ½" block letters, using navy blue thread. "VIPS" silkscreened or printed in light silver/gray 3" block letters on back centered across the shoulders.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). long sleeve style F5357 (Women's), style F5315 (Men's)

*Undershirt:*
White crewneck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** A white crewneck undershirt without visible designs or logos is required with any uniform.

*Shorts:*
Same as Sworn **Class "C"** Uniform.

*Duty Belt:*
Same as Sworn **Class "B"** Uniform.

*Socks:*
Same as Sworn **Class "C"** Uniform.

*Footwear:*
Same as Sworn **Class "C"** Uniform.

# ADDITIONAL SWORN AND PROFESSIONAL STAFF UNIFORM REGULATIONS

The regulations listed below pertain to all Sworn and Professional Staff.

*Pink Patch/Badge Project:*

"Pink Patch" and "Pink Badge Project" for Breast Cancer Awareness Month based on Special Order 19-02, effective October 1st through October 31st, TPD Sworn and Professional Staff may wear a TPD Breast Cancer Awareness Month (BCAM) badge or shield from the Ed Jones Company. Sworn and Professional Staff, who purchase a BCAM badge or shield and/or BCAM patches are authorized to wear the BCAM badge or shield and/or BCAM patches consistent with current uniform standards and regulations. Members may wear pink lettering on nameplates fashioned after Blackinton model nameplates. Members may wear pink hash marks on **Class "A" or "B"** Uniform shirts. Nameplates can be order through Badge and Wallet **https://badgeandwallet.com/.**

Refer to **Special Order 19-02** for additional details.







*Continuous Professional Training (CPT) Attire:*

While attending CPT or on other days, as approved by management, dispatchers may wear plain, conservative, casual dress clothing. Jeans or other denim pants are acceptable when in good repair. Hats, shorts, t-shirts, halter tops, tube tops, bare midriffs, backless tops, tank tops, brightly colored athletic shoes, leggings, sweatpants, sweatshirts, and thong-type sandals are not permitted.

*Maternity Attire:*

Pregnant employees have the option of wearing the maternity uniform. Management may approve any exceptions to these standards. Maternity attire shall be a skirt, or pants, which are identical in color. A uniform Polo shirt or maternity shirt that is identical in color to the dark blue, charcoal gray or light grey (may be worn untucked, provided that the bottom of the shirt is uniformly hemmed to no shorted than 6" below the waistband and no longer than the bottom on the pants zipper.

*Ride Along Attire:*

On duty personnel who ride-along with officers in the field shall wear their **Class "C"** Uniform. During cold weather, personnel are allowed to wear sweaters, coats, or windbreakers without Department patches.

*Courtroom Attire:*

Wearing part uniform and part civilian clothes is not permitted. Personnel who are representing the department in court shall wear business attire or their uniform. For traffic and/or preliminary court hearings, personnel may wear their daily work uniform or business attire. For jury trials, personnel shall wear business attire or a Class B uniform (no external body armor carriers). Members shall not wear the TPD uniform to court when not acting in an official capacity and on duty.

*Additional Articles of Clothing allowed:*

Only navy-blue or black sweaters and jackets shall be worn while on duty. Sweaters with hoodies are not authorized. Undergarments shall be worn underneath the uniform shirt. A solid navy-blue blanket may be worn in the Dispatch Center.

*Headwear/Hats:*

While working outdoor community events, a western style tan/natural colored "straw" hat (pictured below) is authorized to protect the wearer's head from the elements. The hat may have a simple hat band and be free from excessive ornamentation (feathers, excessive buckles, trinkets, etc.). This hat is not authorized for general patrol duties.



# 2024 Uniform Manual Approved Final (9-17-24) .pdf

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2024

# TRACY POLICE DEPARTMENT




# UNIFORM SPECIFICATIONS MANUAL

SEKOU MILLINGTON, CHIEF OF POLICE

MAY 1, 2024

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# CHIEF'S MESSAGE



Uniformity standards impresses upon the public and amongst our peers an image of unity and conformity. This manual provides the specifications for members of the Tracy Police Department who are required to wear uniforms.

These uniform specifications are provided to aid Sworn and Professional Staff when making purchases of new and replacement items. Local uniform suppliers have been provided with these uniform specifications. Sworn and Professional Staff who purchase uniform items from other merchants are responsible for purchasing items that conform to these specifications.

The photographs in this manual also demonstrate examples of what uniform and equipment articles are deemed appropriate.

Sekou Millington

*Sekou Millington*
**Chief of Police**

# UNIFORM LEXIPOL POLICY

This Uniform Manual is established to ensure that Sworn and Professional Staff will be readily identifiable to the public through the proper use and wearing of department uniforms.

Employees should also refer to the following associated policies:

- 700 - Department Owned and Personal Property
- 1012 - Body Armor
- 1015 - Commendations and Awards
- 1023 - Personal Appearance Standards
- 1024 - Uniform Specifications
- Attachment A of the Uniform Manual - Medals/Ribbons, Function Pins and Commendation Bars

This uniform specification manual is maintained and periodically updated by the Chief of Police or his/her designee. This manual should be consulted regarding authorized equipment and uniform specifications.

# SWORN OFFICER UNIFORM

***All sworn staff shall purchase and maintain a full Class A uniform within one year of employment. When wearing any class of TPD uniform, Men shall have their hair neatly trimmed or groomed, face clean shaven or beard neatly trimmed. Women shall have their hair neatly groomed.***

## SWORN CLASS "A" UNIFORM

Sworn Officer Class "A" Uniform includes the following items: Hat (Soft Cap), Jacket, Shirt, black crew neck undershirt, Trousers, Trouser Belt, Tie w/Tie bar, Duty Belt (magazines, firearm, and handcuffs only), Footwear (highly polished or Corfam), Socks, Badges, Rank Insignia, Medals/Ribbons, Service Stripes, Nameplate and Patches. It is worn to special events to include promotions, ceremonies, and funerals.

*Soft Cap:*

The Bayly, Inc model soft cap is standard for the Department. The cap is round and has a navy-blue wool upper with a black patent leather-type visor with a high gloss finish. Officers, Corporals and Sergeants will use a silver metallic snake coil strap with the silver buttons. Traffic Officers on motor duty will wear an approved motorcycle helmet. Captains and Lieutenants will use a gold metallic snake coil straps with gold buttons. The Chief of Police will use a police cap strap – Permagold Double 8519 and Army Style visor Permagold #6309.

**Use:** The soft cap is the only hat worn with the **Class "A"** Uniform.

*Soft Cap Emblem:*

The Blackinton model is the example of this emblem. The emblem consists of a shield with the seal of California in bronze color. A spread-winged eagle sits above the shield. Located at the bottom of the shield is a band with the word "POLICE" inscribed in black. The color of the emblem for Corporals, Sergeants, and Chaplain is silver with appropriate rank title. The color of the emblem for the Lieutenant, Captain and Chief is gold with appropriate rank title. Officers will have no ribbon signifying their rank.

**Use:** The emblem is worn on the soft cap.

**OFFICER**




**CORPORAL**



**SERGEANT**




**LIEUTENANT/CAPTAIN**




**DEPUTY CHIEF OF POLICE**




**CHIEF OF POLICE**




*Class "A" Dress (Ike) Jacket:*

Flying Cross (style 32189), LAPD- dark navy-blue dress (Ike) jacket with TPD patches on both sleeves and appropriate insignias as described in this policy. Traffic officers on motor duty may wear an approved safety jacket. A "T.P.D." Dress pin shall be placed on the inner collars of the jacket and shall be parallel to the ground. The Lapel Ornament Gilt metal "T.P.D." letters are 1/2" high and 3/8" wide, attached to each side of the collar lapel, 1/2" from the collar notch to lower collar edge (gold for Command Staff and silver for Officers, Corporals, Sergeants, and Chaplains). The lapel ornament gilt to be worn leveled with badge.

**CHIEF OF POLICE JACKET**



*Rank Insignia on Jacket:*

Chevrons for Sergeants are blue outlined with gold on both sleeves. One gold bar on each epaulet for Lieutenants, two gold bars on each epaulet for Captains, one silver cross on each epaulet for Chaplains, two gold stars on each epaulet for Deputy Chief of Police, and four gold stars on each epaulet for the Chief of Police.

*Class "A" Epaulet:*

**LIEUTENANT**




**CAPTAIN**




**DEPUTY CHIEF OF POLICE**



**CHIEF OF POLICE**



*Shoulder Patches on Jacket:*

One TPD (blue and gold) patch centered on each sleeve, ¾" below shoulder seam.

*Service Stripes on Jacket:*

Each service stripe designates five years as a full-time peace officer in any accredited municipal police department or county sheriff's office. The Police Officers Standards and Training (POST) certification or certification by a comparable agency may be accepted as proof of sworn service. Stripes for all ranks are blue outlined with gold; 1 stripe for each 5 years of sworn service as a peace officer.

**Use:** When worn, they must be professionally sewn, and stripes shall be centered on the left sleeve with the bottom of lowest stripe 1" above top of sleeve braid.

*Sleeve Braid on Jacket:*

The bottom of the bottom strip for all ranks will be 3" above the cuff. One ½" stripe of gold with blue in the center for Officers, Corporals, Sergeants, and Chaplains. One ½" stripe of all gold braid on each sleeve for Lieutenants. Two ½" stripes of all gold braid on each sleeve with ¼" space between stripes for Captains. Three ½" stripes of all gold braid on each sleeve with ¼" space between stripes for Deputy Chief of Police. Four ½" stripes of all gold braid on each sleeve with ¼" space between stripes for the Chief of Police.

**Use:** Sleeve braid represents officer rank and should be worn accordingly.

**Sleeve Braid on Jacket**
Officers, Corporals, Sergeants, & Chaplains



**Sleeve Braid on Jacket**
Lieutenant



**Sleeve Braid on Jacket**
Captain



**Sleeve Braid on Jacket**
Deputy Chief of Police



**Sleeve Braid on Jacket**
Chief of Police



*"P" Buttons on Jacket:*

Officers, Corporals, Sergeants, and Chaplains are silver in color with one each on epaulets, pocket flaps and waist tabs. Command Staff and the Chief of Police are gold (brass) in color with one on each epaulet, pocket flaps and waist tabs.





*Nameplate on Class "A" Jacket:*

The standard nameplate brand is Blackinton, model J-1, with a polished finish. Nameplate will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. Nameplates for Officers, Corporals, Sergeants, Chaplains, and Professional Staff are silver. Nameplates for Command Staff are gold (brass) in color. The metal nameplate is 2 ½" wide and ½" tall with initial of first name, period, and full last name in black lettering. The nameplate shall be attached using clutch style pins.

**Use:** The nameplate shall be worn on uniform shirts and Class "A" Dress (Ike) Jacket. The nameplate is centered above the right pocket flap.






*Flag Pin on Jacket:*

A metal US flag pin is an authorized option for all uniforms. If worn, it will be centered above the right breast pocket. In the event of a command staff direction for no jacket, the badge, rank insignia, nameplate, department award/special assignment pins and flag pin will be worn on the long sleeve shirt in the same positioning as on the jacket.

**Use:** The pin must be worn above the nameplate, as with department award or special assignment pins. The flag pin shall be worn centered over any combination of the above-mentioned devices or in the upper left position in an award holder.



## DEPARTMENT AWARDS/SPECIAL ASSIGNMENT PINS ON CLASS "A" JACKET

Tracy PD Lexipol Policy 1015 "Commendations and Awards" details authorized Department Awards/Ribbons and Pins. Department Award pins will be centered over the nameplate with1/8" space. In the event of multiple awards, commendation pins shall be mounted in a slide-bar style holder, positioned from top to bottom in order of ranking (American Flag, Medal of Honor, Police Cross, Medal of Valor, Meritorious Service Medal, Life Saving Award, Blue Star, Silver Star, Chief's Leadership Award, Officer of the Year, Rookie of the Year, Community Service, Unit Citation, FBI National Academy, POST Command College, Senior Management Institute for Police, FBI LEEDA, Good Conduct, Outstanding Performance Evaluation, Crisis Response Unit, Advanced POST Certificate, Perfect Attendance, Perfect Driving.) with 1/8" spacing between the awards and the nameplate. Special assignment pins are to be silver or gold in color (based on rank) and will be centered over the nameplate or Department Award pins with a 1/8" space. Medals/Ribbons shall also be donned on Class "A" Dress (Ike) Jackets and when wearing long sleeves and tie as a Class A uniform.



Updated department medals/ribbons are pictured below. The corresponding medal slide bar will match the color scheme of the medal ribbon. Medal manufacturer is Symbol Arts company and slide medal bar manufacturer is Blackinton. If an officer has three or more medals, the nameplate will be worn centered on the top edge of the right pocket flap. The medal rows will be worn above the nameplate.

**Medal of Honor**




**Police Cross**




**Medal of Valor**




**Meritorious Service**




**Lifesaving**




**Blue Star**



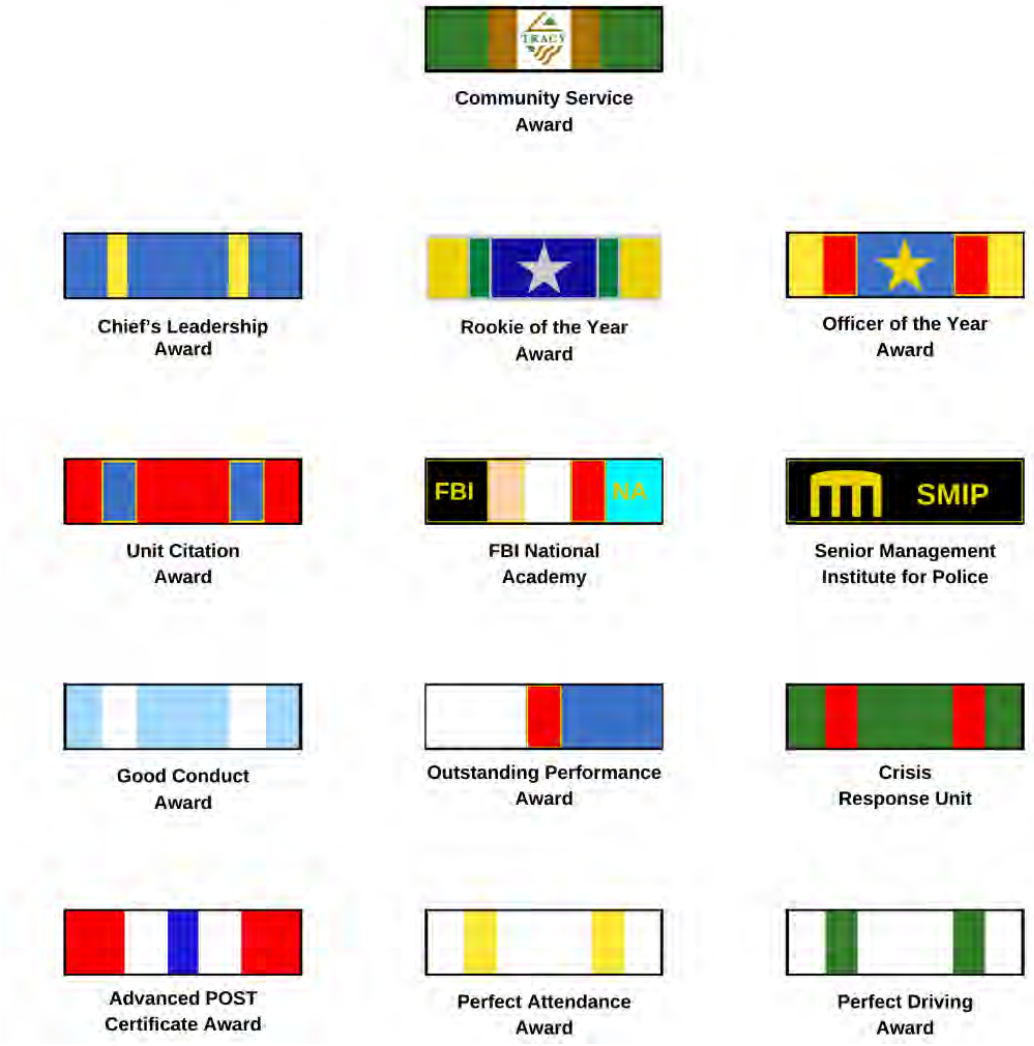

**Silver Star**




Department members who have successfully completed the Senior Management Institute for police (SMIP), the FBI National Academy (FBINA), FBI LEEDA, POST Command College or other courses approved by the Chief of Police, may wear the respective enamel pin. Officers who have received awards from a previous agency may wear the awards if the criterion for issuance meets Department standards. Officers may also wear MADD "23152" and AAA "10851" award pins centered above their medals.

***NOTE:*** The Lifesaving Medal color scheme has changed from blue/gold to green/white/green. All employees awarded the Lifesaving Medal prior to the update may continue to wear the blue/gold medal. If an additional Lifesaving Medal is awarded to an employee, that employee shall wear the new color scheme medal bar with an oak leaf designating a second award.

# Service Bars Order of Precedence




*Class "A" Shirt:*

The Flying Cross #49W8486 L/S (Men's) and 149W8486 L/S (Women's) is the standard of the Class "A" Uniform. The shirts are dark navy-blue long sleeve shirts and are made of 75% Dacron Polyester and 25% Wool with *non-pleated* front breast pockets and shoulder epaulets. Patches for Corporal and Sergeant Chevrons are sewn onto both sleeves. Service stripes are sewn onto the left sleeve.

**Use:** The shirt must be neatly tucked into the trousers and cuff and arm buttons will always remain buttoned. The collar will be worn closed, and a tie shall be worn. The sleeves shall not be rolled.

*Tie and Tie Bar:*

There is no specified brand. The tie is a black standard, clip-on or breakaway Dacron, wool, or other quality fabric with a basic conservative knot at the top (Windsor knot). The tie should have a maximum width of 3 ½" and the bottom of tie must be within 1" of top of duty belt. The tie bar shall match color of the badge or shield (silver or gold) and be emblazoned with an enamel version of the department patch. The tie bar is issued to each employee.

**Use:** The tie is required for Class "A" Uniforms. When a tie is worn, a tie bar shall also be worn. The tie bar is worn centered and horizontally aligned with the bottom of the shirt pocket.







*Undershirt:*

The undershirt shall be a black crew neck undershirt in good condition without visible designs or logos.

**Use:** A black crewneck undershirt is required with any sworn uniform.

*Class "A" Trousers:*

Trousers can be with or without an SAP pocket. The Flying Cross trouser with an SAP pocket is model 47289 (Men's) and 47289W (Women's). Without an SAP pocket is 47280-86 (Men's) and 47280W-86 (Women's) is for the standard of the Class "A" Uniform. The trousers are made of 75% Dacron Polyester and 25% Wool. Plain front with straight side pockets with exposed top and bottom cord. Bottom of leg will be plain and hemmed allowing the front to rest on the shoe without any break. Traffic Officers on motor duty will wear approved motorcycle breeches. No stripes on trousers for any personnel including motors.

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel. The front of the leg shall touch the top of the footwear and the back of the leg should be between 1" and 1 ½" from the ground.

*Trouser Belt:*

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one-pronged silver or gold (based on rank) finish buckle to match the badge. The buckle is approximately 2 ½" high by 2" wide.

Members may substitute the "traditional" trouser belt buckle for a custom buckle matching the color (silver/gold) of their badge or shield. The buckle is 3" long and 1 ¾" high, and the letters "TPD" are overlapping and centered on the front. A western style belt buckle (pictured below) is also approved.






*Duty Belt:*

Authorized duty belts are black basket weave leather or similar synthetic (no nylon) and with a standard 2 ¼" width. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference examples. All visible hardware (buckle) will be nickel finish for Officers, Corporal, and Sergeants. The hardware for Lieutenants, Captains and the Chief of Police will be gold (brass) finish. All other accessories will have hidden snaps or Velcro closures. Belt and accessories will be highly polished. Unless otherwise announced by Command Staff, the only equipment worn on the belt will be the holster (duty approved), firearm (duty approved), magazine pouch with magazines (duty approved), handcuff case with handcuffs, and keepers (optional for Velcro systems). No duty belt will be worn by the Chaplains.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

*Socks:*

Black crew length socks.

**Use:** To be worn with footwear.

*Footwear:*

Authorized boots shall be black in color, with smooth rounded toe with seams or stitching optional. Either boots (duty style) or "low quarter" dress shoes made of full grain, scuff resistant smooth leather or high gloss poromeric (Corfam) material capable of accepting a high gloss polish. The optional dress Oxford shoe, full gloss finish is approved for the Class "A" Uniform.

**Use:** This footwear is required whenever wearing the **Class "A"** Uniform. Non-Corfam footwear shall be highly polished.

## CLASS "A" MOTOR OFFICER UNIFORM ADDITIONS

Approved safety jacket and long sleeve uniform shirt with standard tie and tie bar during cold weather. No jacket and short sleeve uniform shirt during warm weather.

*Badge:*

Ed Jones is the standard of the regulation badge. Any other badge must meet or exceed their standards in all respects. Officers, Corporals, Sergeants, and Reserve Officers will use silver-colored badges. Command Staff will use gold-colored badges (brass). The badge number is inscribed in the center of the badge. The rank of the member is inscribed below the word "POLICE". The Chief of Police has the option of a number or initials centered on a custom badge.







**Use:** The badge must be worn on the outermost garment over the left breast when wearing a uniform. All authorized uniform shirts, sweaters and jackets have badge holders in the appropriate location. The badge must be polished and free from **significant** scratches and blemishes.

*Mourning Band:*

The mourning band is a black elastic band or cloth strip 3/8" wide that shall be affixed diagonally in the 2 o'clock to 8 o'clock position. The band will be placed between the points of the star/badge at the 2 o'clock position and over the point at the 8 o'clock position. Professional Staff shall place the mourning band horizontally across the center of the shield.

**Use:** The mourning band is worn upon the line of duty death of an active law enforcement officer and removed after the funeral of the officer.





## SWORN CLASS "B" STANDARD UNIFORM

Sworn Officers **Class "B"** Uniform is the standard uniform for officers daily when performing patrol functions. When the **Class "A"** Uniform is not required the **Class "B"** Uniform can be worn for patrol, to special events such as Tip-a-Cop, Shop with a Cop, National Night Out, etc.

*Baseball Cap:*

Black baseball cap "Flexfit" or adjustable with Department Silver Star with rank sewn on the front of the cap. Caps with sections of netlike material are not authorized. Caps for Command Staff will have gold-colored stars and rank. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver or gold to match the patch.

**Use:** To protect the members from inclement weather or overexposure to direct sun. The baseball cap is optional and authorized when wearing **Class "B"** Uniform or utility uniform (**Class "D"**).

### Authorized Cloth Badge for Baseball Cap







*Shirt:*

The Flying Cross #49W8486 long sleeve (Men's), 149W8486 long sleeve (Women's), #99R8486 short sleeve (Men's), and #199R8486 short sleeve (Women's) is the standard of the Class "B" Uniform. The shirts are dark navy-blue shirts and are made of 75% Dacron Polyester and 25% Wool with *non-pleated* front breast pockets and shoulder epaulets. Patches for Corporal and Sergeant Chevrons are sewn onto both sleeves. Service stripes are sewn onto the left sleeve.

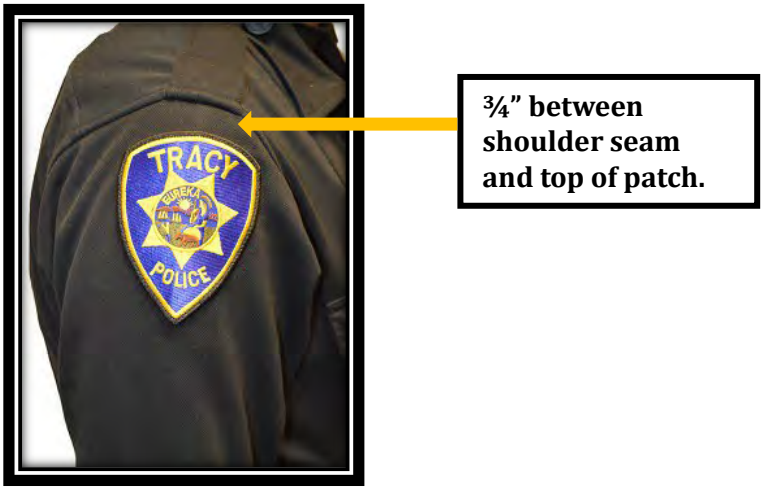
**Use:** The shirt must be neatly tucked into the trousers, cuffs and arm buttons (long sleeve) will always remain buttoned and not be rolled. The collar will be worn with no more than one buttoned undone.

*Shoulder Patches and Service Stripes:*

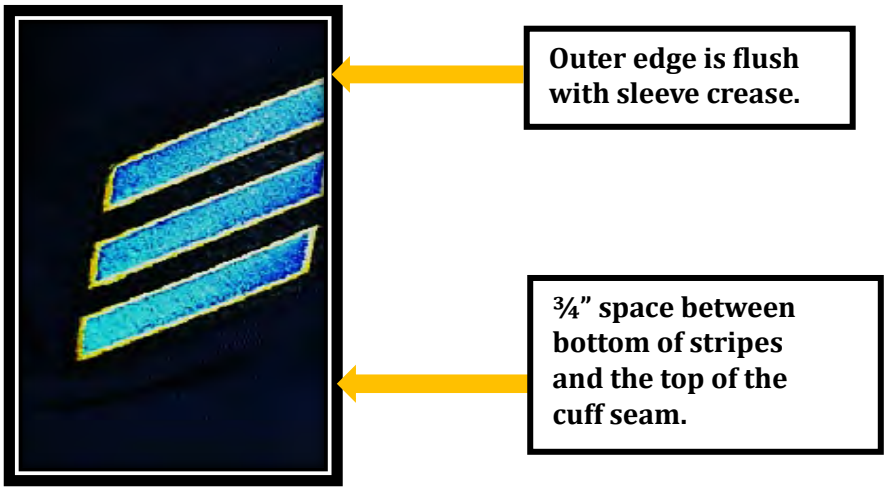
One TPD (blue and gold) patch centered on each sleeve, ¾" below shoulder seam. Service stripes shall be worn on long sleeve shirts, duty jackets and **Class "A"** jackets. Each service stripe designates five years as a full-time peace officer in any accredited municipal police department. POST certification or certification by a comparable agency may be accepted as proof of sworn service. Stripes for all ranks are blue outlined with gold; 1 stripe for each 5 years of sworn service as a peace officer. Service stripes will not be worn on knit sweaters.

**Use:** When worn, they must be professionally sewn, and stripes shall be centered on the left sleeve with the bottom of lowest stripe 1" above top of sleeve cuff.

**TRACY PD PATCH**




**SERVICE STRIPES**



*Rank Insignia on Shirts:*

Chevrons for Corporals and Sergeants are blue outlined with gold on both sleeves. One gold bar centered on each collar and parallel to the bottom of the collar for Lieutenants, two gold bars centered on each collar and parallel to the bottom of the collar for Captains, one silver cross on tip of each collar for Chaplains and four gold stars on tip of each collar parallel to the bottom side of the collar for the Chief of Police.

**CORPORAL** **SERGEANT**




***Note: Both patch and stripes are centered on outside crease.***

The insignia is 3" wide and 3 ½" from top point to bottom point, blue stripes with yellow outline and a black background. Chevrons are worn on uniform shirt, sweater, and duty jacket.

**LIEUTENANT**



**CAPTAIN**



**Two gold bars centered on each collar and parallel to the bottom of the collar, ¼" from collar edge.**

**CHIEF OF POLICE**



**Four gold stars centered on each collar, parallel with the top of the collar, ¼" from collar edge.**

*Badge on Shirt:*

All ranks for current department issued badges/shields shall be worn above left pocket.

**Use:** The badge must be worn on the outermost garment over the left breast when wearing a uniform. The badge must be polished and free from scratches and blemishes.

*Nameplate on Shirt:*

The standard nameplate brand is Blackinton, model J-1, with a polished finish. Nameplate will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. Nameplates for Officers, Corporals, Sergeants, Professional Staff, VIPS and Chaplains, are silver. Nameplates for Command Staff are gold (brass) in color. The metal nameplate is 2 ½" wide and ½" tall with initial of first name, period, and full last name in black lettering.

**Use:** The nameplate is worn on uniform shirts. The nameplate is *centered* above the right pocket flap.



*Flag Pin on Shirts:*

A metal US flag pin is an authorized option for all uniforms. If worn, it will be centered above the name plate above the right pocket with the bottom of the pin parallel to the name plate.

**Use:** The pin must be worn above the name plate, as with department award or special assignment pins. The flag pin shall be worn centered above any combination of the above-mentioned devices. See Attachment A for pin authorization and placement description.



*Department Awards/Special Assignment Pins on Shirt:*

Department Award pins will be centered over the nameplate with 1/8" space. In the event of multiple awards, pins will be positioned from top to bottom in order of ranking (Medal of Honor, Medal of Valor, Meritorious Service Medal, Life Saving Award, Unit Citation) with 1/8" spacing. If more than two awards are worn, they shall be in a device designed to hold multiple awards. Special assignment pins will be centered over the nameplate or Department Award pins with a 1/8" space. Metal for awards devices and special assignment pins shall be silver for officers, sergeants and professional staff, gold for command staff. Officers may also wear MADD "23152" and AAA "10851" award pins centered above their medals.



*Undershirt:*

When visible, a black crewneck undershirt shall be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar. "T.P.D." may be embroidered in ½", block letters on the left portion of the collar. Embroidery thread shall match color of the badge.

**Use:** A black crewneck undershirt without visible designs or logos is required with any open collared uniform shirt.

*Trousers:*

Trousers can be with or without an SAP pocket. The Flying Cross trouser with an SAP pocket is model 47289 (Men's) and 47289W (Women's). Without an SAP pocket is 47280-86 (Men's) and 47280W-86 (Women's) is for the standard of the Class "A" Uniform. The trousers are made of 75% Dacron Polyester and 25% Wool. Plain front with straight side pockets with exposed top and bottom cord. Bottom of leg will be plain and hemmed allowing the front to rest on the shoe without any break. Traffic Officers on motor duty will wear approved motorcycle breeches. No stripes on trousers for any personnel including motors.

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel. The front of the leg shall touch the top of the footwear and the back of the leg should be between 1" and 1 ½" from the ground (boot cut).

*Trouser Belt:*

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one-pronged silver or gold finish buckle to match the badge. The buckle is approximately 2 ½" high by 2" wide. A similar nylon (Velcro) trouser belt is also authorized.

*Duty Belt:*

Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish for Officers, Corporals, Sergeants, and Professional Staff. Command Staff hardware will be gold (brass) finish. All other accessories will have hidden snaps or Velcro closures. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference examples. Nylon gear is optional, and shall have any loose material (paracord, etc.) secured neatly and the shortest length possible.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.



*Socks:*
Black crew length socks.

**Use:** To be worn with footwear.

*Footwear:*
Black laced boot or shoe with smooth rounded toe with optional seams or stitching capable of accepting a high gloss polish. If wearing a boot capable of being polished, the boot shall be polished.

***Optional:*** The black boot can also be a modern tactical boot/shoe. The boot/shoe would be durable and be made of synthetic leather, canvas, or suede upper material similar to a matte finish.

**Use:** This footwear is required whenever wearing the **Class "B" or "D"** Uniform.

*Duty Jacket:*
No specific brand is required; however, it must be similar in quality to a traditional "Duty" or "Tuffy" jacket in either nylon, Gortex, or other weather repellent material. A modern jacket such as First Tactical Softshell jacket may also be worn. Jackets shall be black or navy blue with TPD patches on shoulders, silver cloth badge (centered on left breast) sewn and first initial, period, followed by last name in thread matching the badge color in ½" block letters embroidered centered above the right pocket and parallel to the bottom of the cloth badge/shield. Gold badge for Command Staff, silver badge for all others.

**Use:** The duty jacket is worn at the discretion of the member with either the **Class "B" or "D"** Uniform.




*Rain Wear:*
No specific brand is required; however, it must be similar to a Flying Cross DutyGuard rain jacket (#F176230). The jacket shall have TPD patches on both shoulders, and pass- through openings that allow access to the officer's duty belt. A cloth badge and first initial, period, followed by the last name in thread matching the badge color in ½" block letters shall be embroidered directly onto the jacket either above the pockets or, if no pockets, name to be centered onto the left breast and cloth badge to be centered on right breast. If equipped with a badge tab, it shall be on left chest with metal eyelets.

The word "POLICE", in silver 3" block letters shall be laminated on the back for Officers and Sergeants. Gold block letters shall be used for Command Staff.

Black rain pants are also authorized. The pants material should be similar in appearance to material the raincoat is made of.

**Use:** Authorized during inclement weather. Rain wear can be of any weatherproof material.

*Rank Insignia on Duty Jacket/Knit Sweater:*
Chevrons for Corporals and Sergeants are blue outlined with gold on both sleeves. A gold bar on each epaulet for Lieutenants, two gold bars on each epaulet for Captains, one silver cross on each epaulet for Chaplains and four gold stars on each epaulet for the Chief of Police.

*Load Bearing Vest Carrier (Sworn):*
Sworn staff who are assigned to wear a duty belt may wear a load bearing vest carrier, provided at their own cost. Lieutenants assigned to the Watch Commander position in BFO are authorized to wear the load bearing vest carrier. If worn, it shall conform to the following standards:

- Brand: Point Blank
- Color: Dark Navy Blue
- The department member's assigned metal badge or rank appropriate cloth badge may be worn on the upper left side of the load bearing vest.
- A non-reflective name tag shall be worn on the upper right side of the load bearing vest.
- The employee's first initial and last name shall be on the name tag in white or gray with block lettering.



- The back of then vest shall have a patch bearing "POLICE" with white or gray 4" block letters.




- Pouches must be dark navy blue, ballistic cloth, with no visible manufacturer logos.
    - Set up of the pouches and inspection to ensure proper set up (secured properly, mandatory carry items, damaged pouches, etc.) to be done prior to the member wearing the vest carrier for the first time, and then on a regular basis by a member of the DTAC Cadre.

*Equipment to be Carried on the Vest Carrier – MANDATORY:*

All *required* equipment that is not carried on the members belt or in a leg holster, must be carried on the load bearing vest carrier.

*Equipment Carried on the Vest Carrier – OPTIONAL:*

The following optional equipment maybe worn on the load bearing vest carrier:

- Collapsible Baton
- Radio
- OC Spray
- Knife/Multi-Tools
- Flashlight
- Keys—worn so they are secured tightly to the vest
- PPE Pouch
- Body Worn Camera

*Taser:*

For Sworn staff, the wearing of the Taser will be done in accordance with Tracy Police Department Policy 304 *Conducted Energy Devices*. The Taser may be worn on the duty belt or load-bearing vest in a manner that allows a non-dominant (non-gun side) draw, or in a thigh holster on the support side, in a manner approved by the DTAC Cadre, and must be available to be drawn with the support hand.

Knives, Multi-Tools, and flashlights shall be carried in a pouch, **NOT** hanging off a pouch.

*Handgun/Holster:*

Handguns shall be carried on the duty belt in accordance with the Tracy Police Department Uniform Regulations Manual, Tracy Police Department Policy 306 *Firearms.*

*Uniforms:*

Sworn or Professional Staff wearing the load-bearing vest will wear the following uniform:

- Dark Navy Blue Blauer brand Polyester Armorskin Base Shirt model 8372 (Men's short sleeve), 8372W (Women's short sleeve), 8371 (Men's long sleeve), 8371W (Women's long sleeve, 8373 (Men's long sleeve) lined, unisex with TPD patches and rank insignia on both shoulders, OR
- Dark Navy-Blue Class "B" Uniform shirt, as specified in the uniform manual.
- Dark Navy-Blue Class "B" Uniform pants, as specified in the uniform manual.
- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).
- LAPD Navy Blue Flying Cross FX Class B Style Pants FX57300 (Men's) FX57300W (Women's).
    - Or similar type navy blue pants that do not have exposed kneepads.
- Professional Staff who wear French Blue shall wear a regular uniform shirt.
    - The shirt shall bear no visible name tag or badge.
- Lieutenants assigned to the Watch Commander position in BFO: Dark Navy Blue Blauer brand SS Polyester Armorskin Base Shirt model 8372 and 8372W, (long sleeve or short sleeve) with TPD patches on both shoulders, embroidered rank insignia on collar of shirt and gold TPD embroidered 7-point star with "Lieutenant" in the middle of the badge on the left breast area. Lieutenants assigned to the Watch Commander positions shall have their first initial, period, and last name directly embroidered onto shirt, centered above right front breast in ½" block letters in thread matching the badge.

The uniform worn with the load bearing vest is subject to change at the discretion of the Chief of Police.

## SWORN CLASS "C" UNIFORM

Sworn Officer **Class "C"** Uniform is the optional summer uniform for bicycle patrol assignments or other assignments as designated by the Chief of Police. ***Shorts are not authorized for general patrol duties.***

*Baseball Cap:*

Same as Sworn **Class "B"** Uniform.

**Use:** The baseball cap is optional and authorized when wearing **Class "B"** Uniform, **Class "C"** Uniform or utility uniform (**Class "D"**).

*Polo Shirt:*

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy short-sleeve style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- First Tactical Performance Polo Midnight Navy short-sleeve style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). Long Sleeve style F5357 (Women's), style F5315 (Men's).
- Class "B" Uniform shirt, as specified in the uniform manual, and
- Dark Navy-Blue Class "B" Uniform pants, as specified in the uniform manual.

For sworn members an embroidered 7-point star with the unit in the middle of the badge on the left breast area. Unit names such as "GIU", "SWAT," "RANGE," "TRAFFIC," "CNT," "DTAC", "PS&T" are examples of authorized unit titles for the purpose of this uniform. The badge will be embroidered or sewn on the left breast area. For Sworn members the first initial, period, and last name directly embroidered onto shirt, centered above right front breast in ½" block letters in thread matching the badge. The Polo shall be worn with a black crew neck T- shirt. A Polo can be purchased in short sleeve or long sleeve. A long sleeve under shirt shall not be worn underneath a short sleeve Polo. The shirt will be tucked in at all times.

**Use:** Black crew collar undershirt shall be worn with **Class "C"** Uniform.

*Shoulder patches:*
One TPD (blue and gold) patch centered on each sleeve, ¾" below shoulder seam.

*Badge on Shirt:*
All ranks, cloth badge shall be sewn to front of shirt, centered above the left front breast. Gold badge for Command Staff, silver for all other ranks.

**Use:** Properly identifies TPD members by rank.

*Department Awards/Special Assignment Pins on Shirt:*
No department awards/special assignment pins shall be worn with the summer uniform.

*Shorts:*
No specific brand is required; however, it must be similar in quality to Flying Cross brand style 49330 (Men) or 49330WT (Women) or Olympic, F/C or Tact squad. LAPD or dark blue, hemmed a maximum 2" above the knee, 65% polyester and 35% Rayon.

*Shorts Belt:*
Same as Sworn **Class "B"** Uniform.

**Use:** The shorts are worn as part of the **Class "C"** Uniform and is for bicycle patrol assignments or other assignments as designated by the Chief of Police. ***Shorts are not authorized for general patrol duties.***

*Duty Belt:*
Same as Sworn **Class "B"** Uniform.

*Socks:*
Black crew length socks.

**Use:** To be worn with footwear.

*Footwear:*
Black athletic shoes. No trim or logo of a different color. No specifications.

**Use:** Black athletic shoes are authorized with black socks.

## SWORN CLASS "D" BDU UNIFORM

The **Class "D"** Uniform is the standard uniform for members on training days, the daily uniform for K-9 handlers, and the uniform of the day in inclement weather, as authorized by the supervisor.

*Baseball Cap or Watch Cap:*
Black baseball cap "Flexfit" or adjustable with TPD Silver Star with rank sewn on the front of the cap. Caps with sections of netlike material are not authorized. Caps for Command Staff will have gold-colored stars and rank. It is optional to have the last name of the member inscribed on the back of the fitted cap in block letters and color to match star.

**Use:** Watch cap or baseball cap are optional wear for this uniform at supervisor's discretion.

*Shirt:*

- 5.11 Stryke- Dark Navy Blue (724) S/S style 71354 (Men's), style 61325 (Women's); L/S style 72399 (Men's), 62404 (Women's).
- First Tactical V2 Tactical- Midnight Navy S/S- style 122007 (Women's), style 112007 (Men's) L/S- style 121006 (Women's), style 111008 (Men's).

TPD patches on both sleeves, and appropriate insignia. Cloth badge sewn above left front breast pocket. First initial, period, followed by last name directly embroidered onto shirt, centered above right front breast pocket, in ½" block letters, thread to match color of cloth badge. K9 officers will have "K9" embroidered 1/8" above and centered over the name, in ½" letters the same color of the cloth badge. No service stripes on Shirt.

**Use:** Black crewneck undershirt to be worn. Turtleneck or mock turtleneck are optional, and to be worn only with long sleeve shirt and open collar.




*Trousers:*

- 5.11 Stryke- Dark Navy Blue (724) style 74369 (Men's), style 64386 (Women's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).
- LAPD Navy Blue Flying Cross FX Class B Style Pants FX57300 (Men's) FX57300W (Women's)
- Or similar type navy blue pants that do not have exposed kneepads

Trousers are non-bloused, blue utility pants with plain front and cargo pockets on the back side and the legs. The pant will have no break. K9 officers shall not wear shorts (Bike patrol uniform) while on-duty.

*Trouser Belt:*
Same as Sworn **Class "B"** Uniform.

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

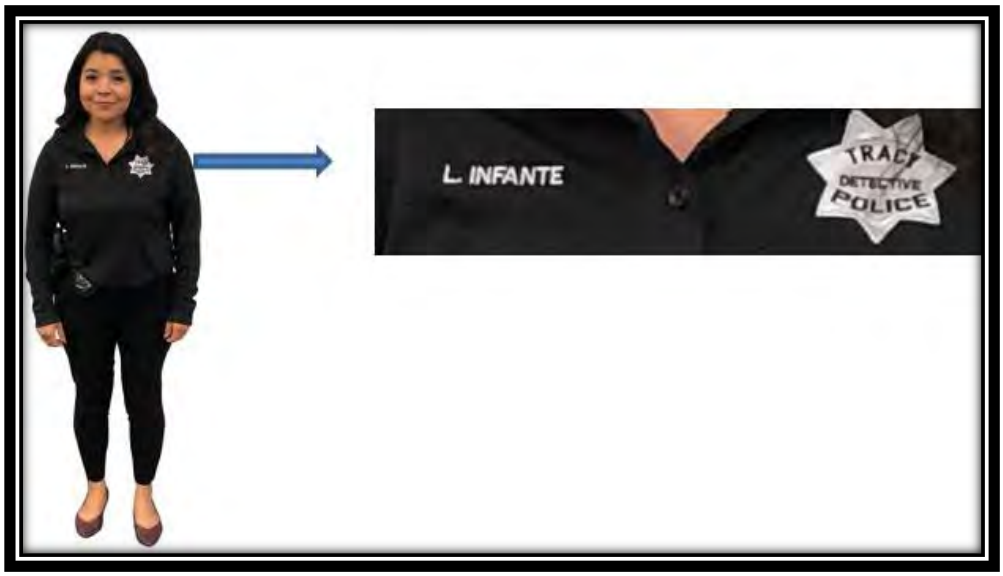
## SWORN CLASS "E" UNIFORM (POLO SHIRT)

Personnel may wear their designated color Polo shirt with the designated BDU color pant for the specific unit on days directed by the supervisor. This is not intended to replace the **Class "B" or Class "D"** Uniform and is meant to be worn at late night, weekend callouts, during special training or operation days. It can be worn in lieu of civilian attire on holidays, or at out- of-town training, where Sworn or Professional Staff needs to present a uniform appearance.

*Polo Shirt:*

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable.
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). Long Sleeve style F5357 (Women's), style F5315 (Men's).

For Sworn members an embroidered 7-point star with the unit in the middle of the badge on the left breast area. Unit identifier such as "DETECTIVE", "SWAT," "RANGE," "TRAFFIC," "CNT," "DTAC, OFFICER," etc. are examples of authorized titles for the purpose of this uniform. The badge will be embroidered or sewn on the left breast area. For Sworn members the first initial, period, and last name directly embroidered onto shirt, centered above right front breast in ½" block letters in thread matching the badge. The Polo shall be worn with a black crew neck T-shirt. A Polo can be purchased in short sleeve or long sleeve. A long sleeve under shirt shall not be worn underneath a short sleeve Polo.




*Department Awards/Special Assignment Pins on Shirt:*
No department awards/special assignment pins will be worn with the **Class "E**" Uniform.

*Trousers:*

- Dark Navy Blue 5.11 Apex style 64446 (Women's), style 74434 (Men's).
- First Tactical V2, 124011 (Women's), style 114011 (Men's).

Trousers are non-bloused, utility pants with plain front and cargo pockets on the back side and the legs. Color of pants may be designated by the unit/cadre supervisor and shall be the same for the entire unit.

*Trousers Belt:*
Same as Sworn **Class "B"** Uniform.

*Color Specifications:*
All members of the unit who choose to wear this uniform shall wear the same color of Polo and BDU pants and can be designated by the supervisor of the unit. These are the designated colors for the following units:

- Command Staff: Navy Blue Polo shirt and Khaki pants
- Professional Standards and Training: Navy Blue Polo shirt and Khaki pants
- General Investigations Unit: Black Polo shirt and Khaki pants

- CNT (Sworn and Professional Staff): Black Polo shirt and Khaki pants
- Range Cadre: Black Polo shirt and OD green BDU style pants
- DTAC Cadre: Charcoal Grey Polo shirt and Black pants
- SWAT: Navy Blue Polo shirt and Grey Pants
- All others: Navy Blue Polo shirt and Khaki pants

*Field Operations Unit (Patrol):*
Black Polo shirt with **Class "D"** Uniform pants. If attending outside Training jeans in good repair may be worn. *This uniform is optional and purchase of it is not mandatory.*

**Use:** To give the appearance of uniformity among units.

# BICYCLE PATROL UNIFORM

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.

*Helmet:*

Black cycling helmet issued by the Department, or similar model if personally owned. "POLICE" stenciling is required.

**Use:** Worn for the safety and identification of Officers.

*Shirt:*

No specific brand is required; however, it must be similar in quality to 5.11 Tactical Performance or Propper Polo. For sworn members an embroidered 7-point star with the unit in the middle of the badge on the left breast area. The badge will be embroidered or sewn on the left breast area. For Sworn members the first initial, period, and last name directly embroidered onto shirt, centered above right front breast in ½" block letters in thread matching the badge. The Polo shall be worn with a black crew neck T-shirt. A Polo can be purchased in short sleeve or long sleeve. A long sleeve under shirt shall not be worn underneath a short sleeve Polo. POLICE in 3" silver block letters shall be on the back of the polo shirt across the shoulders, unless user is wearing a department authorized outer carrier vest.

**Use:** Black crewneck undershirt to be worn with shirt.



*Shorts:*
No specific brand is required; however, it must be similar in quality to 5.11 Uniform shorts. Shorts must be dark navy in color. Cargo pockets shall be straight and rectangular. Long

*Pants:* No specific brand is required; however, it must be similar in quality to 5.11 BDU pants, LAPD, or dark navy in color.

**Use:** During cold or inclement weather **Class "D"** Uniform is authorized.

*Shorts Belt:*
Same as Sworn **Class "B"** Uniform.

*Duty Belt:*
Same as Sworn **Class "B"** Uniform.

*Socks:*
Black crew length socks.

**Use:** To be worn with footwear.

*Footwear:*
Black athletic type or a type designed for bicycle riding.

**Use:** This footwear is required whenever wearing the "Bicycle" Patrol Uniform.

## MOTOR OFFICER CLASS "B" UNIFORM

*Helmet:*

Shark (brand) Evo one 2 (model) or LS2 (brand) Valliant 2 (model) black and white helmet. The helmet will have badge affixed to the front center of the helmet, above the forehead. TPD helmet badge will be affixed to the front center.



*Shirt:*

The Traffic Safety Unit also has the option of wearing a long or short sleeve Polo shirt, similar to the dark navy Blauer 8160 Performance Polo, with their department issued metal badge and name tag, TPD patches on both sleeves, and appropriate insignias as described in this policy are required.

- Dark Navy Blue Blauer brand Polyester Armorskin Base Shirt model 8372 (Men's short sleeve), 8372W (Women's short sleeve), 8371 (Men's long sleeve), 8371W (Women's long sleeve), 8373 (Men's long sleeve) lined, unisex with TPD patches and rank insignia on both shoulders, OR
- Dark Navy Blue Blauer brand Polyester Armorskin Base Shirt model 8160 (short sleeve), 8165 (long sleeve).
- Dark Navy-Blue Class "B" Uniform shirt, as specified in this manual.

**Use:** Black crew neck to be worn with shirt.



*Tie/Tie Bar:*
Same specifications as Class "A" and "B" specifications (optional).

*Duty Jacket:*
Motoport Air Mesh Jacket with aero-tex liner. Navy blue with 1.5" black reflective stripe across back. TPD patches on both sleeves, Velcro name tape with first initial and last name above right pocket and cloth badge on left chest, and sergeant and corporal stripes in the same manner as the Duty Jacket.

**Use:** The duty jacket is worn at the discretion of the member.




*Trousers (Breeches):*
Motorport Kevlar Breeches (Uniform Blue). The breeches will be "over the boot" with Zip/ Velcro cuffs, 1.5" black reflective stripe on lower leg, removable Motorport aero-tex inner liner for cold weather, optional Motoport hip pad.

*Duty Belt:*
Same as Sworn Class "B" Uniform.

*Trouser Belt:*
Same as Sworn Class "B" Uniform.

*Footwear:*
Boots approved for the Class "A", "B", or "D" Uniform are brand SIDI, model Canyon Gore-tex 2. See picture for description.



## MOTOR OFFICER CLASS "D" UNIFORM

The department approved Class "D" Uniform may be worn during training sessions, periods of inclement weather, or during specialized duty assignments (commercial enforcement, vehicle inspections, etc.) which have condition here Class "B" Uniform would not be practical. Pants shall be bloused for safety.



# HONOR GUARD UNIFORM

The dress uniform is worn by the members of the Honor Guard detail. It consists of a hat, Marlo White dress coat with white shoulder braid on the right shoulder white gloves, Marlo White Uniform trousers with one inch silver braid, black high-gloss footwear and duty belt with pistol and holster.

*Hat:*

Stratton brand midnight blue hat. Campaign style/F-40 felt. Silver cords with silver acorns, and 3-piece, black patent leather strap. Use department issued hat badge.





*Dress Coat:*

The dress coat will have the following specifications.

*Midnight Blue Elastique High Collar Coat:*

- Midnight Blue, 450 Shade 55%/45% Poly/Wool Elastique Cloth
- Buttons - Silver "P" buttons
- Trim Location – Top of Collar, Epaulettes & down front of Coat. No trim on bottom of collar; No trim on bottom hem of coat
- Trim color - #7257 Silver
- Sleeve Decoration: V-shape Cuff- MB Elastique w/#7257 Silver Trim; Silver “P” buttons
- Hash Marks – Attached ½” above tip of “V” on sleeve decoration, applied at a slant. Hash marks provided by Tracy PD
- 4 Pockets – Two top standard “pleated” pockets; Two bottom pocket flaps with functional hidden pockets
- Badge tab – Attached at 2 ½” + ¼”
- Belt Hooks- set of (4) attached
- Patches – Attached ¾” below each shoulder seam.
- Ranks – Attached ¾” below each department patch. Rank patches provided by Tracy PD
- Metal Hook & Closure with Velcro closure
- Functional Epaulettes

The coat will be adorned on the collar with two 1 ¼" replica department badges with "HG" in the center.

**Use:** The coat must be neatly pressed; all buttons will be buttoned at all times.





*Shoulder Strap:*
Marlow White Item #60-071 Sam Brown Shoulder Strap High Gloss black with Nickel Silver hardware. (Not Shown).

*Shoulder Cords:*
N/2121B-RWhite, white shoulder braid, with button loop. Worn on the right shoulder.

*Gloves:*
White gloves; leather or cotton.

*Nameplate:*
Blackinton is the standard of the regulation nameplate. Plate shall be silver in color to match badge and will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and 5/8" tall with initial of first name, period, and full last name in black letters.

*Honor Guard Pin:*

Blackinton is the standard of the regulation honor guard pin. The Blackinton Commendation Bar A9924-C, is white/rhodium, and inscribed with "Honor Guard." The pin to be worn centered and above the nameplate.

**Use:** Can be purchased online at EPoliceSupply.com




*Trousers:*

The dress trousers will have the following specifications.

*Midnight Blue Elastique Trousers:*

- Midnight Blue, 450 Shade 55%/45% Poly/Wool Elastique Blend.
- Trouser braid – 1 inch #7257 Silver trouser braid, attached to each trouser side.

*Trouser Belt:*

Same as Sworn **Class "A"** Uniform.

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

*Duty Belt:*

Sam Browne brand, Safariland 4 Row Stitch Sam Browne Belt type with silver (nickel finish) buckle. Safariland brand belt with high gloss black, not basket weave and holster.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.



# OPTIONAL AUTHORIZED EQUIPMENT (SWORN)

*Headband/Ear Warmers:*

Solid black headbands/ear warmers are optional. They can be of any thermal, fleece, microfleece, or similar material. Headband to be worn no lower than the eyebrows and fit snugly on the head.

**Use:** Earmuffs and crochet style headbands are not authorized. Headbands/ear warmers authorized during inclement weather or at supervisors' discretion.

*Earpieces:*

Earpieces are authorized for use when in uniform.

**Use:** The earpiece is worn when using Department radios and telephones. The earpiece wire is a potential safety hazard and should be secured under the clothing and as close to the neck as possible. The earpiece and wire must be neutral or dark tinted.

*Eyewear:*

Any lenses, frames, or straps worn while in uniform should be primarily to enhance vision and be practical during patrol operations and physical exertion. Eccentric colors and shapes that detract from a professional appearance while in uniform are not authorized.

**Use:** When necessary to perform work-related task. Straps should be plain blue or black in color.

*Dickey, Turtleneck, & Mock Turtleneck:*

All three articles must be black and plain-woven. The dickey and turtleneck collars must be no more than 5" wide. The mock turtleneck collar must be no more than 2" wide. No visible printing is permitted.

**Use:** All three articles are allowed when wearing the long sleeve shirt or utility uniform. They are *not* authorized when the Class "A" Uniform is required or when wearing a short sleeve shirt.

*Gloves:*

Black unlined, unweighted gloves that fit the hand snugly so that all safety equipment items can be used are authorized.

**Use:** During inclement weather.

*Knife:*

Authorized knives must have a folding blade less than 5" long and fit snugly into a holder if worn on the duty belt. Knives may be carried on the uniform trouser pockets.

**Use:** Knife holders on the duty belt must match the other equipment holders.

# SWAT UNIFORM

The SWAT Uniform is authorized for SWAT members, Tactical Medics, and Commander(s)only during SWAT operations, SWAT training, and other events as authorized by the Crisis Response Unit (CRU) Commander(s).

*Hats:*

- A black baseball-style cap with one (1) silver Tracy Police 2 ½" SWAT patch sewn or embroidered onto the center of the front crown. The patch will be embroidered with "SWAT" instead of "POLICE." Inscribing the last name in block letters on the back of fitted cap is optional.
  - The stitching shall be silver to match patch. The other specifications of the SWAT cap will be identical to the **Class "B"** baseball cap.
- A black "Boonie" style hat with optional one (1) Tracy Police 2 ½" or SWAT patch sewn to the center of the front.
- A black knit cap with optional one (1) Tracy Police 2 ½" SWAT patch sewn on.

**Use:** The wearing of a hat is optional. Only the three (3) hats listed above are authorized.

*Uniform Shirt:*

The Crye G3 brand LAC Combat shirt #5124 is the standard SWAT Uniform shirt.

- One (1) subdued United States of America flag will be attached with Velcro onto the left shoulder.
- One (1) subdued TPD SWAT patch will be attached with Velcro onto the left shoulder, directly below the USA flag patch.
- One (1) subdued TPD SWAT patch will be attached with Velcro onto the right shoulder. This will include the Tactical Medics.

*Tactical/Entry Vest:*

SWAT Team members shall only utilize *department issued* tactical vests and carriers, to include the NIJ .06 Level III SA ballistic plates.

Names, "POLICE" identifiers, and cloth police patches will be attached with Velcro on the front. The SWAT vest will also have name, and "POLICE" identifiers on the back also attached with Velcro. One (1) silver 3" subdued Tracy Police SWAT badge will be attached with Velcro on the front left side of the vest.

**Use:** The vest along with identifying patches shall be worn during any type of tactical operation and tactical training for safety and identification.

*Trousers:*

The Crye G3 brand LAC Combat pant #5124 is the standard SWAT Uniform pant. As with other equipment, replacement will be considered ono an as-needed basis.

*Trouser Belt:*

No specific brand is required; however, it must be similar in quality to 5.11, 1 ¾" wide, trouser belt black, Camo or OD green to match SWAT Uniform.

**Use:** The standard SWAT Tactical Uniform is navy blue. The Tactical Commanders may authorize snipers and observers to utilize alternate uniforms to meet the environmental needs of an operation. While participating in training with the entry team, snipers and observers will wear the standard navy-blue uniform. The shirt will be neatly tucked inside the trousers.

## SWAT SPECIAL EVENT/TRAINING UNIFORM

*Polo Shirt:*

Navy blue First Tactical brand Polo model number (112509) with one (1) silver subdued 3" Tracy Police SWAT badge sewn on the left side of the chest. The member's first initial and last name in block letters (example: J. DOE) will be embroidered in silver or gold ½" block letters on the right side of the chest to match badge.

*Trousers:*

Grey 5.11 brand Stryker pant.

*Trouser Belt:*

Same as Sworn **Class "B"** Uniform.

**Use:** The SWAT training uniform will be worn by members who are presenting training to civilians, outside businesses, or Officers from TPD or another agency.

*Socks:*

Black crew length socks.

**Use:** To be worn with footwear

*Shoes:*

Black hiking or tactical *boots* are the only authorized footwear.

**Use:** Athletic shoes, even high-top ones, are not authorized.

*SWAT Cold Weather Sweatshirt:*

The SWAT cold weather sweatshirt shall be black with white silkscreen print. The back of the sweatshirt shall have "POLICE" in 2 ½" block letters. Both sleeves of the sweatshirt shall have "POLICE" down each sleeve along with a Tracy Police SWAT patch matching the authorized SWAT patch worn on the tactical uniform. The front of the sweatshirt shall have the 3" subdued Tracy Police SWAT badge sewn on the left side of the chest.

**Use:** SWAT officers are allowed to wear a black performance style hooded sweatshirts during cold weather tactical training and tactical operations.

# PROFESSIONAL STAFF UNIFORM

## ALL PROFESSIONAL STAFF (CLASS "A") UNIFORM

The Class "A" Uniform is optional. The Class "A" Uniform for Professional Staff is to be purchased at one's own expense or purchased through the uniform allowance. Tracy PD will purchase a shield for those who purchase a Class "A" Uniform. Please contact the Office of the Chief of Police Executive Assistant for ordering specifications.

The Professional Staff Class "A" Uniform is to be worn for formal events such as funerals, swearing in ceremonies, department issued photographs to name a few. If you elect to not purchase a Class "A" Uniform, please review attire for Professional Staff at Formal Events.

*Class "A" Shirt:*

TPD patches on both sleeves and appropriate insignias as described in this policy.

The Flying Cross #252R66 short sleeve (Women's), #202W66 long sleeve (Women's); Men's styles 95R66 short sleeve and 45W66 long sleeve are the standard of the Class "B" Uniform. The shirts are French Blue with *pleated* front breast pockets and shoulder epaulets. Department patches for are sewn onto both sleeves. Service stripes are sewn onto the left sleeve.

**Use:** The shirt must be neatly tucked into the trousers and cuffs will remain buttoned at all times. The collar will be worn closed, and a tie shall be worn.

*Tie and Tie Bar:*

There is no specific brand. The tie is a black standard, clip-on or break-away Dacron, wool, or other quality fabric with a basic conservative knot at the top (Windsor knot). The tie should have a maximum width of 3 ½" and the bottom of tie must be within 1" from the top of the duty belt. When a tie is worn, a tie bar may also be worn. The tie bar shall match the color of the badge (silver or gold).

**Use:** The standard tie bar is worn centered and horizontally aligned on the tie between the third and fourth shirt buttons. The tie is required for **Class "A"** Uniforms. An optional Class "A" Uniform tie for Professional Staff ladies is the black cross over tie.

*Nameplate on Shirt:*

The standard nameplate brand is Blackinton, model J-1, silver in color, with a polished finish. The nameplate will be worn centered above the right pocket flap. The bottom of the nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and ½" tall with the following inscribed: Initial of first name, period, and full last name in black lettering.

*Shields:*

Ed Jones is the standard of the regulation shields; Professional Staff shall wear the Ed Jones EJ 792C metal shield. When in uniform, supervisors and managers shall wear the Ed Jones EJ 792 C metal shield with "Supervisor" or "Manager" inscribed. Shield number shall coincide with members designated unit assignment. Any other shield must meet or exceed their

standards in all respects. The shield number is inscribed on the bottom center of the shield and corresponds with the member's unit assignment.

*Professional Staff Unit Supervisor Shield and Insignia:*

The Professional Staff Unit Supervisor's shield will have the word "Supervisor" incorporated on to it, and a "Supervisor" rocker patch centered and sewn above each shoulder patch.

| | |
|---|---|
| Crime Prevention Specialist: | 1-9 |
| Code Enforcement: | 10, 11, 12… |
| Office of the Chief: | 400 Series |
| Crime Scene Unit: | 500 Series |
| Community Services: | 600 Series |
| Animal Services: | 700 Series |
| Records Unit: | 800 Series |
| Dispatch Supervisors/Parking Interns: | 900 Series |

**PROFESSIONAL**




**SUPERVISOR**




*Police Support Services Bureau Manager Badge and Insignia:*

The Police Support Services Bureau Managers' badge and nameplate will be identical to that of Sworn Command Staff in gold (brass).

*Trousers:*

Trousers can be with or without a SAP pocket. The Flying Cross trouser with a SAP pocket is model 47289 (Men's) and 47289W (Women's). Without a SAP pocket is 47280-86 (Men's) and 47280W-86 (Women's) is for the standard of the Class "A" Uniform. The trousers are made of 75% Dacron Polyester and 25% Wool. Plain front with straight side pockets with exposed top and bottom cord. Bottom of leg will be plain and hemmed allowing the front to rest on the shoe without any break. The front of the leg should touch the top of the footwear and the back of the leg should be between 1" and 1 ½" from the ground.

*Trouser Belt:*

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield. The Police Support Services Bureau Managers' hardware will be gold (brass).

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

*Duty Belt:*

Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish to match shield. All other accessories will have hidden snaps or Velcro closures. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference examples. Nylon gear is optional.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

*Socks:*
Black crew length socks.

**Use:** To be worn with footwear

*Footwear:*
Authorized boots must be black in color, with smooth rounded toe, with seams or stitching being optional. Either boots (duty style) or "low-quarter" dress shoes made of full grain, scuff resistant and smooth leather, or high gloss poromeric (Corfam) material capable of accepting high gloss polish. The optional dress Oxford shoe, full gloss finish is approved for the Class "A" Uniform.

**Use:** This footwear is required whenever wearing the Class "A" Uniform.

*Polo Shirt **(optional)**:*
Cloth shield is embroidered or sewn on the left breast with assignment and position (Code Enforcement- Admin, Animal Shelter- Aid, etc.) included. First initial, period, and last name directly embroidered on shirt, centered above right front breast in ½" block letters in thread grey/silver in color matching the shield. "Animal Services" silkscreened or printed in white 3" block letters on back center across the shoulders.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable.
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). Long sleeve style F5357 (Women's), style F5315 (Men's).

## ATTIRE FOR PROFESSIONAL STAFF DEPARTMENT EMPLOYEES AT FORMAL EVENTS

For formal events such as funerals, swearing in ceremonies, department photographs, (Drug Abuse Resistance Education (DARE) graduations, etc., where Professional Staff will be representing the department, it is expected they wear business attire that conforms to the Lexipol General Order 1024 *"Uniform Regulations"* or the Professional Staff **Class "A"** Uniform.

*Black Suit:*

Men shall wear black or dark blue business attire to include a long-sleeved dress shirt, tie, tailored sport coat or suit. Women shall wear black business attire to include tailored pantsuits, skirts no shorter than 2 fingers above the knee and worn with a black or dark blue blazer. Women can wear black or neutral hosiery. TPD lapel star, patch or shield may be worn with attire.

*Footwear:*

Black closed toe shoes, no strappy sandals, or platforms. Women can wear basic pumps with a heel no higher than 2" in length.

*Hygiene:*

Men shall have their hair neatly trimmed or groomed, face clean shaven or beard neatly trimmed. Women shall have their hair neatly groomed.

*Accessories:*

Accessories to be kept simple, modest jewelry, make-up should be minimal and in conservative tones, and minimal cologne and perfume.

# CODE ENFORCEMENT

## CODE ENFORCEMENT OFFICER CLASS "A" UNIFORM

Shall follow the same standards as the Class "A" Professional Staff Standard.

## CODE ENFORCEMENT OFFICER CLASS "B" UNIFORM



This uniform is designed to be the day-to-day uniform for Code Enforcement Officers.

*Baseball Cap:*

Black baseball cap "Flexfit" or adjustable with TPD silver-star sewn on front of cap with unit identifier in center or blank center with filigree. Net-like material on the cap is authorized. It is optional to have the last name in block letters embroidered on the back of the cap.

**Use:** The baseball cap is optional and authorized when wearing.

*Polo Shirt:*

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) S/S style 41060 (Men's), style 61173 (Women's); L/S style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy S/S- style 122509 (Women's), style 112509 (Men's) L/S- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue S/S style F5327 (Women's), style F5341 (Men's). L/S style F5357 (Women's), style F5315 (Men's)

Code Enforcement cloth shield is embroidered or sewn on the left breast. First initial followed by last name directly embroidered onto shirt, centered on right breast, with bottom edge of name parallel to bottom edge of the shield in ½" block letters, using silver thread to match cloth shield. The Unit name "Code Enforcement" shall be silkscreened or printed in white 3" block letters center on back across the shoulders.

**Use:** This is the standard shirt for day-to-day operations of the Unit. The shirt must be neatly tucked into the trousers at all times.



*Shields:*
Code Enforcement Officers shall wear the Ed Jones EJ 792 C metal shield. When in uniform, supervisors and managers shall wear the Ed Jones EJ 792 C metal shield with "Supervisor" or "Manager" inscribed. Shield number shall coincide with members designated Unit. Unit "Supervisor" or "Manager" shall wear rocker patch centered and sewn above each shoulder patch.




*Undershirt:*
When visible, a black crewneck undershirt shall be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar. "T.P.D." may be embroidered in ½", block letters on the left portion of the collar. Embroidery thread shall match color of the shield.

**Use:** A black undershirt without visible designs or logos is required with any open collared uniform shirt.

*Load Bearing Vests (Code Enforcement):*
Professional Staff who are assigned to wear a duty belt may wear a load bearing vest carrier, provided at their own cost. If worn, it shall conform to the following standards:

- Brand: Point Blank
- Color: Dark Navy Blue
- The department member's assigned Shield shall be worn on the upper left side of the load bearing vest.
- A non-reflective name tag shall be worn on the upper right side of the load bearing vest.
- The employee's first initial and last name shall be on the name tag in white type.
- The back of the vest shall have a patch bearing "Code Enforcement" with white type 4" block lettering.
- Pouches must be dark navy blue, ballistic cloth, with no visible manufacturer logos.
- Set up of the pouches and inspection to ensure proper set up (Secured properly, mandatory carry items, damaged pouches, etc.) to be done prior to the member wearing the vest carrier for the first time, and then on a regular basis by a member of the DTAC Cadre.

*Equipment to be carried on the Vest Carrier-Mandatory:*

All required equipment that is not carried on the members belt must be carried on the load bearing vest carrier. All equipment should be carried in a manner similar to the configuration previously carried on their duty belt. The configuration of the equipment must be reviewed and approved by a member of the DTAC cadre, prior to wearing the load bearing vest on duty.

*Equipment carried on the Vest Carrier-Optional:*

The following optional equipment maybe worn on the load bearing vest carrier:

- Radio
- OC Spray
- Flashlight
- Keys
- PPE Pouch
- Body Worn Cameras







*Trousers:*

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

*Trouser Belt:*

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

*Duty Belt:*

Authorized duty belt is black, standard (2 ¼") width basket-weave finish. Belt may be leather or similar synthetic. All visible hardware will be nickel finish. All other hardware will have hidden snaps. The Sam Browne type belt (with or without Velcro) is a reference example. Nylon gear is optional.

**Use:** The duty belt is optional, but when in use shall be worn so that the trouser belt is covered, and all attached equipment is secured.

*Socks:*

Black crew length socks.

**Use:** Required to be worn with footwear.

*Footwear:*
Black laced boot or shoe with smooth rounded toe with optional seams or stitching capable of accepting a high gloss polish.

***Optional:*** The black boot can also be a modern tactical boot. The boot would be durable made of synthetic leather, canvas, or suede upper material similar to a matte finish.

## CODE ENFORCEMENT CLASS "C" SUMMER UNIFORM

*Baseball Cap:*
Black baseball cap "Flexfit" or adjustable with TPD Silver Star sewn on the front of the cap, with unit initials in the center or blank center with filigree. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match shield.

*Short Sleeve Shirt:*
Same as Code Enforcement Class "B" Uniform.

*Shields and Patches:*
Same as Class "B" Uniform specifications. Shield may be worn on a belt holder or lanyard when not wearing load bearing vest.

*Shorts:*
No specific brand is required; however, it must be similar in quality and style to the 5.11 Apex Short (#73334 Men's) or 5.11 Taclite Pro (#63071 Women's). LAPD or Dark Blue, hemmed at a maximum of "2" above the knee. The Class "C" Uniform is authorized in the months of May through mid-October.

*Trouser Belt:*
Same as Class "B" Uniform.

*Duty Belt:*
Optional with Class "C", but if worn, same as Class "B" Uniform.

*Socks:*
Black in color

*Footwear:*
Black athletic shoes or black boots.

## CRIME SCENE INVESTIGATIONS UNIT CLASS "A" UNIFORM

The Class "A" Uniform will be the same as the Professional Staff Class "A" Uniform.

## CRIME SCENE INVESTIGATIONS UNIT CLASS "B" UNIFORM

Crime Scene Investigations Unit Class "B" Uniform is the standard uniform for CSI on a daily basis when performing patrol functions.

*Baseball Cap:*

Black baseball cap "Flexfit" or adjustable with TPD Silver Star sewn on the front of the cap, with unit initials in the center. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match star.

**Use:** The baseball cap is optional and authorized when wearing **Class "B" or "C"** Uniforms.

*Uniform Shirt:*

No specific brand is required; however, it must be similar in quality to 5.11 TDU shirt #72002, #71339 (Men's) and #62016, #61025 (Women's). Dark navy-blue utility shirt, long or short sleeve with non-pleated front pockets and shoulder epaulets. TPD patches on both sleeves, and appropriate insignia. Issued TPD shield affixed above left front breast pocket. First initial, period, followed by last name directly embroidered onto shirt, centered above right front breast pocket, in ½" block letters, thread to match color of cloth badge. "CSI" directly embroidered onto shirt, centered above name in ½" block letters in gray/silver thread.

***Optional:*** Outer carrier uniform shirt: Dark navy Blue Blauer brand SS Polyester Armorskin Base Shirt model 8372 and 8372W, (long sleeve or short sleeve) with TPD patches and rank insignia on both shoulders are authorized.

*Shield, Name tag, Insignia on Shirt:*

Current department issued shield worn above left pocket. The back of the shirt shall have a patch bearing "CSI" with gray/silver colored 4" letters sewn on it. Name tag shall include first initial, period, followed by last name, directly embroidered onto shirt, centered above right front breast pocket, in ½" block letters, using gray/silver thread to match badge. The letters "CSI" embroidered in ½" gray/silver thread to match shield, centered above the name. The CSI Unit Supervisor shall have "CSI Supervisor" embroidered in ½" silver colored block lettering and centered above the right front pocket flap and below the embroidered name. Shoulder patches are the same as Sworn.

*Crime Scene Investigations Unit Supervisor Shield and Insignia:*

The Crime Scene Investigations Unit Supervisor's shield will have the word "Supervisor" incorporated on to it, and a "Supervisor" rocker patch centered and sewn above each shoulder patch.

*Undershirt:*
Black crewneck undershirt to be worn. Turtleneck or mock turtleneck are optional, and to be worn only with long sleeve shirts (Polo or utility) and open collar.

*Trousers:*

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

*Trouser Belt:*
The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one-pronged silver finish buckle to match the shield. The buckle is approximately 2 ½" high by 2" wide.

*Socks:*
Black crew length sock.

*Footwear:*
Black laced boot or shoe with smooth rounded toe with optional seams or stitching capable of accepting a high gloss polish.

***Optional:*** The black boot can also be a modern tactical boot. The boot would be durable made of synthetic leather, canvas, or suede upper material similar to a matte finish.

*Authorized Sweater:*
No specific brand is required; however, it must be blue or black in color. Sweater can be button or zip without patches or badges.

*Property and Evidence Technician:*
The Property and Evidence Technician's uniform specifications are identical to the Crime Scene Investigations Unit with the following exception: "EVIDENCE" embroidery in place of "CSI".

## CRIME SCENE INVESTIGATIONS UNIT CLASS "C" (SUMMER) UNIFORM

The following uniform regulations and standards apply to all Tracy Police Department uniformed personnel wearing the summer uniform. The summer uniform will ordinarily be authorized for use from May through mid-October but may be adjusted as deemed necessary by the Chief of Police. This uniform is optional for Interns and Police Assistants.

*Baseball Cap:*
Black baseball cap "Flexfit" or adjustable with TPD silver star sewn on the front of the cap, with unit initials in the center. Caps with sections of net like material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional.
The stitching shall be silver to match star.

**Use:** The baseball cap is optional and authorized when wearing **Class "B" or "C"** Uniform Polo Shirt.

*Polo:*

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable.
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). long sleeve style F5357 (Women's), style F5315 (Men's).

Shield shall be embroidered, or sewn shield centered on left breast in dark silver/grey/black. First initial followed by last name directly embroidered onto shirt, centered on right breast, with bottom edge of name parallel to bottom edge of the shield in ½" block letters, using silver thread to match cloth shield. CSI cloth shield is embroidered on the left breast. The letters "CSI" will be silkscreened or printed in white 3" block letters centered on the back across the shoulders.

*Shields, Rank Insignia, Service Stripes, Nameplates, and Patches:*
Same as **Class "B"** Uniform specifications

*Load Bearing Vests for (CSI):*
Professional Staff who are assigned to wear a duty belt may wear a load bearing vest carrier, provided at their own cost. If worn, it shall conform to the following standards:

- Brand: Point Blank
- Color: Dark Navy Blue
- The department member's assigned Shield SHALL be worn on the upper left side of the load bearing vest.
- A non-reflective name tag shall be worn on the upper right side of the load bearing vest.
- The employee's first initial and last name shall be on the name tag in white or gray block letters.
- The back of the vest shall have a patch bearing "CSI" with white or gray type 4" block letters.
- Pouches must be dark navy blue, ballistic cloth, with no visible manufacturer logos.
- Set up of the pouches and inspection to ensure proper set up (Secured properly, mandatory carry items, damaged pouches, etc.) to be done prior to the member wearing the vest carrier for the first time, and then on a regular basis by a member of the DTAC Cadre.

*Undershirt:*
Black crewneck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar. "T.P.D." may be embroidered in ½", block letters on the left portion of the collar. Embroidery thread shall match color of the badge.

*Trousers:*

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

*Trouser Belt:*
Same as Sworn **Class "B"** Uniform.

*Shorts:*
No specific brand is required; however, it must be similar in quality and style to 5.11 Apex Shorts (#73334 Men's) or 5.11 Taclite Pro (#63071 Women's). LAPD or Dark Blue, hemmed at maximum of 2" above the knee. The **Class "C"** Uniform is authorized in the months of May through mid-October.

*Duty Belt:*
Same as Sworn **Class "B"** Uniform.

*Socks:*
Same as Sworn **Class "C"** Uniform.

*Footwear:*
Same as Sworn **Class "C"** Uniform.

# COMMUNITY SERVICE OFFICERS, PARKING INTERNS AND CRIME PREVENTION SPECIALIST

## COMMUNITY SERVICE OFFICER/PARKING INTERN/CRIME PREVENTION SPECIALIST CLASS "A" UNIFORM

The Class "A" Uniform will be the same as the Professional Staff Class "A" Uniform.

## COMMUNITY SERVICE OFFICER/PARKING INTERN/CRIME PREVENTION SPECIALIST CLASS "B" UNIFORM

*Baseball Cap (Optional):*

Black baseball cap "Flexfit" or adjustable with TPD Silver Star sewn on the front of the cap, with unit initials in the center. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match star.

**Use:** To protect the members from inclement weather or overexposure to direct sun. The baseball cap is optional and authorized when wearing **Class "B"** Uniform or utility uniform (**Class "D"**).

*Shirt:*

French Blue shirt with epaulets on shoulders. TPD patches on both sleeves and appropriate insignias as described in this policy.

The Flying Cross #252R66 short sleeve (Women's), #202W66 long sleeve (Women's); Men's styles 95R66 short sleeve and 45W66 long sleeve are the standard of the Class "B" Uniform. The shirts are French Blue with *pleated* front breast pockets and shoulder epaulets. Department patches for are sewn onto both sleeves. Service stripes are sewn onto the left sleeve.

**Use:** Long sleeve shirts are optional and when worn cuffs shall not be rolled.

*Insignia and Nameplate on Uniform:*

Current department issued shield. To be worn above the left pocket. If wearing a mourning band, it will be affixed horizontally across the state seal. The standard nameplate brand is Blackinton, model J-1, silver in color, with a polished finish. The nameplate will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and ½" tall with initial of first name, period, and full last name in black lettering.

One TPD shoulder patch centered on each sleeve, ¾" below shoulder seam.

*Load Bearing Vests (CSO):*

Professional Staff who are assigned to wear a duty belt may wear a load bearing vest carrier, provided at their own cost. If worn, it shall conform to the following standards:

- Brand: Point Blank
- Color: Dark Navy Blue
- The department member's assigned Shield SHALL be worn on the upper left side of the load bearing vest.
- A non-reflective name tag shall be worn on the upper right side of the load bearing vest.
- The employee's first initial and last name shall be on the name tag in white type block letters.
    - The back of the vest shall have a patch bearing "CSO" with white type 4" blackletters.
- Pouches must be dark navy blue, ballistic cloth, with no visible manufacturer logos.
- Set up of the pouches and inspection to ensure proper set up (Secured properly, mandatory carry items, damaged pouches, etc.) to be done prior to the member wearing the vest carrier for the first time, and then on a regular basis by a member of the DTAC Cadre.

*Equipment to be carried on the Vest Carrier - Mandatory:*

All required equipment that is not carried on the members belt must be carried on the load bearing vest carrier.

All equipment should be carried in a manner similar to the configuration previously carried on their duty belt. The configuration of the equipment must be reviewed and approved by a Member of the DTAC cadre, prior to wearing the load bearing vest on duty.

*Equipment carried on the Vest Carrier-Optional:*

The following optional equipment maybe worn on the load bearing vest carrier:

- Radio
- OC Spray
- Flashlight
- Keys
- PPE Pouch
- Body Worn Cameras

While it is recommended the radio be carried on the duty belt, Professional Staff may carry the radio on the vest. Multi-tools and flashlights shall be carried in a pouch, NOT hanging off of a pouch. Uniform Used with Load Bearing Vest:

For CSO and Parking Interns wearing a load bearing vest the following uniform shall apply:

- French Blue Blauer brand SS Polyester Armorskin Base Shirt model 8372 and 8372W, (long sleeve or short sleeve) with TPD patches and rank insignia on both shoulders, or
- French Blue **Class "B"** Uniform shirt, as specified in the uniform manual, and
- French Blue **Class "B"** Uniform pants, as specified in the uniform manual.

*Undershirt:*
A navy-blue crewneck undershirt shall be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** A navy blue undershirt without visible designs or logos is required with any uniform.

*Trousers:*
Trousers are non-bloused, dark blue utility pants with plain front and cargo pockets on the back side and legs.

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

*Trouser Belt:*
The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

*Duty Belt:*
Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish to match shield. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference example. Nylon gear is optional.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

*Socks:*
Black crew length socks.

*Footwear:*
Black laced boot or shoe with smooth rounded toe with optional seams or stitching capable of accepting a high gloss polish.

***Optional:*** The black boot can also be a modern tactical boot. The boot would be durable made of synthetic leather, canvas, or suede upper material similar to a matte finish.

*Knit Sweater:*
Black, V-neck "commando sweater" with TPD patches on each shoulder. Metal shield and 1" black name tag with first initial and last name in block letters embroidered in silver thread to be worn.

*Duty Jacket:*
No specific brand is required; however, it must be similar in quality to a traditional "Duty" or "Tuffy" jacket in either nylon, Gortex, or other weather repellent material. A modern jacket such as First Tactical Softshell jacket may also be worn. Jackets shall be black with TPD patches on shoulders, silver cloth badge (centered on left breast) sewn and first initial, period, followed by last name in thread matching the badge color in ½" block letters embroidered centered above the right pocket and parallel to the bottom of the cloth badge/shield. Gold badge for Command Staff, silver badge for all others.

**Use:** The duty jacket is worn at the discretion of the member.

*Rain Wear:*
Black weatherproof jacket and pants (optional). Brand and style not specified and can be any weatherproof material.

**Use:** Authorized during inclement weather.

## COMMUNITY SERVICE OFFICER/PARKING INTERN/CRIME PREVENTION SPECIALIST CLASS "C" (SUMMER) UNIFORM

*Baseball Cap:*
Black baseball cap "Flexfit" or adjustable with TPD silver star sewn on the front of the cap, with unit initials in the center. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match star.

*Short Sleeve:*
Same as CSO **Class "B"** Uniform

**Use:** A navy blue crewneck undershirt without visible designs or logos with any uniform.

*Shorts:*
No specific brand is required; however, it must be similar in quality and style to 5.11 Apex Short (#73334 Men's) or 5.11 Taclite Pro (#63071 Women's). LAPD or Dark Blue, hemmed at a maximum of 2" above the knee. Cargo pockets shall be straight and rectangular.

**Use:** The shorts are worn as part of the **Class "C"** Uniform and is authorized in the months of May through mid-October.

*Duty Belt:*
Same as CSO **Class "B"** Uniform.

*Socks:*
Black crew length socks.

**Use:** To be worn with footwear.

*Footwear:*
Black athletic shoes (all black, no trim or logos of different color). No specification.

**Use:** This footwear is required when wearing **Class "C"** Uniform.

## COMMUNITY SERVICE OFFICER/PARKING INTERN/CRIME PREVENTION SPECIALIST CLASS "E" UNIFORM

The CSO/Traffic Intern/Crime Prevention Specialist Units may wear a unit Polo Shirt with navy blue BDU pants on days directed by the supervisor. This is not intended to replace the **Class "B"** or **Class "C"** Uniforms and is meant to be worn at late night or weekend callouts or during special training or operation days. It can be worn in lieu of the civilian attire on holidays, or at out-of-town training, where members need to present a uniform appearance.

*Polo Shirt:*
Department shield shall embroider or sewn on shield with the unit's name in the middle of the badge on the left breast area. First initial, period, and last name in block letters directly embroidered onto shirt, centered above right front breast in ½" block letters in thread matching the shield. The Unit name "CSO", "Traffic Intern" or "Crime Prevention" shall be silkscreened or printed in white 3" block letters centered on the back across the shoulders.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) S/S style 41060 (Men's), style 61173 (Women's); L/S style 42056 (Men's), Women's unavailable.
- First Tactical Performance Polo Midnight Navy S/S- style 122509 (Women's), style 112509 (Men's) L/S- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue S/S style F5327 (Women's), style F5341 (Men's). L/S style F5357 (Women's), style F5315 (Men's).

*Department Awards/Special Assignment Pin on Shirt:*
No department awards/special assignment pins shall be worn with the **Class "E"** Uniform

*Undershirt:*
Black crew neck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** Black crew neck undershirt without visible designs or logos is required with any uniform.

*Trousers:*
Same as CSO **Class "B"** Uniform.

# ANIMAL SERVICES UNIT

## ANIMAL SERVICES UNIT CLASS "A" UNIFORM

Refer to Professional Staff **Class "A"** Uniform.

## ANIMAL SERVICES UNIT CLASS "B" OR "C" UNIFORM

*Baseball Cap (Animal Service Officer or Animal Services Aide):*

Black baseball cap "Flexfit" or adjustable with TPD silver star sewn on the front of the cap, with unit initials in the center. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted caps is optional. The stitching shall be silver to match star.

*Polo Shirt:*

ASO cloth shield is embroidered or sewn on the left breast with animal services included. First initial, period, and last name directly embroidered on shirt, centered above right front breast in ½" block letters in thread grey/silver in color matching the shield. "Animal Services" silkscreened or printed in white 3" block letters on back center across the shoulders.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). long sleeve style F5357 (Women's), style F5315 (Men's)

**Use:** This is the standard duty uniform, when worn, cuffs shall not be rolled.

***See Below:*** Embroidered or sewn for the ASO cloth shield is on the left breast of the Polo shirt:



*Load Bearing Vests (Animal Services):*

Professional Staff who are assigned to wear a duty belt may wear a load bearing vest carrier. If worn, it shall conform to the following standards:

- Brand: Point Blank
- Color: Dark Navy Blue
- The department member's assigned Shield SHALL be worn on the upper left side of the load bearing vest.
- A non-reflective name tag shall be worn on the upper right side of the load bearing vest. The employee's first initial and last name shall be on the name tag in white type.
- The back of the vest shall have a patch bearing the name "Animal Control" with white type 4" block lettering.
- Pouches must be dark navy blue, ballistic cloth, with no visible manufacturer logos.
    - Set up of the pouches and inspection to ensure proper set up (Secured properly, mandatory carry items, damaged pouches, etc.) to be done prior to the member wearing the vest carrier for the first time, and then on a regular basis by a member of the DTAC Cadre.

*Equipment to be carried on the Vest Carrier-Mandatory:*

All required equipment that is not carried on the members belt must be carried on the load bearing vest carrier.

All equipment should be carried in a manner similar to the configuration previously carried on their duty belt. The configuration of the equipment must be reviewed and approved by a member of the DTAC cadre, prior to wearing the load bearing vest on duty.

*Equipment carried on the Vest Carrier-Optional:*

The following optional equipment maybe worn on the load bearing vest carrier:

- Radio
- OC Spray
- Flashlight
- Keys
- PPE Pouch
- Body Worn Cameras

*Undershirt:*

Navy blue crew neck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** A navy blue crew neck undershirt without visible designs or logos is required with any uniform.

*Trousers:*
Plain front and cargo pockets on the back side and the legs. The front of the leg should touch the top of the footwear and the back of the leg should be between 1" and 1 ½" from the ground.

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

*Trouser Belt:*
The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

*Socks:*
Black crew length socks.

*Footwear:*
Black footwear (all black, no trim or logos of different color). No specification.

*Duty Jacket:*
No specific brand is required; however, it must be similar in quality to a traditional "Duty" or "Tuffy" jacket in either nylon, Gortex, or other weather repellent material. A modern jacket such as First Tactical Softshell jacket may also be worn. Jackets shall be black with TPD patches on shoulders, silver cloth badge (centered on left breast) sewn and first initial, period, followed by last name in thread matching the badge color in ½" block letters embroidered centered above the right pocket and parallel to the bottom of the cloth badge/shield- TPD patches on shoulders and "Animal Services" rocker patch above TPD patch.

**Use:** Authorized during inclement weather. Rain wear can be of any weatherproof material.

*Duty Belt:*
Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference example. Nylon gear is optional.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

## ANIMAL SERVICES CLASS "C" UNIFORM

The following uniform regulations and standards apply to all Tracy Police Department uniformed personnel wearing the summer uniform. The summer uniform will ordinarily be authorized for use from the month of May through mid-October but may be adjusted as deemed necessary by the Chief of Police. The summer uniform is only approved for Animal Services Officer and Animal Services Aide.

*Baseball Cap (Animal Services Officer or Animal Services Aide):*

Black baseball cap "Flexfit" or adjustable with TPD Silver Star sewn on the front of the cap, with unit initials in the center. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match star.

**Use:** The baseball cap is optional and authorized when wearing **Class "B" or "C"** Uniforms.

*Short Sleeve Shirt:*

Same as **Class "B"** Uniform (Polo) with ASO shield.

*Insignia and Nameplate on Uniform:*

ASO **Class "B"** Uniform (Polo).

*Shorts:*

No specific brand is required; however, it must be similar in quality and style to 5.11 Apex Short (#73334 Men's) or 5.11 Taclite Pro (#63071 Women's). LAPD or Dark Blue, hemmed at a maximum of 2" above the knee. **Class "C"** Uniform is authorized in the months of May through mid-October.

*Shorts Belt:*

The shorts belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

*Duty Belt:*

Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference example. Nylon gear is optional.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

*Socks:*

Black crew length socks.

**Use:** To be worn with footwear.

*Footwear:*

Black athletic shoes (all black, no trim or logos of different color). No specification.

# PUBLIC SAFETY DISPATCHERS

The following uniform regulations and standards apply to all Tracy Police Department Dispatchers. It shall set a uniformed guideline for dispatchers.

## PUBLIC SAFETY DISPATCHER CLASS "C" UNIFORM

*Shirt:*

Navy Blue in color. Dispatch cloth shield is embroidered or sewn on the left breast area with unit name included. First initial, period, and last name directly embroidered onto shirt, centered above right front breast in ½" block letters in thread silver/grey matching the shield.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable.
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). long sleeve style F5357 (Women's), style F5315 (Men's).
- Any other dark navy blue polo similar in quality/style to the above brands.

*Undershirt:*

Navy blue crew neck undershirt is optional.

*Trousers:*

Navy blue utility with plain front and cargo pockets on the back side and the legs. The pant leg shall have no break.

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

*Socks:*

Black crew length socks

*Shoes:*

Black closed toe shoes (can be black tennis shoes). No trim or logo of a different color. Work boots or dress boots maybe worn; however, the pants must go over the boots.

*Jackets or Sweaters:*

No specific brand however must be similar to Sport Tek Sweatshirt Full Zip (ST259) or ¼ Zip (LST253). Color options Graphic Heather (grey), Navy or Black.

Navy blue or black sweaters and jackets may be worn while on duty. Sweaters/sweatshirts with hoodies are not authorized. A solid navy-blue blanket maybe worn in the Dispatch Center.

*Dispatch Flag Emblem:*
PSD may have the approved Dispatch Flag logo embroidered on their jackets at their own expense.

*Baseball Caps:*
Black baseball cap "Flexfit" or adjustable with TPD silver star sewn on the front of the cap, with unit initials in the center. Caps with sections of net like material are not authorized. Inscribing the last name in block letters on the back of the fitted caps is optional. The stitching shall be silver to match star. Baseball caps are not to be worn inside the dispatch center. Baseball caps may be worn for outside events with approval.

*Tactical Dispatch Uniform:*
Tactical Dispatcher's may wear their black Tactical Dispatch Polo with black pants or their dispatch uniform on call outs.

*Pink Patch Project:*
PSD may wear a pink polo that is purchased at their expense. The PSDs are not required to have the department logo or name embroidered on the polo.

*Court Appearance:*
PSD's may wear their uniform for a court appearance however they shall wear a trouser belt and tuck in their polo shirt. Trouser belt shall be traditional trouser belt that is black basket weave leather, 1 ¾ inch wide, with a plain rectangular one prong silver finish buckle to match the badge or Velcro black basket weave leather belt. If a buckle is worn, the buckle is approximately 2 ½ inch by 2 inch wide.

PSD may also appear in court in business attire. Business attire shall consist of, business suit, tie, sports coat slacks (men) and business attire (women).

*Ride Along Attire:*
PSDs on duty who ride-along with officers in the field shall wear their Class C Uniform. During cold weather, personnel are allowed to wear sweaters, coats, or windbreakers without department patches.

If the PSD is off duty, they shall wear business casual in accordance with the department's policy for civilian ride along.

# POLICE RECORDS UNIT

## POLICE RECORDS CLASS "A" UNIFORM

The records staff **Class "A"** Uniform will be the same as the Professional Staff **Class "A"** Uniform.

## POLICE RECORDS CLASS "B" UNIFORM

*Uniform Shirt:*

French Blue, short, or long sleeve shirt with breast pockets and shoulder epaulets. TPD patches on both sleeves and appropriate insignias as described in this policy.

The Flying Cross #252R66 short sleeve (Women's), #202W66 long sleeve (Women's); Men's styles 95R66 short sleeve and 45W66 long sleeve are the standard of the Class "B" Uniform. The shirts are French Blue with *pleated* front breast pockets and shoulder epaulets. Department patches for are sewn onto both sleeves. Service stripes are sewn onto the left sleeve.

**Use:** The shirt must be neatly tucked into the trousers and cuffs will remain buttoned at all times. The collar will be worn closed.

*Nameplate:*

The standard nameplate brand is Blackinton, model J-1, with a polished silver finish. Nameplate will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. The metal name plate is 2 ½" wide and ½" tall with initial of first name, period, and full last name in black lettering.

**Use:** The nameplate is worn on uniform shirts. The nameplate is centered above the right pocket flap.

*Shields:*

Members of the Records Unit shall wear the Ed Jones EJ 792 C metal shield. When in uniform, supervisors and managers shall wear the Ed Jones EJ 792 C metal shield with "Supervisor" or "Manager" inscribed. Shield number shall coincide with members designated Unit. Unit "Supervisor" shall wear rocker patch centered and sewn above each shoulder patch.




## POLICE RECORDS CLASS "C" UNIFORM

Members of the Records Unit may purchase at their own expense a navy-blue polo shirt. The uniform guidelines for Records Class "C" shall be the same as PSD Class B.

# EXPLORERS

## EXPLORER CADET CLASS "A" UNIFORM

*Class "A" Shirt:*

The shirt will be a French Blue long sleeve shirt with pleated breast pockets and shoulder epaulets. TPD patches on both sleeves. An "EXPLORER" rocker patch shall be sewn above both TPD patches.

Flying Cross #202W66 long sleeve (Women's), and 45W66 long sleeve (Men's). The shirts are French Blue with *pleated* front breast pockets and shoulder epaulets. Tie with tie bar.

**Use:** The shirt must be neatly tucked into the trousers and cuffs will remain buttoned at all times. The collar will be worn closed, and a tie shall be worn.

*Nameplate:*

The standard nameplate brand is Blackinton, model J-1, silver in color, with a polished finish. The nameplate will be worn centered above the right pocket flap. The bottom of the nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and ½" tall with the following inscribed: Initial of first name, period, and full last name in black lettering.

*Badge:*

Current department issued Explorer badge worn above left pocket. If wearing a mourning band, it will be worn at the 2 o'clock to the 8 o'clock positions.

*Undershirt:*

A black crewneck undershirt shall be worn with all uniform shirts. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

*Trousers- Class A and B:*

Dark navy-blue trousers, plain front with straight side pockets with two back pockets.

Trousers can be with or without a SAP pocket. The Flying Cross trouser with a SAP pocket is model 47289 (Men's) and 47289W (Women's). Without a SAP pocket is 47280-86 (Men's) and 47280W-86 (Women's) is for the standard of the Class "A" Uniform. The trousers are made of 75% Dacron Polyester and 25% Wool. Plain front with straight side pockets with exposed top and bottom cord. Bottom of leg will be plain and hemmed allowing the front to rest on the shoe without any break.

*Trousers- Class D:*

Black in color with flush side pockets.

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

*Trouser Belt:*
The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one-pronged silver finish buckle to match the badge. The buckle is approximately 2 ½" high by 2" wide.

*Duty Belt:*
Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference example. The only authorized items to be worn on the duty belt are a handcuff case with handcuffs, a radio holder, tourniquet holder and a flashlight holder.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

*Socks:*
Black crew length socks.

*Footwear:*
Same as Sworn **Class "B"** Uniform.

*Duty Jacket:*
Dark navy-blue jacket with pockets on the front. Cloth Explorer badge sewn above left front breast pocket. The words "TRACY POLICE EXPLORER" in block letters laminated on the back in silver lettering.

Must be similar in quality to a traditional "Duty" or "Tuffy" jacket in either nylon, Gortex, or other weather repellent material. A modern jacket such as First Tactical Softshell jacket may also be worn. Jackets shall be black with TPD patches on shoulders, silver cloth badge (centered on left breast) sewn and first initial, period, followed by last name in thread matching the badge color in ½" block letters embroidered centered above the right pocket and parallel to the bottom of the cloth badge/shield- TPD patches on shoulders and "Explorer" rocker patch above TPD patch.

## EXPLORER CADET CLASS "B" UNIFORM

*Short Sleeve Shirt:*
French Blue, short sleeve shirt with pleated breast pockets and shoulder epaulets. TPD patches on both sleeves and "EXPLORER" rocker patch above each TPD patch.

Flying Cross #252R66 short sleeve (Women's), and 95R66 short sleeve (Men's) are the standard of the Class "B" Uniform. The shirts are French Blue with *pleated* front breast pockets and shoulder epaulets. Department patches for are sewn onto both sleeves with "EXPLORER" rocker patch above each TPD patch.

**Use:** The shirt must be neatly tucked into the trousers and cuffs will remain buttoned at all times. The collar will be worn closed, and a tie shall be worn.

*Undershirt:*
A navy-blue crewneck undershirt shall be worn with all uniform shirts.

**Use:** A navy blue undershirt without visible designs or logos is required with any uniform.

*Trousers:*
Same as Cadet **Class "A"** Uniform.

*Trouser Belt:*
Same as Cadet **Class "A"** Uniform.

*Duty Belt:*
Same as **Class "A"** Uniform.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

*Socks:*
Same as Sworn **Class "B"** Uniform

*Footwear:*
Same as Sworn **Class "B"** Uniform.

*Duty Jacket:*
Same as Cadet **Class "A"** Uniform.

## EXPLORER CADET CLASS "D" (TRAINING) UNIFORM

*Shirt:*
Embroidered or sewn 7-point star with the "504" Unit in the middle of the badge on the left breast area. First initial, period, and last name directly embroidered on shirt, centered above right front breast in ½" block letters in thread grey/silver in color matching the badge. "EXPLORER" silkscreened or printed in white 3" block letters on back centered across the shoulders.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). long sleeve style F5357 (Women's), style F5315 (Men's)

*Undershirt:*
A navy-blue crewneck undershirt to be worn.

**Use:** A navy blue crewneck undershirt without visible designs or logos is required with any uniform.

*Trousers:*
No specific brand is required; however, it must be similar in quality to 5.11 BDU/TDU pants. Trousers are non-bloused, utility pants with plain front and cargo pockets on the back side and the legs. Color shall be black.

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

Explorer Sergeant and advisors will choose.

*Trouser Belt:*
Same as Sworn **Class "B"** Uniform.

*Duty Belt:*
Same as Sworn **Class "B"** Uniform with the addition of an issued pistol and Taser holster.

*Socks:*
Same as Sworn **Class "B"** Uniform.

*Footwear:*
Same as Sworn **Class "B"** Uniform.

*Duty Jacket:*
Same as Sworn **Class "B"** Uniform.

# CHAPLAINS

## CHAPLAIN CLASS "A" UNIFORM

The Chaplains **Class "A"** Uniform will be the same as the Sworn **Class "A"** Uniform, with the following exceptions or additions:

*Soft Cap:*
The same cap that is described in the Sworn **Class "A"** Uniform section shall be used. The Chaplains will wear a silver metallic snake coil strap with silver "P" buttons on their caps.

*Soft Cap Emblem:*
The same cap emblem that is described in the Sworn **Class "A"** Uniform section shall be used. The Chaplains emblem will be silver and bear the word "CHAPLAIN" on the top band.

*Rank Insignia on Jacket:*
One silver cross on each epaulet with silver Gilt metal "T.P.D." pin affixed to the collar lapel for Chaplains.

*Nameplate:*
Blackinton is the standard of the regulation nameplate. The nameplate shall be silver in color and will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and 5/8" tall with initial of first name, period, and full last name in black lettering.

*Sleeve Braid on Jacket:*
One "½" stripe of gold with blue in the center for Chaplains, placed "3" above the cuff.

*"P" Buttons on Jackets:*
Chaplains will wear silver "P" buttons on each epaulet, pocket flaps and waist tabs.

*Shirt:*
The same shirt that is described in the Sworn **Class "A"** Uniform section shall be used. One silver cross on each collar tip shall be worn.

*Trouser:*
The same trouser as described in the Sworn **Class "A"** Uniform section shall be used.

*Trouser Belt:*
The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

## CHAPLAIN CLASS "B" UNIFORM

*Shirt:*
In addition to the specifications listed for the Sworn **Class "B"** Uniform shirt, Chaplains will wear a single silver cross on the tip of each shirt collar.

## CHAPLAIN CLASS "E" UNIFORM

This is the preferred uniform for Chaplains to wear while on a ride-along or attending informal meetings at the Department. The Chaplain **Class "E"** Uniform will be the same as the Sworn **Class "E"** Uniform, with the following exceptions or additions:

*Polo Shirt:*
No specific brand is required; however, it must be similar in quality to 5.11 Tactical Performance or Propper Polo, charcoal gray in color. Name and badge, (with the word "Chaplain" on the badge), shall be embroidered or sewn on the shirt as described Sworn **Class "E"** Uniform standards. Embroidery shall be done in light gray/silver thread. "CHAPLAIN" silkscreened or printed in light silver/gray 3" block letters on back centered across the shoulders.

*Trousers:*
No specific brand is required; however, it must be similar in quality to 5.11 BDU/TDU pants. Trousers are non-bloused, black utility pants with plain front and cargo pockets on the back side and the legs.

*Trouser Belt:*
Same as Sworn **Class "E"** Uniform.

*Duty Belt:*
A duty belt is authorized for Chaplains while wearing the **Class "E"** Uniform. Authorized equipment to be worn on the belt includes, radio and radio holster, phone in a clip or holster, and keys surrounded by a Velcro close key hush style holder.

## VOLUNTEERS IN POLICE SERVICES CLASS "B" UNIFORM

*Baseball Cap:*
Same as Sworn **Class "B"** Uniform.

*Shirt:*
No Specific brand is required; however, it must be similar in quality to Flying Cross/Horace Small. White long or short sleeve shirt. Pleated front pockets with scalloped flaps and shoulder epaulets. TPD patches on both sleeves, one "Volunteer" rocker patch centered above each shoulder patch and appropriate insignias as described in this policy.




*Nameplate:*
Blackinton is the standard of the regulation nameplate. Plate shall be silver in color and will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and ½" tall with initial of first name, period, and full last name in black lettering.

*Undershirt:*
White crewneck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** A white crewneck undershirt without visible designs or logos is required with any uniform.



*Trousers:*
LAPD, dark navy-blue trousers. Plain front with straight side pockets, one watch pocket and two back pockets with exposed top and bottom front will rest on the shoe without any break.

The Flying Cross #49W8486 long sleeve (Men's), 149W8486 long sleeve (Women's), #99R8486 short sleeve (Men's), and #199R8486 short sleeve (Women's) is the standard of the Class "B" Uniform. The shirts are dark navy-blue shirts and are made of 75% Dacron Polyester and 25% Wool with *non-pleated* front breast pockets and shoulder epaulets.

*Trouser Belt:*
The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish

buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

*Duty Belt:*
Authorized duty belts are black standard (2 ¼") width with basketweave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference examples. Nylon gear is optional.

*Socks:*
Black crew length socks.

*Footwear:*
Black colored laced boots or shoe. Black athletic shoes are allowed and must have no trim or logo of a different color.

## VOLUNTEERS IN POLICE SERVICES CLASS "C" UNIFORM

The following uniform regulations and standards apply to all Tracy Police Department uniformed VIPS wearing the summer uniform. The summer uniform will ordinarily be authorized for use from May through mid-October but may be adjusted as deemed necessary by the Chief of Police.

*Uniform Baseball Cap and Watch Cap:*
Same as Sworn **Class "B"** Uniform.

*Polo Shirt:*
"VIPS" shield on left front breast. First initial, period, followed by last name directly embroidered on shirt, centered above right front breast pocket, in ½" block letters, using navy blue thread. "VIPS" silkscreened or printed in light silver/gray 3" block letters on back centered across the shoulders.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). long sleeve style F5357 (Women's), style F5315 (Men's)

*Undershirt:*
White crewneck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** A white crewneck undershirt without visible designs or logos is required with any uniform.

*Shorts:*
Same as Sworn **Class "C"** Uniform.

*Duty Belt:*
Same as Sworn **Class "B"** Uniform.

*Socks:*
Same as Sworn **Class "C"** Uniform.

*Footwear:*
Same as Sworn **Class "C"** Uniform.

# ADDITIONAL SWORN AND PROFESSIONAL STAFF UNIFORM REGULATIONS

The regulations listed below pertain to all Sworn and Professional Staff.

*Pink Patch/Badge Project:*

"Pink Patch" and "Pink Badge Project" for Breast Cancer Awareness Month based on Special Order 19-02, effective October 1st through October 31st, TPD Sworn and Professional Staff may wear a TPD Breast Cancer Awareness Month (BCAM) badge or shield from the Ed Jones Company. Sworn and Professional Staff, who purchase a BCAM badge or shield and/or BCAM patches are authorized to wear the BCAM badge or shield and/or BCAM patches consistent with current uniform standards and regulations. Members may wear pink lettering on nameplates fashioned after Blackinton model nameplates. Members may wear pink hash marks on **Class "A" or "B"** Uniform shirts. Nameplates can be order through Badge and Wallet **https://badgeandwallet.com/.**

Refer to **Special Order 19-02** for additional details.







*Continuous Professional Training (CPT) Attire:*

While attending CPT or on other days, as approved by management, dispatchers may wear plain, conservative, casual dress clothing. Jeans or other denim pants are acceptable when in good repair. Hats, shorts, t-shirts, halter tops, tube tops, bare midriffs, backless tops, tank tops, brightly colored athletic shoes, leggings, sweatpants, sweatshirts, and thong-type sandals are not permitted.

*Maternity Attire:*

Pregnant employees have the option of wearing the maternity uniform. Management may approve any exceptions to these standards. Maternity attire shall be a skirt, or pants, which are identical in color. A uniform Polo shirt or maternity shirt that is identical in color to the dark blue, charcoal gray or light grey (may be worn untucked, provided that the bottom of the shirt is uniformly hemmed to no shorted than 6" below the waistband and no longer than the bottom on the pants zipper.

*Ride Along Attire:*

On duty personnel who ride-along with officers in the field shall wear their **Class "C"** Uniform. During cold weather, personnel are allowed to wear sweaters, coats, or windbreakers without Department patches.

*Courtroom Attire:*

Wearing part uniform and part civilian clothes is not permitted. Personnel who are representing the department in court shall wear business attire or their uniform. For traffic and/or preliminary court hearings, personnel may wear their daily work uniform or business attire. For jury trials, personnel shall wear business attire or a Class B uniform (no external body armor carriers). Members shall not wear the TPD uniform to court when not acting in an official capacity and on duty.

*Additional Articles of Clothing allowed:*

Only navy-blue or black sweaters and jackets shall be worn while on duty. Sweaters with hoodies are not authorized. Undergarments shall be worn underneath the uniform shirt. A solid navy-blue blanket may be worn in the Dispatch Center.

*Headwear/Hats:*

While working outdoor community events, a western style tan/natural colored "straw" hat (pictured below) is authorized to protect the wearer's head from the elements. The hat may have a simple hat band and be free from excessive ornamentation (feathers, excessive buckles, trinkets, etc.). This hat is not authorized for general patrol duties.



# Supplemental Hate Crime Report.pdf

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State of California – Department of Justice
**SUPPLEMENTAL HATE CRIME REPORT**
POST 2-365 (01/2023) Page 1 of 2

Commission on
Peace Officer Standards and Training (POST)
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630 • 916 227-3909

☐ **Hate incident (No Crime Committed)** ☐ **Hate Crime (422.6 PC, 51.7 CC, 52.1 CC)**

## VICTIM

### *VICTIM TYPE*

☐ **Individual**
Legal name (Last, First):
_____

| Date of Birth | Age | Sex | Race |
|---|---|---|---|
| | | | |

☐ **School, business or organization**
Name: _____
Type: _____
*(e.g., non-profit, private, public school)*

☐ **Faith-based organization**
Name: _____
Faith: _____

☐ **Other**
Name: _____
Type: _____
Address: _____

Date and time of incident:
_____

Location of incident:
_____

Date and time of report:
_____

Location of report:
_____

Agency Case #:
_____

**NATURE OF CALL FOR SERVICE (check all that apply)**
☐ Crime against persons
☐ Crime against property
☐ Gang activity
☐ Other _____

## BIAS

### TYPE OF BIAS
***(Check all characteristics that apply)***

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
*(e.g., 9/11, holy days)*
☐ Association with a person or group with one or more of these characteristics (actual or perceived)
☐ Other:
_____

### ACTUAL OR PERCEIVED BIAS – VICTIM'S STATEMENT

☐ Actual bias [Victim has the indicated characteristic(s)].
☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

### REASON FOR BIAS:

Do you feel you were targeted based on one of these characteristics?
☐ Yes ☐ No

Do you know what motivated the suspect to commit this crime?
☐ Yes ☐ No

Do you feel you were targeted because you associated yourself with an individual or a group?
☐ Yes ☐ No

Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?
☐ Yes ☐ No

Are there Indicators the suspect is affiliated with a criminal street gang?
☐ Yes ☐ No

### BIAS INDICATORS (CHECK ALL THAT APPLY):

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

SAMPLE

## HISTORY

### SUSPECT INFORMATION

Legal name (Last, First):

_____

Other Names used (AKA):

_____

| Date of Birth | Age | Sex | Race |
|---|---|---|---|
| | | | |

Relationship to Victim:

_____

### RELATIONSHIP BETWEEN SUSPECT & VICTIM

Suspect known to victim: ☐ Yes ☐ No

Nature of relationship:

_____

Length of relationship: _____

☐ Prior reported incidents with suspect: *Total #* _____

Prior unreported incidents with suspect:

☐ Yes ☐ No ☐ Unknown

## WEAPONS/FORCE

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____

Force used during incident? ☐ Yes ☐ No Type: _____

## EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo/video ☐ Known

## RESOURCES

Resources offered at scene: ☐ Yes ☐ No

☐ Marsy's Law Handout ☐ Hate Crimes Brochure ☐ Other: _____

## MEDICAL

| Victim | Suspect | |
|---|---|---|
| ☐ | ☐ | Declined medical treatment |
| ☐ | ☐ | Will seek own medical treatment |
| ☐ | ☐ | Received medical treatment |
| ☐ | ☐ | Injuries observed |

| ***Completed by*** | ***Date*** |
|---|---|
| | |
| Name/Title/ID number | |
| | |

SAMPLE

# Commission on Peace Officer Standards and Training Hate Crimes Model Policy 2019.pdf

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# POST HATE CRIMES MODEL POLICY

COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

2019

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Published September 2008

Revised May 2019

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The mission of the California Commission on Peace Officer Standards and Training is to continually enhance the professionalism of California Law Enforcement in serving its communities

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# FOREWORD

Hate Crimes (i.e. crimes motivated by bias) convey a message of terror and exclusion, not just to the immediate victims but to entire communities. They often target victims who are least able to defend themselves. They cause trauma that is more extreme and longer lasting than similar crimes committed for other motivations. They can spark retaliatory crimes, escalating the cycle of crime and violence. If not addressed professionally and thoroughly they may undermine public confidence in law enforcement.

The 2018 California State Auditor's Report, titled "Hate Crimes in California," found that California law enforcement has not taken adequate action to identify, report, and respond to hate crimes. The report found that agencies did not properly identify some hate crimes, and underreported or misreported hate crimes as well. The report also noted that hate crimes are on the rise in California, increasing in both 2015 and 2016.

California Penal Code (CPC) 422.87 added new language and requirements to any newly created or updated agency hate crimes policy. Effective January 1, 2019, any local law enforcement agency that updates an existing hate crimes policy, or adopts a new one, shall include the content of the model policy framework provided in this document as well as any revisions or additions to the model policy in the future.

These guidelines are the primary elements that law enforcement executives are now required to incorporate into their hate crimes policy if an agency creates a new hate crimes policy or updates an existing one. The guidelines are designed for department-wide application and are intended to reflect a values-driven "top-down" process. They are intended to assist with the development and delivery of training and ensure proper identification, investigation, and reporting of hate crimes within each agency's jurisdiction.

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# POLICY GUIDELINES

## GUIDELINE #1

***Develop the foundation for the agency's hate crimes policy.***

The law enforcement executive is responsible for providing leadership, communicating organizational values to the department and the community, paying attention to hate crime trends and current events that could trigger hate incidents and/or hate crimes in the community, and providing education and training to establish the foundation for the agency's hate crimes policy. Employees' ability to respond appropriately to hate crimes and hate incidents is maximized when the executive effectively establishes and communicates the foundational values of the organization.

## GUIDELINE #2

***Develop a hate crimes policy for the agency.***

I. An agency's hate crimes policy shall include the statutory definition of a hate crime, and its policy and programs should minimally include the following:
   A. Response
   B. Training
   C. Planning and Prevention
   D. Reporting

The law enforcement executive is responsible for the initial development of the policy and should be actively involved in its implementation. See the appendix for the exemplar "Message from the Agency Chief Executive".

## GUIDELINE #3

***Develop expertise to identify and investigate hate crimes.***

The law enforcement executive is responsible for ensuring that the agency possesses expertise to identify and investigate hate crimes, as well as ensuring compliance with state and federal reporting and public information requirements. Agencies should assign identified personnel to appropriate training to develop expertise and knowledge to investigate hate crimes.

Hate crimes are low-frequency events with high-risk consequences for the agency and community. Agencies shall provide a checklist to first responders to provide direction for the investigation of all hate crimes as mandated by CPC 422.87.

## GUIDELINE #4

***Develop and implement cooperative hate crimes plans with other law enforcement agencies.***

I. Coordinate cooperative efforts among regional, state, federal, and tribal law enforcement agencies to share information and training, and develop strategies to prevent hate crime activity.

II. Develop and/or participate in law enforcement intelligence networks to enhance the agency's ability to anticipate potential hate crime targets. This interaction should include sharing intelligence information with other jurisdictions and cooperative investigations, arrests, and prosecutions if appropriate.

## GUIDELINE #5

***Develop and implement cooperative hate crime plans with the community and related governmental and non-governmental organizations, as appropriate.***

I. Collaborate with the community, including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools and colleges, to do the following:
   - Develop a network to build rapport with community groups

- Develop a protocol for response to hate crimes
- Obtain witness and victim cooperation
- Provide support services to victims
- Collect demographic information about specific communities
- Identify hate crime trends based upon current events and activity (hate crimes and/or hate incidents)
- Identify periods of increased vulnerability based on significant dates and events for affected communities

II. Law enforcement should identify and seek out cultural diversity training and information from/about specific communities within its jurisdiction (immigrant, Muslim, Arab, LGBTQ, Black or African American, Jewish, Sikh, disability, etc.) to strengthen agency awareness.

## GUIDELINE #6

***Conduct an annual assessment of the agency's hate crimes policy and its ongoing implementation.***

The assessment should include:

I. A review to ensure compliance with the POST Hate Crimes Model Policy and California law.

II. A review and analysis of the agency's data collection, policy, and annual mandated reporting of hate crimes.

III. A review and updating of the agency's hate crimes brochure to ensure compliance with CPC 422.92.

IV. A review of any existing or available data or reports, including the annual California Attorney General's report on hate crimes, in preparation for, and response to, future hate crime trends.

V. Annual outreach to the community including human relations/civil rights organizations, advocacy groups, service organizations, neighborhood associations, religious institutions, local schools, and colleges assessing the agency's responsiveness to hate crimes.

# MINIMUM LEGAL REQUIREMENTS FOR AN AGENCY'S HATE CRIMES POLICY

## CPC 13519.6, effective January 1, 2005, minimally requires:

1. A message from the law enforcement agency's chief executive officer to the agency's officers and staff concerning the importance of hate crime laws and the agency's commitment to enforcement.
2. The definition of "hate crime" in Penal Code section 422.55.
3. References to hate crime statutes including Penal Code section 422.6.
4. A title-by-title specific protocol that agency personnel are required to follow, including, but not limited to, the following:
   a. Preventing and preparing for likely hate crimes by, among other things, establishing contact with persons and communities who are likely targets, and forming and cooperating with community hate crime prevention and response networks.
   b. Responding to reports of hate crimes, including reports of hate crimes committed under the color of authority.
   c. Accessing assistance, by, among other things, activating the Department of Justice hate crimes rapid response protocol when necessary.
   d. Providing victim assistance and follow-up, including community follow-up.
   e. Reporting

## CPC 422.87, effective January 1, 2019, states and minimally requires:

Each local law enforcement agency may adopt a hate crimes policy. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new one shall include, but not limited to, the following:

1. The definitions in Penal Code sections 422.55 and 422.56.
2. The content of the model policy framework that the Commission on Peace Officer Standards and Training developed pursuant to Section 13519.6 (above) and any content that the commission may revise or add in the future, including any policy, definitions, response and reporting responsibilities, training resources, and planning and prevention methods.
3. Information regarding bias motivation
   a. For the purposes of this paragraph, "bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.
      i. In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse

fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

ii. In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

b. Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes *and a plan for the agency to remedy this underreporting* (emphasis added).
c. A protocol for reporting suspected hate crimes to the Department of Justice pursuant to Penal Code section 13023.
d. A checklist of first responder responsibilities, including, but not limited to, being sensitive to effects of the crime on the victim, determining whether any additional resources are needed on the scene to assist the victim or whether to refer the victim to appropriate community and legal services, and giving the victims and any interested persons the agency's hate crimes brochure, as required by Section 422.92.
e. A specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.
f. The title or titles of the officer or officers responsible for assuring that the department has a hate crime brochure as required by Section 422.92 and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
g. A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.
h. Any local law enforcement agency that updates an existing hate crimes policy or adopts a new hate crimes policy may include any of the provisions of a model hate crime policy and other relevant documents developed by the International Association of Chiefs of Police that are relevant to California and consistent with this chapter.

# MODEL POLICY FRAMEWORK

## Purpose

This model policy framework is designed to assist in identifying and handling crimes motivated by hate or other bias toward individuals and groups with legally defined protected characteristics, to define appropriate steps for assisting victims, and to provide a guide to conducting related investigations. It outlines the general policy framework for prevention, response, accessing assistance, victim assistance and follow up, and reporting as related to law enforcement's role in handling hate crimes. It also serves as a declaration that hate crimes are taken seriously and demonstrates how law enforcement agencies may best use its resources to investigate and solve an offense, in addition to building community trust and increasing police legitimacy.

## Policy

It is the policy of this agency to safeguard the rights of all individuals irrespective of their disability, gender, nationality, race or ethnicity, religion, sexual orientation, and/or association with a person or group with one or more of these actual or perceived characteristics. Any acts or threats of violence, property damage, harassment, intimidation, or other crimes motivated by hate or bias should be viewed very seriously and given high priority.

This agency will employ necessary resources and vigorous law enforcement action to identify and arrest hate crime perpetrators. Also, recognizing the particular fears and distress typically suffered by victims, the potential for reprisal and escalation of violence, and the far-reaching negative consequences of these crimes on the community, this agency should attend to the security and related concerns of the immediate victims and their families as feasible.

The agency policy shall include a requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the chief, sheriff, director, or other chief executive of the law enforcement agency or other command-level officer to whom the chief executive officer formally delegates this responsibility.

The agency policy shall provide a specific procedure for transmitting and periodically retransmitting the policy and any related orders to all officers, including a simple and immediate way for officers to access the policy in the field when needed.

## Response, Victim Assistance and Follow-up

### *Initial response*

First responding officers should know the role of all department personnel as they relate to the agency's investigation of hate crimes and/or incidents. Responding officers should evaluate the need for additional assistance, and working with supervision and/or investigations, access needed assistance if applicable. Responding officers should ensure the crime scene is properly protected, preserved and processed.

At the scene of a suspected hate or bias crimes, officers should take preliminary actions deemed necessary, to include, but not limited to, the following:

1. Use agency checklist (per CPC 422.87) to assist in the investigation of any hate crime (see appendix, page 21, for exemplar checklist based on the Los Angeles Police Department Hate Crimes Supplemental Report with the agency's permission).

2. Stabilize the victim(s) and request medical attention when necessary.
3. Ensure the safety of victims, witnesses, and perpetrators.
    a. Issue a Temporary Restraining Order (if applicable).
4. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
5. Ensure that the crime scene is properly protected, preserved, and processed and that all physical evidence of the incident is removed as soon as possible after the offense is documented. If evidence of an inflammatory nature cannot be physically removed, the property owner should be contacted to ensure that it is removed or covered up as soon as possible. Agency personnel should follow-up to ensure that this is accomplished in a timely manner.
6. Collect and photograph physical evidence or indicators of hate crimes such as:
    a. Hate literature.
    b. Spray paint cans.
    c. Threatening letters.
    d. Symbols used by hate groups.
7. Identify criminal evidence on the victim.
8. Request the assistance of translators or interpreters when needed to establish effective communication with witnesses, victims, or others as appropriate.
9. Conduct a preliminary investigation and record pertinent information including, but not limited to:
    a. Identity of suspected perpetrator(s).
    b. Identity of witnesses, including those no longer at the scene.
    c. The offer of victim confidentiality per Government Code (GC) 5264.
    d. Prior occurrences, in this area or with this victim.
    e. Statements made by suspects; exact wording is critical.
    f. The victim's protected characteristics and determine if bias was a motivation "in whole or in part"[1] in the commission of the crime.
        1. "Bias motivation" is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

            (a) In recognizing suspected disability-bias hate crimes, the policy shall advise officers to consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons

[1]See Appendix, page 15, for definition

who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

(b) In recognizing suspected disability-bias hate crimes, the policy also shall advise officers to consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

10. Adhere to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law.
11. Provide information regarding immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.).
12. Provide the agency's Hate Crimes Brochure (per CPC 422.92) if asked, if necessary or per policy (if applicable).
13. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
14. Report any suspected multi-mission extremist crimes to the agency Terrorism Liaison Officer (TLO), or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.

### *Investigation*

Investigators at the scene of or while performing follow-up investigation on a suspected hate or bias crimes (or hate incident if agency policy requires it) should take all actions deemed necessary, including, but not limited to, the following:

1. Consider typologies of perpetrators of hate crimes and incidents, including but not limited to thrill, reactive/defensive, and mission (hard core).
2. Utilize investigative techniques and methods to handle hate crimes or hate incidents in a professional manner.
3. Utilize proper techniques for interviewing people with disabilities and being aware of and providing appropriate accommodations (such as ADA standards, Braille, visuals, translators for the deaf or hard of hearing, etc.).
4. Fully investigate any report of hate crime committed under the color of authority per CPC 422.6 and CPC 13519.6.

5. Collect and photograph physical evidence or indicators of hate crimes such as:
   a. Hate literature.
   b. Spray paint cans.
   c. Threatening letters.
   d. Symbols used by hate groups.
   e. Desecration of religious symbols, objects, or buildings.
6. Request the assistance of translators or interpreters when needed to establish effective communication.
7. Conduct a preliminary investigation and record information regarding:
   a. Identity of suspected perpetrator(s).
   b. Identity of witnesses, including those no longer at the scene.
   c. Offer of victim confidentiality per GC 5264.
   d. Prior occurrences, in this area or with this victim.
   e. Statements made by suspects; exact wording is critical.
   f. Document the victim's protected characteristics.
8. Provide victim assistance and follow-up.
9. Canvass the area for additional witnesses.
10. Examine suspect's social media activity for potential evidence of bias motivation.
11. Coordinate the investigation with agency, state, and regional intelligence operations. These sources can provide the investigating officer with an analysis of any patterns, organized hate groups, and suspects potentially involved in the offense.
12. Coordinate the investigation with the crime scene investigation unit (if applicable) or other units of the agency.
13. Determine if the incident should be classified as a hate crime.
14. Take steps to ensure appropriate assistance is provided to hate crime victim(s), including the following measures:
   a. Contact the victim periodically to determine whether he/she is receiving adequate and appropriate assistance.
   b. Provide ongoing information to the victim about the status of the criminal investigation.
   c. Provide the victim and any other interested person the brochure on hate crimes per CPC 422.92 and information on any local advocacy groups (if asked).
15. Report any suspected multi-mission extremist crimes to the agency TLO, or assigned designee, and direct the TLO or designee to send the data to the Joint Regional Information Exchange System.
16. Coordinate with other law enforcement agencies in the area to assess patterns of hate crimes and/or hate incidents (if directed by policy), and determine if organized hate groups are involved.

### *Supervision*

The supervisor shall confer with the initial responding officer(s) and ensure that necessary preliminary actions have been taken. The supervisor shall request any appropriate personnel necessary to accomplish the following:

1. Provide immediate assistance to the crime victim by:
   a. Expressing the law enforcement agency's official position on the importance of these cases and the measures that will be taken to apprehend the perpetrators.
   b. Expressing the department's interest in protecting victims' anonymity (confidentiality forms GC 6254) to the extent possible. Allow the victim to convey his/her immediate concerns and feelings.
   c. Identifying individuals or agencies that may provide victim assistance and support. Local victim assistance resources may include family members or close acquaintances, clergy or departmental chaplain, as well as community service agencies that provide shelter, food, clothing, child care, or other related services (per CPC 422.92).
2. Ensure that all relevant facts are documented on an incident and/ or arrest report and make an initial determination as to whether the incident should be classified as a hate crime for federal and state bias-crimes reporting purposes.
3. Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense and its potential inflammatory and related impact on the community.
4. In cases of large-scale hate crime waves, or in circumstances where the potential exists for subsequent hate crimes or incidents, consider directing resources to protect vulnerable sites (such as assigning an officer at specific locations that could become targets).
5. Ensure hate crimes are properly reported, including reporting to the Department of Justice, pursuant to CPC 13023.
6. Ensure adherence to CPC 422.93, which protects hate crime victims and witnesses from being reported to federal immigration authorities if they have not committed any crime under state law. Supervisors should also be aware of the immigration remedies available to victims of crime. (U-Visa, T-Visa, S-Visa, etc.)
7. Respond to and investigate any reports of hate crimes committed under the color of authority.
8. Provide appropriate assistance, including activating the California Department of Justice hate crime rapid response protocol if necessary. For information see the California Department of Justice webpage or use following link: https://oag.ca.gov/sites/all/files/agweb/pdfs/civilrights/AG-Rapid-Response-Team-Protocol-2.pdf
9. Report or ensure any suspected multi-mission extremists crimes are reported to the agency TLO, or assigned designee, and direct the TLO/ designee to send the data to the Joint Regional Information Exchange System.
10. Make a final determination as to whether the incident should be classified as a hate crime.

## Training

All staff, including dispatch, desk personnel, volunteers, records, support staff, officers, supervisors, and managers shall be properly trained on the department's hate crimes policy. The agency will follow all legislatively mandated training requirements.

POST offers training and video courses to assist law enforcement in the identification, investigation, documentation and reporting of hate crimes. These courses provide officers with information and skills necessary to effectively identify, investigate, document and report hate crimes. Various training programs include the history and definitions of hate crimes, recognition of hate groups, international terrorism, legal considerations, victims' considerations, initial response duties, victim interviewing and care, suspect identification and interrogation, evidence identification, report writing, the role of law enforcement, investigative strategies, intelligence collection, supervisory roles, community relations, media relations and local program training development, and other topics such as proper use of computer systems and methods for reporting. POST also maintains an extensive array of training videos on applicable topics such as working with those with mental illness and intellectual disabilities, hate crimes, and working with minority communities.

For more information on POST training opportunities and available videos, visit the POST website at *www.post.ca.gov*. In conjunction with POST training opportunities, trainers may utilize other state and federal agencies that offer training courses, such as the U.S. Department of Justice.

## Planning and Prevention

The general underreporting of hate crimes is an identified issue in California. Underreporting is caused by victims not reporting hate crimes or hate incidents due to a number of factors, including fear of reprisal and the belief that law enforcement will not properly investigate them. A report by the State Auditor in 2018 determined that California law enforcement has not taken adequate action to identify, report and respond to hate crimes. There is also an extreme underreporting of anti-disability and anti-gender hate crimes. The agency's plan to remedy this underreporting *shall be inserted into the policy* (emphasis added).

In order to facilitate the recommendations contained within this policy, it is strongly recommended that agencies build and strengthen relationships with the community, engage in dialogue, and provide education to the community about this policy. Agency personnel are also encouraged to learn about the inherent issues concerning their communities in relation to hate crimes. Assigned personnel should perform the following:

1. Meet with residents in target communities to allay fears; emphasize the agency's concern over this and related incidents; reduce the potential for counter-violence; and provide safety, security, and crime prevention information. Cultural diversity education and immersion programs (if available) could facilitate this process.
2. Provide direct and referral assistance to the victim and his/her family.
3. Conduct public meetings on hate crime threats and violence in general.
4. Establish relationships with formal community-based organizations and leaders.
5. Expand, where appropriate, preventive programs such as hate, bias, and crime reduction seminars for school children.

6. Review the Attorney General's latest opinion on hate crime statistics and targets in order to prepare and plan for future crimes, specifically for Arab/Middle Eastern and Islamic communities.[2]
7. Provide orientation of and with communities of specific targeted victims such as immigrants, Muslims, Arabs, LGBTQ, Black or African-American, Jewish, Sikh, disabled persons, etc.

Hate crimes are not only a crime against the targeted victim(s) but also have impacts on the victim's family and community. Working constructively with segments of this larger community after such crimes is essential to help reduce fears, stem possible retaliation, prevent additional hate crimes, and encourage any other previously victimized individuals to step forward and report such crimes. This is particularly important if an upward trend has been identified in these crimes.

Although hate incidents are not criminal events, they can be indicators of, or precursors to, hate crimes. Most California law enforcement agencies do not track hate incidents. It is recommended that hate incidents be investigated and documented, if directed by policy, as part of the overall planning to prevent hate crime.

Tracking social media is also another identified area to find indicators of, or precursors to, hate crimes. It is recommended that agencies assign personnel to find, evaluate and monitor public social media sources to identify possible suspects in reported hate crimes, or to determine suspects or suspect groups in future hate crimes or hate incidents affecting the identified individuals, groups or communities that may be victimized, and planned hate-based events.

### *Release of Information*

Agencies should have procedure and/or policy on public disclosure of hate crimes. Establishing a relationship with stakeholders, before any incident occurs, to develop a network and protocol for disclosure would assist greatly in any disclosure.

The benefit of public disclosure of hate crime incidents includes:

1. Dissemination of correct information.
2. Assurance to affected communities or groups that the matter is being properly and promptly investigated.
3. The ability to request information regarding the commission of the crime(s) from the victimized community.

Agencies should provide the supervisor, public information officer, or designee with information that can be responsibly reported to the media. When appropriate, the law enforcement media spokesperson should reiterate that the hate crimes will not be tolerated, will be taken seriously, and will be prosecuted to the full extent of the law.

Agencies are encouraged to consider the following when releasing information to the public regarding hate crimes and hate incidents that have been reported within the jurisdiction:

[2]As described in CPC 13519.6(b)(8)

1. Informing community organizations in a timely manner when a community group has been the target of a hate crime.
2. Informing the community of the impact of these crimes on the victim, the victim's family, and the community, and the assistance and compensation available to victims.
3. Informing the community regarding hate crime law and the legal rights of, and the remedies available to, victims of hate crimes.
4. Providing the community with on-going information regarding hate crime and/or hate incidents (if policy requires it).

## Reporting

The agency policy shall require development of a procedure for data collection, documentation, and mandated reporting requirements. The agency shall:

1. Ensure that hate crimes are properly investigated, documented and reported.
2. During documentation, ensure hate crimes are flagged properly to allow for required reporting to the California Department of Justice. This is typically indicated by the title/penal code section identifying the report as a hate crime. Some agencies have added a check box specifically indicating a hate crime that could, if required by the agency policy, require a secondary review by an investigator/detective, supervisor or other identified party. It is the agency executive's responsibility to determine the form of documentation and type of indicators on crime reports.
3. The agency head or their designee (identified in the agency policy) should make a final determination as to whether the incident should be classified as a hate crime by the agency.
4. Agencies shall develop procedures to comply with legally mandated reporting, including the California Department of Justice, pursuant to CPC 13023.

# Checklist for the agency's policy creation

- ☐ Message from the law enforcement's agency's chief executive is included
- ☐ The updated existing policy or newly adopted policy includes the content of the model policy framework from POST.
- ☐ Definition of "hate crime" included from:
    - ☐ CPC 422.55
    - ☐ CPC 422.56
    - ☐ CPC 422.6
- ☐ Title by title specific protocol regarding:
    - ☐ Prevention
        - ☐ Is contact is established with identified persons and/or communities who are likely targets?
        - ☐ Have we formed and/or are we cooperating with hate crime prevention and response networks?
        - ☐ Has a plan for the agency to remedy underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes been created?
    - ☐ Response
        - ☐ Requirement that all hate crimes be properly investigated and supervised
        - ☐ Requirement that any hate crimes committed under the color of authority are investigated
    - ☐ Accessing Assistance
        - ☐ Information provided for activating the Department of Justice hate crime rapid response protocol when necessary
    - ☐ Victim assistance and follow-up
    - ☐ Reporting
        - ☐ Protocol for reporting suspected hate crimes to the Department of Justice per CPC 13023
    - ☐ Training
        - ☐ Has a checklist for first responders been created and provided personnel (see exemplar officer checklist in appendix)
            - ☐ Does the checklist include first responder responsibilities include:
                - ☐ Determining the need for additional resources if necessary?
                - ☐ Referral information for appropriate community and legal services?
                - ☐ The requirement to provide the agency's hate crimes brochure per CPC 422.92?
            - ☐ Information regarding bias motivation from CPC 422.87
            - ☐ Information regarding the general underreporting of hate crimes and the more extreme underreporting of anti-disability and anti-gender hate crimes
- ☐ Definitions of terms used in the policy are listed
- ☐ Specific procedure for transmitting and periodically retransmitting the policy and any related orders to officers is included.
    - ☐ Procedure shall include a simple and immediate way for officers to access the policy in the field when needed
- ☐ Title or titles of the officer or officers responsible for assuring the department has a hate crime brochure (per CPC 422.92) and ensuring that all officers are trained to distribute the brochure to all suspected hate crime victims and all other interested persons.
- ☐ A requirement that all officers be familiar with the policy and carry out the policy at all times unless directed by the law enforcement chief executive or the chief executive's designee.

# APPENDIX

## Definitions and Laws

In accordance with CPC sections 422.55, 422.56, 422.6, and 422.87, for purposes of all other state law unless an explicit provision of law or the context clearly requires a different meaning, the following shall apply:

### *Hate crime*

"Hate crime" means a criminal act committed, in whole or in part, because of one or more of the following actual or perceived characteristics of the victim:

(1) Disability.

(2) Gender.

(3) Nationality.

(4) Race or ethnicity.

(5) Religion.

(6) Sexual orientation.

(7) Association with a person or group with one or more of these actual or perceived characteristics.

(b) "Hate crime" includes, but is not limited to, a violation of Section 422.6.

"Association with a person or group with these actual or perceived characteristics" Includes advocacy for, identification with, or being on the ground owned or rented by, or adjacent to, any of the following: a community center, educational facility, family, individual, office, meeting hall, place of worship, private institution, public agency, library, or other entity, group, or person that has, or is identified with people who have, one or more of those characteristics listed in the definition of "hate crime" under paragraphs 1 to 6, inclusive, of CPC 422.55 subdivision (a).

***Note:*** A "hate crime" need not be motivated by hate but may be motivated by any bias against a protected characteristic.

### *Hate Speech*

The First Amendment to the U.S. Constitution protects most speech, even when it is disagreeable, offensive, or hurtful. The following types of speech are generally not protected: fighting words, true threats, perjury, blackmail, incitement to lawless action, conspiracy and solicitation to commit any crime.

### *Hate incident*

A hate incident is an action or behavior motivated by hate or bias but legally protected by the First Amendment right to freedom of expression. Examples of hate incidents include:

- Name-calling
- Insults and epithets
- Distributing hate material in public places
- Displaying hate material on your own property

### *Bias Motivation*

Bias motivation is a preexisting negative attitude toward actual or perceived characteristics referenced in Section 422.55. Depending on the circumstances of each case, bias motivation may include, but is not limited to, hatred, animosity, resentment, revulsion, contempt, unreasonable fear, paranoia, callousness, thrill-seeking, desire for social dominance, desire for social bonding with those of one's "own kind," or a perception of the vulnerability of the victim due to the victim being perceived as being weak, worthless, or fair game because of a protected characteristic, including, but not limited to, disability or gender.

### *Disability Bias*

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator was motivated by hostility or other bias, occasioned by factors such as, but not limited to, dislike of persons who arouse fear or guilt, a perception that persons with disabilities are inferior and therefore "deserving victims," a fear of persons whose visible traits are perceived as being disturbing to others, or resentment of those who need, demand, or receive alternative educational, physical, or social accommodations.

In recognizing suspected disability-bias hate crimes, officers should consider whether there is any indication that the perpetrator perceived the victim to be vulnerable and, if so, if this perception is grounded, in whole or in part, in anti-disability bias. This includes, but is not limited to, if a perpetrator targets a person with a particular perceived disability while avoiding other vulnerable-appearing persons such as inebriated persons or persons with perceived disabilities different than those of the victim, those circumstances could be evidence that the perpetrator's motivations included bias against persons with the perceived disability of the victim and that the crime must be reported as a suspected hate crime and not a mere crime of opportunity.

### *Disability*

Disability includes mental disability and physical disability as defined in GC 12926, regardless of whether those disabilities are temporary, permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

### *Gender*

Gender means sex and includes a person gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the persons assigned sex at birth. A person's gender identity and gender related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth.

### *In Whole or In Part*

"In whole or in part because of" means that the bias motivation must be a cause in fact of the offense whether or not other causes also exist. When multiple concurrent motives exist, the prohibited bias must be a substantial factor in bringing about the particular result. There is no requirement that the bias be a main factor, or that crime would not have been committed but for the actual or perceived characteristic.

### *Nationality*

Nationality includes citizenship, country of origin, and national origin.

### *Race or Ethnicity*

Race or ethnicity includes ancestry, color, and ethnic background.

### *Religion*

Religion includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism.

### *Sexual orientation*

Sexual orientation means heterosexuality, homosexuality, or bisexuality.

### *Victim*

Victim includes, but is not limited to, a community center, educational facility, entity, family, group, individual, office, meeting hall, person, place of worship, private institution, public

## Statutes and Legal Requirements

Items listed in this section include sections from the California Penal Code (CPC), Welfare and Institutions Code (WI) and Government Code (GC).

### *Definitions*

**CPC 422.55** - Provides general definition of hate crimes in California.

**CPC 422.56**- Provides definitions of terms included in hate crimes statutes.

**GC 12926**- Disability-related definitions applicable to some hate crime statutes.

## Felonies

### *Hate Crimes*

**CPC 422.7** - Commission of a crime for the purpose of interfering with another's exercise of civil rights.

### *Related Crimes*

**CPC 190.2(a)(16)** - Homicide penalties related to certain hate crime related acts.

**CPC 190.03(a)** - Homicide penalties related to certain hate crime related acts.

**CPC 288(b)(2)** - Sexual assault of dependent person by caretaker

**CPC 368(b)** - Dependent adult abuse generally - may apply as disability-related hate crime.

CPC 594.3 - Vandalism of places of worship.

**CPC 11412** - Causing or attempting to cause other to refrain from exercising religion by threat.

**CPC 11413** - Arson or destructive device at place of worship.

## Misdemeanors

### *Hate Crimes*

**CPC 422.6** - Use of force, threats, or destruction of property to interfere with another's exercise of civil rights.

**CPC 422.77** - Violation of civil order (Bane Act) protecting the exercise of civil rights

### *Related Crimes*

**CPC 302** - Disorderly conduct during an assemblage of people gathered for religious worship at a tax-exempt place of worship.

**CPC 538(c)** - Unauthorized insertion of advertisements in newspapers and redistribution to the public.

**CPC 640.2** - Placing handbill, notice of advertisement on a consumer product or product packaged without authorization.

**CPC 11411** - Terrorism of owner or occupant of real property. Placement or display of sign, symbol, or other physical impression without authorization, engagement in pattern of conduct, or burning or desecration of religious symbols.

## Enhancements

**CPC 190.2(a)(16)** - Special circumstances imposing the Death Penalty or Life Without Possibility of Parole, if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 190.3** - Special circumstances imposing LWOP if the victim was intentionally killed because of sexual orientation, gender, or disability.

**CPC 422.75** - Penalty for felony committed because of victim's race, color, religion, nationality, country or origin, ancestry, disability, or sexual orientation shall be enhanced one, two, or three years in prison, if the person acts alone; and two, three, or four years if the person commits the act with another.

**CPC 1170.8** - Enhancement for robbery or assault at a place of worship.

**CPC 1170.85(b)** - Felony assault or battery enhancement due to age or disability.

## Reporting

**CPC 13023**- Requirement for law enforcement agencies to report hate crime data to DOJ.

**WI 15630** – Elder and Dependent Adult Abuse Mandated Reporting (may apply in disability-related hate crimes).

## Training and Policy Requirements

**CPC 422.87** - Hate crimes policy adoption and update requirements (AB 1985, Effective January 1, 2019).

**CPC 13519.6** - Defines hate crime training requirements for peace officers.

**CPC 13519.41** - Training requirements on sexual orientation and gender identity-related hate crimes for peace officers and dispatchers (AB 2504, Effective January 1, 2019).

## Miscellaneous Provisions

**CPC 422.78** - Responsibility for prosecution of stay away order violations.

**CPC 422.86** - Public policy regarding hate crimes.

**CPC 422.89** - Legislative intent regarding violations of civil rights and hate crimes

**CPC 422.92** - Hate crimes victims brochure requirement for law enforcement agencies.

**CPC 422.93** - Protection of victims and witnesses from being reported to immigration authorities.

**GC 6254** - Victim confidentiality.

# HATE CRIME CHECKLIST



## VICTIM

**Victim Type:**

☐ **Individual**
Legal name (Last, First): _____
Other Names used (AKA): _____

☐ **School, business or organization**
Name: _____
Type: _____
*(e.g., non-profit, private, public school)*
Address: _____

☐ **Faith-based organization**
Name: _____
Faith: _____
Address: _____

**Target of Crime (Check all that apply):**

☐ Person ☐ Private property ☐ Public property

☐ Other _____

**Nature of Crime (Check all that apply):**

☐ Bodily injury ☐ Threat of violence

☐ Property damage

☐ Other crime: _____

Property damage - estimated value _____

## BIAS

**Type of Bias**
**(Check all characteristics that apply):**

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
*(e.g., 9/11, holy days)*
☐ Other: _____

Specify disability (be specific):

_____

_____

**Actual or Perceived Bias – Victim's Statement:**

☐ Actual bias [Victim actually has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

*If perceived, explain the circumstances in narrative portion of Report.*

**Reason for Bias:**

**Do you feel you were targeted based on one of these characteristics?**
☐ Yes ☐ No *Explain in narrative portion of Report.*

**Do you know what motivated the suspect to commit this crime?**
☐ Yes ☐ No *Explain in narrative portion of Report.*

**Do you feel you were targeted because you associated yourself with an individual or a group?**
☐ Yes ☐ No *Explain in narrative portion of Report.*

**Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?**
☐ Yes ☐ No *Describe in narrative portion of Report.*

**Are there Indicators the suspect is affiliated with a criminal street gang?**
☐ Yes ☐ No *Describe in narrative portion of Report.*

**Bias Indicators (Check all that apply):**

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

*Describe with exact detail in narrative portion of Report.*

## HISTORY

**Relationship Between Suspect & Victim:**

Suspect known to victim? ☐ Yes ☐ No
Nature of relationship: _____
Length of relationship: _____
*If Yes, describe in narrative portion of Report*

☐ Prior reported incidents with suspect? Total # _____
☐ Prior unreported incidents with suspect? Total # _____
Restraining orders? ☐ Yes ☐ No
*If Yes, describe in narrative portion of Report*
Type of order: _____ Order/Case# _____

## WEAPONS

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____
Weapon(s) booked as evidence? ☐ Yes ☐ No
Automated Firearms System (AFS) Inquiry attached to Report? ☐ Yes ☐ No

# HATE CRIME CHECKLIST

Page _____ of _____

## EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No  Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Total # of photos: _____ D#: _____

Taken by: _____ Serial #: _____

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo ☐ Known to victim

## OBSERVATIONS

| VICTIM | SUSPECT |
|---|---|
| ☐ Tattoos | ☐ Tattoos |
| ☐ Shaking | ☐ Shaking |
| ☐ Unresponsive | ☐ Unresponsive |
| ☐ Crying | ☐ Crying |
| ☐ Scared | ☐ Scared |
| ☐ Angry | ☐ Angry |
| ☐ Fearful | ☐ Fearful |
| ☐ Calm | ☐ Calm |
| ☐ Agitated | ☐ Agitated |
| ☐ Nervous | ☐ Nervous |
| ☐ Threatening | ☐ Threatening |
| ☐ Apologetic | ☐ Apologetic |
| ☐ Other observations: _____ | ☐ Other observations: _____ |

**ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):**

| | | |
|---|---|---|
| Has suspect ever threatened you? | ☐ Yes | ☐ No |
| Has suspect ever harmed you? | ☐ Yes | ☐ No |
| Does suspect possess or have access to a firearm? | ☐ Yes | ☐ No |
| Are you afraid for your safety? | ☐ Yes | ☐ No |
| Do you have any other information that may be helpful? | ☐ Yes | ☐ No |

**Resources offered at scene:** ☐ Yes ☐ No Type: _____

## MEDICAL

| Victim | Suspect | |
|---|---|---|
| ☐ | ☐ | Declined medical treatment |
| ☐ | ☐ | Will seek own medical treatment |
| ☐ | ☐ | Received medical treatment |

Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No

**Paramedics at scene?** ☐ Yes ☐ No Unit # _____

Name(s)/ID #: _____

Hospital: _____

Jail Dispensary: _____

Physician/Doctor: _____

Patient #: _____

| Officer (Name/Rank) | Date |
|---|---|
| | |
| Officer (Name/Rank) | Date |
| | |
| Supervisor Approving (Name/Rank) | Date |
| | |

# Hate Crime Checklist.pdf

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# HATE CRIME CHECKLIST



## VICTIM

**Victim Type:**

☐ **Individual**
Legal name (Last, First): _____
Other Names used (AKA): _____

☐ **School, business or organization**
Name: _____
Type: _____
*(e.g., non-profit, private, public school)*
Address: _____

☐ **Faith-based organization**
Name: _____
Faith: _____
Address: _____

**Target of Crime (Check all that apply):**

☐ Person ☐ Private property ☐ Public property

☐ Other _____

**Nature of Crime (Check all that apply):**

☐ Bodily injury ☐ Threat of violence

☐ Property damage

☐ Other crime: _____

Property damage - estimated value _____

## BIAS

**Type of Bias**
**(Check all characteristics that apply):**

☐ Disability
☐ Gender
☐ Gender identity/expression
☐ Sexual orientation
☐ Race
☐ Ethnicity
☐ Nationality
☐ Religion
☐ Significant day of offense
*(e.g., 9/11, holy days)*
☐ Other: _____

Specify disability (be specific):

_____

_____

**Actual or Perceived Bias – Victim's Statement:**

☐ Actual bias [Victim actually has the indicated characteristic(s)].

☐ Perceived bias [Suspect believed victim had the indicated characteristic(s)].

*If perceived, explain the circumstances in narrative portion of Report.*

**Reason for Bias:**

**Do you feel you were targeted based on one of these characteristics?**
☐ Yes ☐ No *Explain in narrative portion of Report.*

**Do you know what motivated the suspect to commit this crime?**
☐ Yes ☐ No *Explain in narrative portion of Report.*

**Do you feel you were targeted because you associated yourself with an individual or a group?**
☐ Yes ☐ No *Explain in narrative portion of Report.*

**Are there indicators the suspect is affiliated with a Hate Group (i.e., literature/tattoos)?**
☐ Yes ☐ No *Describe in narrative portion of Report.*

**Are there Indicators the suspect is affiliated with a criminal street gang?**
☐ Yes ☐ No *Describe in narrative portion of Report.*

**Bias Indicators (Check all that apply):**

☐ Hate speech ☐ Acts/gestures ☐ Property damage ☐ Symbol used
☐ Written/electronic communication ☐ Graffiti/spray paint ☐ Other: _____

*Describe with exact detail in narrative portion of Report.*

## HISTORY

**Relationship Between Suspect & Victim:**

Suspect known to victim? ☐ Yes ☐ No
Nature of relationship: _____
Length of relationship: _____
*If Yes, describe in narrative portion of Report*

☐ Prior reported incidents with suspect? Total # _____
☐ Prior unreported incidents with suspect? Total # _____
Restraining orders? ☐ Yes ☐ No
*If Yes, describe in narrative portion of Report*
Type of order: _____ Order/Case# _____

## WEAPONS

Weapon(s) used during incident? ☐ Yes ☐ No Type: _____
Weapon(s) booked as evidence? ☐ Yes ☐ No
Automated Firearms System (AFS) Inquiry attached to Report? ☐ Yes ☐ No

# HATE CRIME CHECKLIST

Page _____ of _____

## EVIDENCE

Witnesses present during incident? ☐ Yes ☐ No  Statements taken? ☐ Yes ☐ No

Evidence collected? ☐ Yes ☐ No

Photos taken? ☐ Yes ☐ No

Total # of photos: _____ D#: _____

Taken by: _____ Serial #: _____

Recordings: ☐ Video ☐ Audio ☐ Booked

Suspect identified: ☐ Field ID ☐ By photo ☐ Known to victim

## OBSERVATIONS

| VICTIM | SUSPECT |
|---|---|
| ☐ Tattoos | ☐ Tattoos |
| ☐ Shaking | ☐ Shaking |
| ☐ Unresponsive | ☐ Unresponsive |
| ☐ Crying | ☐ Crying |
| ☐ Scared | ☐ Scared |
| ☐ Angry | ☐ Angry |
| ☐ Fearful | ☐ Fearful |
| ☐ Calm | ☐ Calm |
| ☐ Agitated | ☐ Agitated |
| ☐ Nervous | ☐ Nervous |
| ☐ Threatening | ☐ Threatening |
| ☐ Apologetic | ☐ Apologetic |
| ☐ Other observations: _____ | ☐ Other observations: _____ |

**ADDITIONAL QUESTIONS (Explain all boxes marked "Yes" in narrative portion of report):**

| | | |
|---|---|---|
| Has suspect ever threatened you? | ☐ Yes | ☐ No |
| Has suspect ever harmed you? | ☐ Yes | ☐ No |
| Does suspect possess or have access to a firearm? | ☐ Yes | ☐ No |
| Are you afraid for your safety? | ☐ Yes | ☐ No |
| Do you have any other information that may be helpful? | ☐ Yes | ☐ No |

**Resources offered at scene:** ☐ Yes ☐ No Type: _____

## MEDICAL

| Victim | Suspect | |
|---|---|---|
| ☐ | ☐ | Declined medical treatment |
| ☐ | ☐ | Will seek own medical treatment |
| ☐ | ☐ | Received medical treatment |

Authorization to Release Medical Information, Form 05.03.00, signed? ☐ Yes ☐ No

**Paramedics at scene?** ☐ Yes ☐ No Unit # _____

Name(s)/ID #: _____

Hospital: _____

Jail Dispensary: _____

Physician/Doctor: _____

Patient #: _____

| Officer (Name/Rank) | Date |
|---|---|
| | |
| Officer (Name/Rank) | Date |
| | |
| Supervisor Approving (Name/Rank) | Date |
| | |

# Promotion and Transfer Policy Quick Guide - APPENDIX A_UPDATED Feb 2023.pdf

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*1002 - Promotional and Transfer Policy*

**APPENDIX A**

Quick reference guide for length of special assignment and ancillary duties.

| POSITION | LENGTH OF ASSIGNMENT |
|---|---|
| Captain | 3 years – Chief of Police Discretion |
| Lieutenant – BOI, Community Services Division | 3 years |
| Lieutenant & Sergeant – Professional Standards & Training | 4 years |
| GIU - Sergeant, Corporal, Detective | 4 years |
| GIU - Hi Tech Detective | 6 years - 1 Position |
| SIU - Sergeant, Detective (including K9 handler) | 4 years |
| SIU - Corporal | 2 years |
| Traffic Sergeant, Corporal, Officer | 4 years |
| Traffic - Accident Reconstruction Specialist | 6 years - 1 Position |
| Administrative Sergeant / Chief of Staff - OCOP | 4 years |
| SET - Sergeant, Corporal, Officer | 2 years |
| NRO - Sergeant, Corporal, Officer | 4 years (Sgt) - 3 years (Cpl/Ofc) |
| SWAT, CNT, Tactical Medic (CRU) | Not capped, depending upon performance |
| Administrative Corporal - BFO | 2 years |
| K9 handler *Refer to section 1002.5 | 4 years minimum with up to 6 years total |
| SRO | 4 years |
| | |
| All other Cadres and Ancillary duties | 4 years w/ annual review thereafter |
| | |
| | |
| | |
| | |
| | |
| | |

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*1002 - Promotional and Transfer Policy*

**APPENDIX A**

Quick reference guide for length of special assignment and ancillary duties.

| POSITION | LENGTH OF ASSIGNMENT |
|---|---|
| Captain | 3 years – Chief of Police Discretion |
| Lieutenant – BOI, Community Services Division | 3 years |
| Lieutenant & Sergeant – Professional Standards & Training | 4 years |
| GIU - Sergeant, Corporal, Detective | 4 years |
| GIU - Hi Tech Detective | 6 years - 1 Position |
| SIU - Sergeant, Detective (including K9 handler) | 4 years |
| SIU - Corporal | 2 years |
| Traffic Sergeant, Corporal, Officer | 4 years |
| Traffic - Accident Reconstruction Specialist | 6 years - 1 Position |
| Administrative Sergeant / Chief of Staff - OCOP | 4 years |
| SET - Sergeant, Corporal, Officer | 2 years |
| NRO - Sergeant, Corporal, Officer | 4 years (Sgt) - 3 years (Cpl/Ofc) |
| SWAT, CNT, Tactical Medic (CRU) | Not capped, depending upon performance |
| Administrative Corporal - BFO | 2 years |
| K9 handler *Refer to section 1002.5 | 4 years with up to two,1 year extensions |
| SRO | 4 years |
| | |
| All other Cadres and Ancillary duties | 4 years w/ annual review thereafter |
| | |
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# 2023 Uniform Manual Approved Final_Tracy Police Dept.pdf

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# TRACY POLICE DEPARTMENT




# UNIFORM SPECIFICATIONS MANUAL

## Sekou Millington, Chief of Police

## January 1, 2023

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# CHIEF'S MESSAGE




**Uniformity standards impresses upon the public and amongst our peers an image of unity and conformity. This manual provides the specifications for members of the Tracy Police Department who are required to wear uniforms.**

**These uniform specifications are provided to aid Sworn and Professional Staff when making purchases of new and replacement items. Local uniform suppliers have been provided with these uniform specifications. Sworn and Professional Staff who purchase uniform items from other merchants are responsible for purchasing items that conform to these specifications.**

**The photographs in this manual also demonstrate examples of what uniform and equipment articles are deemed appropriate.**

Sekou Millington

**Sekou Millington**
**Chief of Police**

# UNIFORM LEXIPOL POLICY

This Uniform Manual is established to ensure that Sworn and Professional Staff will be readily identifiable to the public through the proper use and wearing of department uniforms.
Employees should also refer to the following associated policies:

- 700 - Department Owned and Personal Property
- 1012-Body Armor
- 1015 - Commendations and Awards
- 1023 - Personal Appearance Standards
- 1024 - Uniform Specifications
- Attachment A of the Uniform Manual – Medals/Ribbons, Function Pins and Commendation Bars

This uniform specifications manual is maintained and periodically updated by the Chief of Police or his/her designee. This manual should be consulted regarding authorized equipment and uniform specifications.

# SWORN OFFICER UNIFORM

**All sworn staff shall purchase and maintain a full Class A uniform within one year of employment.**

## SWORN CLASS "A" UNIFORM

Sworn Officer Class "A" Uniform includes the following items: Hat (Soft Cap), Jacket, Shirt, black crew neck undershirt, Trousers, Trouser Belt, Tie w/Tie bar, Duty Belt (magazines, firearm, and handcuffs only), Footwear (highly polished or Clorfam), Socks, Badges, Rank Insignia, Medals/Ribbons, Service Stripes, Nameplate and Patches. It is worn to special events to include promotions, ceremonies, and funerals.

## Soft cap:

The Bayly, Inc model soft cap is standard for the Department. The cap is round and has a navy-blue wool sergeupper with a black patent leather-type visor with a high gloss finish. Officers, Corporals and Sergeants will use a silver metallic snake coil strap with the silver buttons. Traffic Officers on motor duty will wear an approved motorcycle helmet. Captains and Lieutenants will use a gold metallic snake coil straps with gold buttons. The Chief of Police will use a police cap strap – Permagold Double 8519 and Army Style visor Permagold #6309.

**Use:** The soft cap is the only hat worn with the **Class "A"** Uniform.

## Soft cap emblem:

The Blackinton model is the example of this emblem. The emblem consists of a shield with the seal of California in bronze color. A spread-winged eagle sits above the shield. Located at the bottom of the shield is a band with the word "POLICE" inscribed in black. The color of the emblem for Officers, Corporals, Sergeants, and Chaplain is silver with appropriate rank title. The color of the emblem for the Lieutenant, Captain and Chief is gold with appropriate rank title.

**Use:** The emblem is worn on the soft cap.

**OFFICER/SERGEANT**



**LIEUTENANT/CAPTAIN**



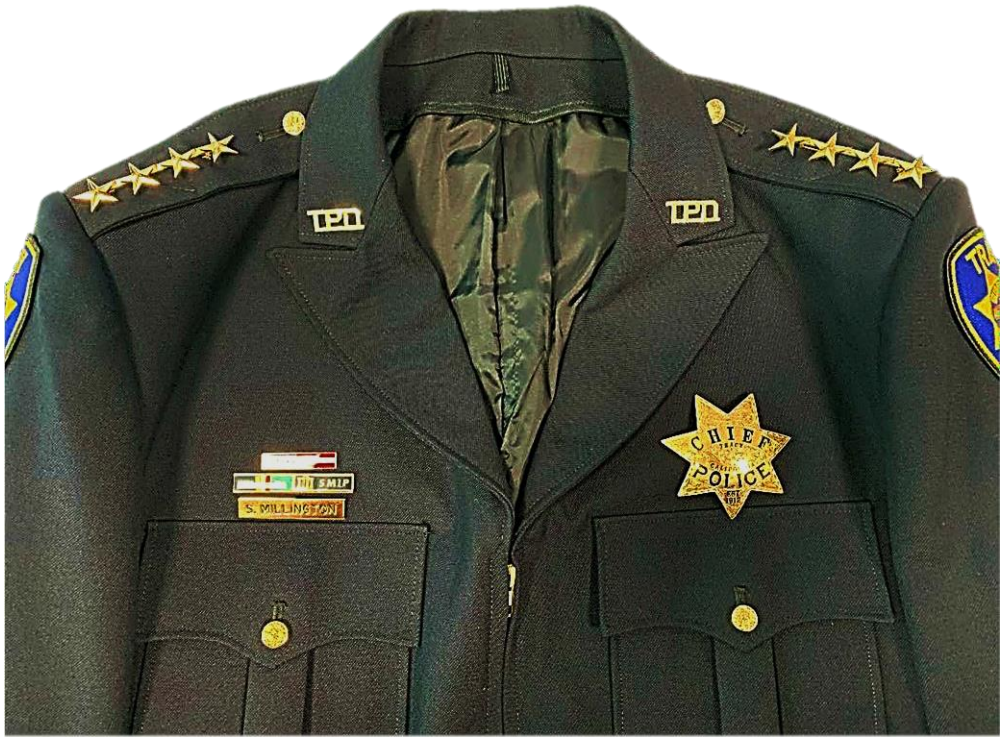

**CHIEF OF POLICE**




## Class “A” Dress (Ike) Jacket

Flying Cross (style 32189), LAPD- dark navy-blue dress (Ike) jacket with TPD patches on both sleeves and appropriate insignias as described in this policy. Traffic officers on motor duty may wear an approved safety jacket. A “T.P.D.” Dress pin shall be placed on the inner collars of the jacket and shall be parallel to the ground. The Lapel Ornament Gilt metal “T.P.D.” letters are 1/2” high and 3/8” wide, attached to each side of the collar lapel, 1/2" from the collar notch to lower collar edge (gold for Command Staff and silver for Officers, Corporals, Sergeants, and Chaplains). The lapel ornament gilt to be worn leveled with badge.

**CHIEF JACKET**




## Rank Insignia on Jacket:

Chevrons for Sergeants are blue outlined with gold on both sleeves. One gold bar on each epaulet for Lieutenants, two gold bars on each epaulet for Captains, one silver cross on each epaulet for Chaplains and four gold stars on each epaulet for the Chief of Police.

## Class "A" Epaulet:

**Lieutenant**……



**Captain**……




**Chief of Police** ……



## Class "A" Shirt:

The Flying Cross #49W8486 L/S (Men's) and 149W8486 L/S (Women's) is the standard of the Class "A" Uniform. The shirts are dark navy-blue long sleeve shirts and are made of 75% Dacron Polyester and 25% Wool with ***non-pleated*** front breast pockets and shoulder epaulets. Patches for Corporal and Sergeant Chevrons are sewn onto both sleeves. Service stripes are sewn onto the left sleeve.

**Use:** The shirt must be neatly tucked into the trousers and cuff and arm buttons will always remain buttoned. The collar will be worn closed, and a tie shall be worn. The sleeves shall not be rolled.

## Undershirt: The undershirt shall be a black crew neck undershirt in good condition without visible designs or logos.

**Use:** A black crewneck undershirt is required with any sworn uniform.

## Class “A” Trousers:

Trousers can be with or without a SAP pocket. The Flying Cross trouser with a SAP pocket is model 47289 (Men’s) and 47289W (Women’s). Without a SAP pocket is 47280-86 (Men's) and 47280W-86 (Women’s) is for the standard of the Class “A” Uniform. The trousers are made of 75% Dacron Polyester and 25% Wool. Plain front with straight side pockets with exposed top and bottom cord. Bottom of leg will be plain and hemmed allowing the front to rest on the shoe without any break. Traffic Officers on motor duty will wear approved motorcycle breeches. No stripes on trousers for any personnel including motors.

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel. The front of the leg shall touch the top of the footwear and the back of the leg should be between 1” and 1 ½” from the ground.

## Trouser Belt:

The traditional Trouser belt is black basket weave leather; 1 ¾” wide, with a plain rectangular one-pronged silver or gold (based on rank) finish buckle to match the badge. The buckle is approximately 2 ½” high by 2” wide.

Members may substitute the “traditional” trouser belt buckle for a custom buckle matching the color (silver/gold) of their badge or shield. The buckle is 3” long and 1 ¾” high, and the letters “TPD” are overlapping and centered on the front.



## Tie and Tie Bar:

There is no specified brand. The tie is a black standard, clip-on or breakaway Dacron, wool, or other quality fabric with a basic conservative knot at the top (Windsor knot). The tie should have a maximum width of 3 ½” and the bottom of tie must be within 1” of top of duty belt. The tie bar shall match color of the badge or shield (silver or gold) and be emblazoned with an enamel version of the department patch. The tie bar is issued to each employee.

**Use:** The tie is required for Class “A” Uniforms. When a tie is worn, a tie bar shall also be worn. The tie bar is worn centered and horizontally aligned with the bottom of the shirt pocket.

## Duty Belt:

Authorized duty belts are black basket weave leather or similar synthetic (no nylon) and with a standard 2 ¼" width. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference examples. All visible hardware (buckle) will be nickel finish for Officers, Corporal, and Sergeants. The hardware for Lieutenants, Captains and the Chief of Police will be gold (brass) finish. All other accessories will have hidden snaps or Velcro closures. Belt and accessories will be highly polished. Unless otherwise announced by Command Staff, the only equipment worn on the belt will be the holster (duty approved), firearm (duty approved), magazine pouch with magazines (duty approved), handcuff case with handcuffs, and keepers (optional for Velcro systems). No duty belt will be worn by the Chaplains.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

## Footwear:

Authorized boots shall be black in color, with smooth rounded toe with seams or stitching optional. Either boots (duty style) or "low-quarter" dress shoes made of full grain, scuff resistant smooth leather or high gloss poromeric (Corfam) material capable of accepting a high gloss polish. The optional dress Oxford shoe, full gloss finish is approved for the Class "A" Uniform.

**Use:** This footwear is required whenever wearing the **Class "A"** Uniform. Non-Corfam footwear shall be highly polished.

## Socks:

Black crew length socks.

**Use:** To be worn with footwear.

## Class "A" Motor Officer Uniform Additions:

Approved safety jacket and long sleeve uniform shirt with standard tie and tie bar during cold weather. No jacket and short sleeve uniform shirt during warm weather.

## Badge:

Ed Jones is the standard of the regulation badge. Any other badge must meet or exceed their standards in all respects. Officers, Corporals, Sergeants, and Reserve Officers will use silver-colored badges. Command Staff will use gold-colored badges (brass). The badge number is inscribed in the center of the badge. The rank of the member is inscribed below the word "POLICE". The Chief of Police has the option of a number or initials centered on a custom badge.



**Use:** The badge must be worn on the outermost garment over the left breast when wearing a uniform. All authorized uniform shirts, sweaters and jackets have badge holders in the appropriate location. The badge must be polished and free from **significant** scratches and blemishes.

## Mourning Band:

The mourning band is a black elastic band or cloth strip 3/8" wide that shall be affixed diagonally in the 2 o'clock to 8 o'clock position. The band will be placed between the points of the star/badge at the 2 o'clock position and over the point at the 8 o'clock position. Professional Staff shall place the mourning band horizontally across the center of the shield.

**Use:** The mourning band is worn upon the line of duty death of an active law enforcement officer and removed after the funeral of the officer.







## Nameplate on Class "A" Jacket:

The standard nameplate brand is Blackinton, model J-1, with a polished finish. Nameplate will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. Nameplates for Officers, Corporals, Sergeants, Chaplains, and Professional Staff are silver. Nameplates for Command Staff are gold (brass) in color. The metal nameplate is 2 ½" wide and ½" tall with initial of first name, period, and full last name in black lettering. The nameplate shall be attached using clutch style pins.

**Use:** The nameplate shall be worn on uniform shirts and Class "A" Dress (Ike) Jacket. The nameplate is centered above the right pocket flap.



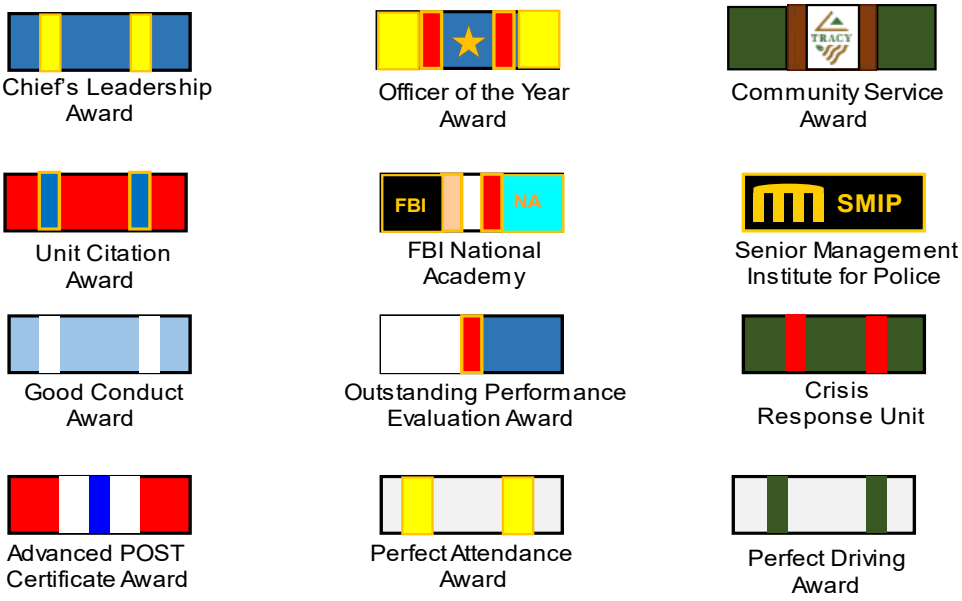



# Department Awards/Special Assignment Pins on Class “A” Jacket:

Tracy PD Lexipol Policy 1015 "Commendations and Awards" details authorized Department Awards/Ribbons and Pins. Department Award pins will be centered over the nameplate with1/8” space. In the event of multiple awards, commendation pins shall be mounted in a slide-bar style holder, positioned from top to bottom in order of ranking (American Flag, Medal of Honor, Medal of Valor, Meritorious Service Medal, Life Saving Award, Chief’s Leadership Award, Officer of the Year, Community Service, Unit Citation, FBI National Academy, POST Command College, Senior Management Institute for Police, FBI LEEDA, Good Conduct, Outstanding Performance Evaluation, Crisis Response Unit, Advanced POST Certificate, Perfect Attendance, Perfect Driving.) with 1/8” spacing between the awards and the nameplate. Special assignment pins are to be silver or gold in color (based on rank) and will be centered over the nameplate or Department Award pins with a 1/8” space. Metals/Ribbons shall also be donned on Class “A” Dress (Ike) Jackets and when wearing long sleeves and tie as a Class A uniform.

Department members who have successfully completed the Senior Management Institute for police (SMIP), the FBI National Academy (FBINA), FBI LEEDA, POST Command College or other courses approved by the Chief of Police, may wear the respective enamel pin. Officers who have received awards from a previous agency may wear the awards if the criterion for issuance meets Department standards.

## Service Bars Order of Precedence




**Shoulder patches on Jacket:**

One TPD (blue and gold) patch centered on each sleeve, ¾" below shoulder seam.

## Service Stripes on Jacket:

Each service stripe designates five years as a full-time peace officer in any accredited municipal police department. The Police Officers Standards and Training (POST) certification or certification by a comparable agency may be accepted as proof of sworn service. Stripes for all ranks are blue outlined with gold; 1 stripe for each 5 years of sworn service as a peace officer.

**Use:** When worn, they must be professionally sewn, and stripes shall be centered on the left sleeve with the bottom of lowest stripe 1" above top of sleeve braid.

## Sleeve Braid on Jacket:

The bottom of the bottom strip for all ranks will be 3" above the cuff. One ½" stripe of gold with blue in the center for Officers, Corporals, Sergeants, and Chaplains. One ½" stripe of all gold braid on each sleeve for Lieutenants. Two ½" stripes of all gold braid on each sleeve with ¼" space between stripes for Captains. Four ½" stripes of all gold braid on each sleeve with ¼" space between stripes for the Chief of Police.

**Use:** Sleeve braid represents officer rank and should be worn accordingly.

**Sleeve Braid on Jacket:**
Officers, Corporals, Sergeants,
and Chaplains



**Sleeve Brain on Jacket:**
Captains



**Sleeve Braid on Jacket:**
Lieutenant



**Sleeve Brain on Jacket:**
Chief of Police



Jackets:

Officers, Corporals, Sergeants, and Chaplains are silver in color with one each on epaulets, pocket flaps and waist tabs. Command Staff and the Chief of Police are gold (brass) in color with one on each epaulet, pocket flaps and waist tabs.

**Command Staff Gold "P" Button**



**Command Staff Gold "P" Button**



## Flag Pin on Jacket:

A metal US flag pin is an authorized option for all uniforms. If worn, it will be centered above the right breast pocket. In the event of a command staff direction for no jacket, the badge, rank insignia, nameplate, department award/special assignment pins and flag pin will be worn on the long sleeve shirt in the same positioning as on the jacket.

**Use:** The pin must be worn above the nameplate, as with department award or special assignment pins. The flag pin shall be worn centered over any combination of the above-mentioned devices or in the upper left position in an award holder.



## Hygiene:

When wearing any class of TPD uniform, Men shall have their hair neatly trimmed or groomed, face clean shaven or beard neatly trimmed. Women shall have their hair neatly groomed.

## SWORN CLASS "B" STANDARD UNIFORM

Sworn Officers **Class "B"** Uniform is the standard uniform for officers daily when performing patrol functions. When the **Class "A"** Uniform is not required the **Class "B"** Uniform can be worn for patrol, to special events such as Tip-a-Cop, Shop with a Cop, National Night Out, etc.

## Baseball Cap:

Black baseball cap "Flexfit" or adjustable with Department Silver Star with rank sewn on the front of the cap. Caps with sections of netlike material are not authorized. Caps for Command Staff will have gold-colored stars and rank. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver or gold to match the patch.

**Use:** To protect the members from inclement weather or overexposure to direct sun. The baseball cap is optional and authorized when wearing **Class "B"** Uniform or utility uniform (**Class "D"**).




## Shirt:

The Flying Cross #49W8486 long sleeve (Men's), 149W8486 long sleeve (Women's), #99R8486 short sleeve (Men's), and #199R8486 short sleeve (Women's) is the standard of the Class "B" Uniform. The shirts are dark navy-blue shirts and are made of 75% Dacron Polyester and 25% Wool with *non-pleated* front breast pockets and shoulder epaulets. Patches for Corporal and Sergeant Chevrons are sewn onto both sleeves. Service stripes are sewn onto the left sleeve.

**Use:** The shirt must be neatly tucked into the trousers, cuffs and arm buttons (long sleeve) will always remain buttoned and not be rolled. The collar will be worn with no more than one buttoned undone.

## Undershirt:

When visible, a black crewneck undershirt shall be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar. “T.P.D.” may be embroidered in ½”, block letters on the left portion of the collar. Embroidery thread shall match color of the badge.

**Use:** A black crewneck undershirt without visible designs or logos is required with any open collared uniform shirt.

## Trousers:

Trousers can be with or without a SAP pocket. The Flying Cross trouser with a SAP pocket is model 47289 (Men’s) and 47289W (Women’s). Without a SAP pocket is 47280-86 (Men's) and 47280W-86 (Women’s) is for the standard of the Class “A” Uniform. The trousers are made of 75% Dacron Polyester and 25% Wool. Plain front with straight side pockets with exposed top and bottom cord. Bottom of leg will be plain and hemmed allowing the front to rest on the shoe without any break. Traffic Officers on motor duty will wear approved motorcycle breeches. No stripes on trousers for any personnel including motors.

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel. The front of the leg shall touch the top of the footwear and the back of the leg should be between 1” and 1 ½” from the ground (boot cut).



## Trouser Belt:

The traditional Trouser belt is black basket weave leather; 1 ¾” wide, with a plain rectangular one-pronged silver or gold finish buckle to match the badge. The buckle is approximately 2 ½” high by 2” wide. A similar nylon (Velcro) trouser belt is also authorized.

## Duty Belt:

Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish for Officers, Corporals, Sergeants, and Professional Staff. Command Staff hardware will be gold (brass) finish. All other accessories will have hidden snaps or Velcro closures. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference examples. Nylon gear is optional, and shall have any loose material (paracord, etc.) secured neatly and the shortest length possible.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

## Duty Jacket:

No specific brand is required; however, it must be similar in quality to a traditional "Duty" or "Tuffy" jacket in either nylon, Gortex, or other weather repellent material. A modern jacket such as First Tactical Softshell jacket may also be worn. Jackets shall be black TPD patches on shoulders, silver cloth badge (centered on left breast) sewn and first initial, period, followed by last name in thread matching the badge color in ½" block letters embroidered centered above the right pocket and parallel to the bottom of the cloth badge/shield. Gold badge for Command Staff, silver badge for all others.

**Use:** The duty jacket is worn at the discretion of the member with either the **Class "B" or "D"** Uniform.




## Rain Wear:

No specific brand is required; however, it must be similar to a Flying Cross DutyGuard rain jacket (#F176230). The jacket shall have TPD patches on both shoulders, and pass- through openings that allow access to the officer's duty belt. A cloth badge and first initial, period, followed by the last name in thread matching the badge color in ½" block letters shall be embroidered directly onto the jacket either above the pockets or, if no pockets, name to be centered onto the left breast and cloth badge to be centered on right breast. If equipped with a badge tab, it shall be on left chest with metal eyelets. The word "POLICE", in silver 3" block letters shall be laminated on the back for Officers and Sergeants. Gold block letters shall be used for Command Staff.

Black rain pants are also authorized. The pants material should be similar in appearance to material the raincoat is made of.

**Use:** Authorized during inclement weather. Rain wear can be of any weatherproof material.

## Rank Insignia on Duty Jacket/Knit Sweater:

Chevrons for Corporals and Sergeants are blue outlined with gold on both sleeves. A gold bar on each epaulet for Lieutenants, two gold bars on each epaulet for Captains, one silver cross on each epaulet for Chaplains and four gold stars on each epaulet for the Chief of Police.

## Footwear:

Black laced boot or shoe with smooth rounded toe with optional seams or stitching capable of accepting a high gloss polish.

Optional: The black boot can also be a modern tactical boot. The boot would be durable made of synthetic leather, canvas, or suede upper material similar to a matte finish.

**Use:** This footwear is required whenever wearing the **Class "B" or "D"** Uniform.

## Socks:

Black crew length socks.

**Use:** To be worn with footwear.

## Badge on Shirt:

All ranks for current department issued badges/shields shall be worn above left pocket.

**Use:** The badge must be worn on the outermost garment over the left breast when wearing a uniform. The badge must be polished and free from scratches and blemishes.

## Nameplate on Shirt:

The standard nameplate brand is Blackinton, model J-1, with a polished finish. Nameplate will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. Nameplates for Officers, Corporals, Sergeants, Professional Staff, VIPS and Chaplains, are silver. Nameplates for Command Staff are gold (brass) in color. The metal nameplate is 2 ½" wide and ½" tall with initial of first name, period, and full last name in black lettering.




**Use:** The nameplate is worn on uniform shirts. The nameplate is ***centered*** above the right pocket flap.

## Department Awards/Special Assignment Pins on Shirt:

Department Award pins will be centered over the nameplate with 1/8" space. In the event of multiple awards, pins will be positioned from top to bottom in order of ranking (Medal of Honor, Medal of Valor, Meritorious Service Medal, Life Saving Award, Unit Citation) with 1/8" spacing. If more than two awards are worn, they shall be in a device designed to hold multiple awards. Special assignment pins will be centered over the nameplate or Department Award pins with a 1/8" space (no more than one special assignment pin shall be worn. Metal for awards devices and special assignment pins shall be silver for officers, sergeants and professional staff, gold for command staff.

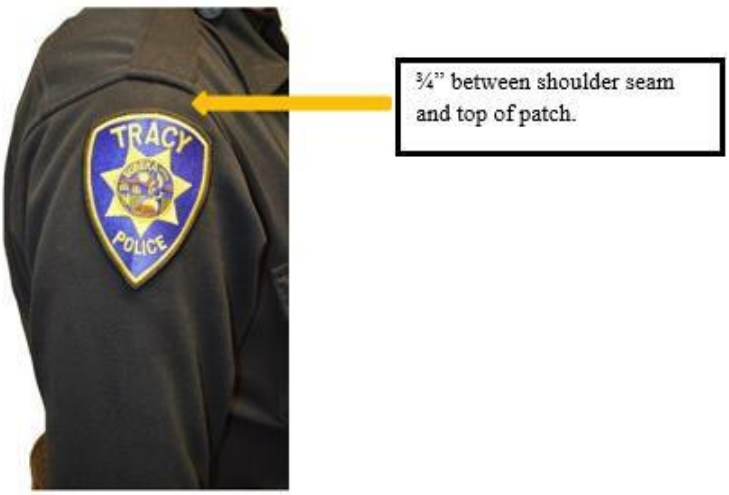



## Shoulder patches and Service Stripes:

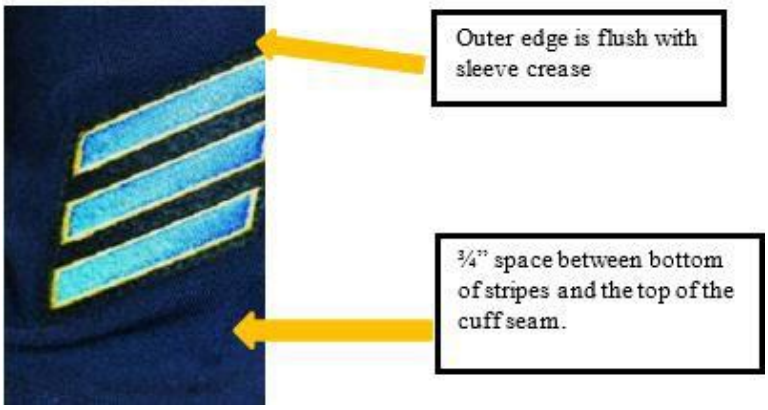
One TPD (blue and gold) patch centered on each sleeve, ¾" below shoulder seam. Service stripes shall be worn on long sleeve shirts, duty jackets and **Class "A"** jackets. Each service stripe designates five years as a full-time peace officer in any accredited municipal police department. POST certification or certification by a comparable agency may be accepted as proof of sworn service. Stripes for all ranks are blue outlined with gold; 1 stripe for each 5 years of sworn service as a peace officer. Service stripes will not be worn on knit sweaters.

**Use:** When worn, they must be professionally sewn, and stripes shall be centered on the left sleeve with the bottom of lowest stripe 1" above top of sleeve cuff.

**TPD Patch**



**Service Stripes**



# LOAD BEARING VEST CARRIER (SWORN):




*Standard Carrier*






*Optional Carrier*

Sworn staff who are assigned to wear a duty belt may wear a load bearing vest carrier, provided at their own cost. Lieutenants assigned to the Watch Commander position in BFO are authorized to wear the load bearing vest carrier. If worn, it shall conform to the following standards:

- Brand: Point Blank
- Color: Dark Navy Blue
- The department member's assigned metal badge or rank appropriate cloth badge may be worn on the upper left side of the load bearing vest.
- A non-reflective name tag shall be worn on the upper right side of the load bearing vest
- The employee's first initial and last name shall be on the name tag in white or gray with block lettering.
- The back of then vest shall have a patch bearing "POLICE" with white or gray 4" block letters.




- Pouches must be dark navy blue, ballistic cloth, with no visible manufacturer logos
    - Set up of the pouches and inspection to ensure proper set up (secured properly, mandatory carry items, damaged pouches, etc.) to be done prior to the member wearing the vest carrier for the first time, and then on a regular basis by a member of the DTAC Cadre.

## EQUIPMENT TO BE CARRIED ON THE VEST CARRIER- MANDATORY:

All *required* equipment that is not carried on the members belt or in a leg holster, must be carried on the load bearing vest carrier.

## EQUIPMENT CARRIED ON THE VEST CARRIER- OPTIONAL:

The following optional equipment maybe worn on the load bearing vest carrier:

- Collapsible Baton
- Radio
- OC Spray
- Knife/Multi-Tools
- Flashlight
- Keys—worn so they are secured tightly to the vest.
- PPE Pouch
- Body Worn Camera

While it is recommended the radio be carried on the duty belt, officers or Professional Staff may carry the radio on the vest.

## TASER:

For Sworn staff, the wearing of the Taser will be done in accordance with Tracy Police Department Policy 304 *Conducted Energy Devices*. The Taser may be worn on the duty belt or load-bearing vest on the support (non-dominant) side, or in a thigh holster on the support side, in a manner approved by the DTAC Cadre, and must be available to be drawn with the support hand.

Knives, Multi-Tools, and flashlights shall be carried in a pouch, **NOT** hanging off a pouch.

## HANDGUN / HOLSTER:

Handguns shall be carried on the duty belt in accordance with the Tracy Police Department Uniform Regulations Manual, Tracy Police Department Policy 306 *Firearms.*

## UNIFORMS:

Sworn or Professional Staff wearing the load-bearing vest will wear the following uniform:

- Dark Navy Blue Blauer brand Polyester Armorskin Base Shirt model 8372 (Men's short sleeve), 8372W (Women's short sleeve), 8371 (Men's long sleeve), 8371W (Women's long sleeve, 8373 (Men's long sleeve) lined, unisex with TPD patches and rank insignia on both shoulders, OR
- Dark Navy-Blue Class "B" Uniform shirt, as specified in the uniform manual.
- Dark Navy-Blue Class "B" Uniform pants, as specified in the uniform manual.
- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).
  *Professional Staff who wear French Blue shall wear a regular uniform shirt.
  **The shirt shall bear no visible name tag or badge.

- Lieutenants assigned to the Watch Commander position in BFO: Dark Navy Blue Blauer

brand SS Polyester Armorskin Base Shirt model 8372 and 8372W, (long sleeve or short sleeve) with TPD patches on both shoulders, embroidered rank insignia on collar of shirt and gold TPD embroidered 7-point star with "Lieutenant" in the middle of the badge on the left breast area. Lieutenants assigned to the Watch Commander positions shall have their first initial, period, and last name directly embroidered onto shirt, centered above right front breast in ½" block letters in thread matching the badge.

The uniform worn with the load bearing vest is subject to change at the discretion of the Chief of Police.

## Flag Pin on Shirts:

A metal US flag pin is an authorized option for all uniforms. If worn, it will be centered above the name plate above the right pocket with the bottom of the pin parallel to the name plate.

**Use:** The pin must be worn above the name plate, as with department award or special assignment pins. The flag pin shall be worn centered above any combination of the above-mentioned devices. See Attachment A for pin authorization and placement description.



## Rank Insignia on Shirts:

Chevrons for Corporals and Sergeants are blue outlined with gold on both sleeves. One gold bar centered on each collar and parallel to the bottom of the collar for Lieutenants, two gold bars centered on each collar and parallel to the bottom of the collar for Captains, one silver cross on tip of each collar for Chaplains and four gold stars on tip of each collar parallel to the bottom side of the collar for the Chief of Police

Corporals




Sergeant

***Note: Both patch and stripes are centered on outside crease.***

The insignia is 3” wide and 3 ½” from top point to bottom point, blue stripes with yellow outline and a black background. Chevrons are worn on uniform shirt, sweater, and duty jacket.

**Lieutenant**




**Captain**




**Chief of Police**



# SWORN CLASS "C" UNIFORM (SUMMER UNIFORM)

Sworn Officer **Class "C"** Uniform is the optional summer uniform during the months of May through mid-October.

## Baseball Cap:

Same as Sworn **Class "B"** Uniform.

**Use:** The baseball cap is optional and authorized when wearing **Class "B"** Uniform, **Class "C"** Uniform or utility uniform (**Class "D"**).

## Polo Shirt:

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). Long Sleeve style F5357 (Women's), style F5315 (Men's).
- Class "B" Uniform shirt, as specified in the uniform manual, and
- Dark Navy-Blue Class "B" Uniform pants, as specified in the uniform manual.

For sworn members an embroidered 7-point star with the unit in the middle of the badge on the left breast area. Unit names such as "GIU", "SWAT," "RANGE," "TRAFFIC," "CNT," "DTAC", "PS&T" are examples of authorized unit titles for the purpose of this uniform. The badge will be embroidered or sewn on the left breast area. For Sworn members the first initial, period, and last name directly embroidered onto shirt, centered above right front breast in ½" block letters in thread matching the badge. The Polo shall be worn with a black crew neck T- shirt. A Polo can be purchased in short sleeve or long sleeve. A long sleeve under shirt shall not be worn underneath a short sleeve Polo. The shirt will be tucked in at all times.

**Use:** Black crew collar undershirt shall be worn with **Class "C"** Uniform.

## Shorts:

No specific brand is required; however, it must be similar in quality to Flying Cross brand style 49330 (Men) or 49330WT (Women) or Olympic, F/C or Tact squad. LAPD or dark blue, hemmed a maximum 2" above the knee, 65% polyester and 35% Rayon.

## Duty Belt:

Same as Sworn **Class "B"** Uniform.

## Shorts Belt:

Same as Sworn **Class "B"** Uniform.

**Use:** The shorts are worn as part of the **Class "C"** Uniform and is authorized in the months of May through mid-October.

## Socks:

Black crew length socks.

**Use:** To be worn with footwear.

## Footwear:

Black athletic shoes. No trim or logo of a different color. No specifications.

**Use:** Black athletic shoes are authorized with black socks.

## Badge on Shirt:

All ranks, cloth badge shall be sewn to front of shirt, centered above the left front breast. Gold badge for Command Staff, silver for all other ranks.

**Use:** Properly identifies TPD members by rank.

## Department Awards/Special Assignment Pins on Shirt:

No department awards/special assignment pins shall be worn with the summer uniform.

## Shoulder patches:

One TPD (blue and gold) patch centered on each sleeve, ¾" below shoulder seam.

## SWORN CLASS "D" BDU UNIFORM

The **Class "D"** Uniform is the standard uniform for members on training days, the daily uniform for K-9 handlers, and the uniform of the day in inclement weather, as authorized by the supervisor.

### Baseball Cap or Watch Cap:

Black baseball cap "Flexfit" or adjustable with TPD Silver Star with rank sewn on the front of the cap. Caps with sections of netlike material are not authorized. Caps for Command Staff will have gold-colored stars and rank. It is optional to have the last name of the member inscribed on the back of the fitted cap in block letters and color to match star.

**Use:** Watch cap or baseball cap are optional wear for this uniform at supervisor's discretion.

### Shirt:

- 5.11 Stryke- Dark Navy Blue (724) S/S style 71354 (Men's), style 61325 (Women's); L/S style 72399 (Men's), 62404 (Women's).
- First Tactical V2 Tactical- Midnight Navy S/S- style 122007 (Women's), style 112007 (Men's) L/S- style 121006 (Women's), style 111008 (Men's).

TPD patches on both sleeves, and appropriate insignia. Cloth badge sewn above left front breast pocket. First initial, period, followed by last name directly embroidered onto shirt, centered above right front breast pocket, in ½" block letters, thread to match color of cloth badge. K9 officers will have "K9" embroidered 1/8" above and centered over the name, in ½" letters the same color of the cloth badge. No service stripes on Shirt.

**Use:** Black crewneck undershirt to be worn. Turtleneck or mock turtleneck are optional, and to be worn only with long sleeve shirt and open collar.



## Trousers:

- 5.11 Stryke- Dark Navy Blue (724) style 74369 (Men's), style 64386 (Women's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

Trousers are non-bloused, blue utility pants with plain front and cargo pockets on the back side and the legs. The pant will have no break.

## Trouser Belt:

Same as Sworn **Class "B"** Uniform.

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

## SWORN CLASS "E" UNIFORM (POLO SHIRT)

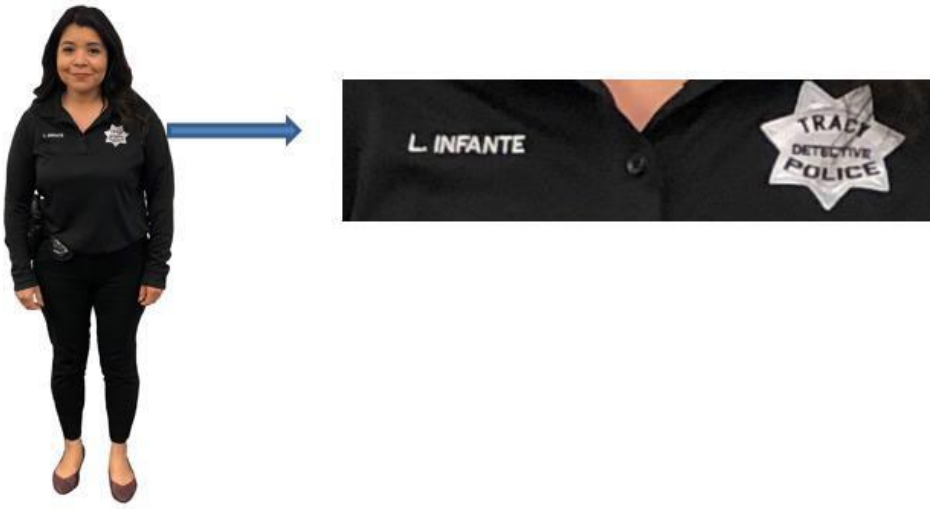
Personnel may wear their designated color Polo shirt with the designated BDU color pant for the specific unit on days directed by the supervisor. This is not intended to replace the **Class "B" or Class "D"** Uniform and is meant to be worn at late night, weekend callouts, during special training or operation days. It can be worn in lieu of civilian attire on holidays, or at out- of-town training, where Sworn or Professional Staff needs to present a uniform appearance.

## Polo Shirt:

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable.
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). Long Sleeve style F5357 (Women's), style F5315 (Men's).

For Sworn members an embroidered 7-point star with the unit in the middle of the badge on the left breast area. Unit identifier such as "DETECTIVE", "SWAT," "RANGE," "TRAFFIC," "CNT," "DTAC, OFFICER," etc. are examples of authorized titles for the purpose of this uniform. The badge will be embroidered or sewn on the left breast area. For Sworn members the first initial, period, and last name directly embroidered onto shirt, centered above right front breast in ½"

block letters in thread matching the badge. The Polo shall be worn with a black crew neck T-shirt. A Polo can be purchased in short sleeve or long sleeve. A long sleeve under shirt shall not be worn underneath a short sleeve Polo.




## Trousers:

- Dark Navy Blue 5.11 Apex style 64446 (Women's), style 74434 (Men's).
- First Tactical V2, 124011 (Women's), style 114011 (Men's).

Trousers are non-bloused, utility pants with plain front and cargo pockets on the back side and the legs. Color of pants may be designated by the unit/cadre supervisor and shall be the same for the entire unit.

## Trousers Belt:

Same as Sworn **Class "B"** Uniform.

## Color Specifications:

All members of the unit who choose to wear this uniform shall wear the same color of Polo and BDU pants and can be designated by the supervisor of the unit. These are the designated colors for the following units:

- Command Staff: Navy Blue Polo shirt and Khaki pants
- Professional Standards and Training: Navy Blue Polo shirt and Khaki pants
- General Investigations Unit: Black Polo shirt and Khaki pants
- CNT (Sworn and Professional Staff): Black Polo shirt and Khaki pants
- Range Cadre: Red Polo shirt and Black pants
- DTAC Cadre: Charcoal Grey Polo shirt and Black pants
- SWAT: Navy Blue Polo shirt and Grey Pants
- All others: Navy Blue Polo shirt and Khaki pants

## Field Operations Unit (Patrol):

Black Polo shirt with **Class "D"** Uniform pants. If attending outside Training jeans in good repair may be worn. *This uniform is optional and purchase of it is not mandatory.*

**Use:** To give the appearance of uniformity among units.

## Department Awards/Special Assignment Pins on Shirt:

No department awards/special assignment pins will be worn with the **Class "E**" Uniform

# BIKE PATROL UNIFORM

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.






## Shirt:

No specific brand is required; however, it must be similar in quality to 5.11 Tactical Performance or Propper Polo. For sworn members an embroidered 7-point star with the unit in the middle of the badge on the left breast area. The badge will be embroidered or sewn on the left breast area. For Sworn members the first initial, period, and last name directly embroidered onto shirt, centered above right front breast in ½" block letters in thread matching the badge. The Polo shall be worn with a black crew neck T-shirt. A Polo can be purchased in short sleeve or long sleeve. A long sleeve under shirt shall not be worn underneath a short sleeve Polo. POLICE in 3" silver block letters shall be on the back of the polo shirt across the shoulders, unless user is wearing a department authorized outer carrier vest.

**Use:** Black crewneck undershirt to be worn with shirt.

## Shorts:

No specific brand is required; however, it must be similar in quality to 5.11 Uniform shorts. Shorts must be dark navy in color. Cargo pockets shall be straight and rectangular. Long Pants:

No specific brand is required; however, it must be similar in quality to 5.11 BDU pants, LAPD, or dark navy in color.

**Use:** During cold or inclement weather **Class "D"** Uniform is authorized.

## Shorts Belt:

Same as Sworn **Class "B"** Uniform.

## Duty Belt:

Same as Sworn **Class "B"** Uniform.

## Helmet:

Black cycling helmet issued by the Department, or similar model if personally owned. “POLICE” stenciling is required.

**Use:** Worn for the safety and identification of Officers.

## Socks:

Black crew length socks.

**Use:** To be worn with footwear.

## Footwear:

Black athletic type or a type designed for bicycle riding.

**Use:** This footwear is required whenever wearing the “Bicycle” Patrol Uniform.

# MOTOR OFFICER

CLASS "B" UNIFORM FOR MOTOR OFFICER

## Helmet:

Shark (brand) Evo one 2 (model) or LS2 (brand) Valliant 2 (model) black and white helmet. The helmet will have badge affixed to the front center of the helmet, above the forehead. TPD helmet badge will be affixed to the front center.



## Shirt:

The Traffic Safety Unit also has the option of wearing a long or short sleeve Polo shirt, similar to dark navy Blauer 8160 Performance Polo, with their department issued metal badge and name tag, TPD patches on both sleeves, and appropriate insignias as described in this policy are required.

- Dark Navy Blue Blauer brand Polyester Armorskin Base Shirt model 8372 (Men's short sleeve), 8372W (Women's short sleeve), 8371 (Men's long sleeve), 8371W (Women's long sleeve), 8373 (Men's long sleeve) lined, unisex with TPD patches and rank insignia on both shoulders, OR
- Dark Navy Blue Blauer brand Polyester Armorskin Base Shirt model 8160 (short sleeve), 8165 (long sleeve).
- Dark Navy-Blue Class "B" Uniform shirt, as specified in this manual.

**Use:** Black crew neck to be worn with shirt.



## Duty Jacket:




Motoport Air Mesh Jacket with aero-tex liner. Navy blue with 1.5" black reflective stripe across back. TPD patches on both sleeves, Velcro name tape with first initial and last name above right pocket and cloth badge on left chest, and sergeant and corporal stripes in the same manner as the Duty Jacket.

**Use:** The duty jacket is worn at the discretion of the member.

## Trousers (Breeches):

Motorport Kevlar Breeches (Uniform Blue). The breeches will be "over the boot" with Zip/ Velcro cuffs, 1.5" black reflective stripe on lower leg, removable Motorport aero-tex inner liner for cold weather, optional Motoport hip pad

## Duty Belt:

Same as Sworn Class "B" Uniform.

## Trouser Belt:

Same as Sworn Class "B" Uniform.

## Footwear:

Boots approved for the Class "A", "B", or "D" Uniform are acceptable so long as they cover the ankle. An 8" minimum height is recommended.

### Tie/Tie Bar:

Same specifications as Class "A" and "B" specifications (optional).

## CLASS "D" UNIFORM FOR MOTOR OFFICER

The department approved Class "D" Uniform may be worn during training sessions, periods of inclement weather, or during specialized duty assignments (commercial enforcement, vehicle inspections, etc.) which have condition here Class "B" Uniform would not be practical. Pants shall be bloused for safety.



# Honor Guard Uniform

The dress uniform is worn by the members of the Honor Guard detail. It consists of a hat, Marlo White dress coat with white shoulder braid on the right shoulder white gloves, Marlo White Uniform trousers with one inch silver braid, black high-gloss footwear and duty belt with pistol and holster.

## Hat:

Stratton brand midnight blue hat. Campaign style/F-40 felt. Silver cords with silver acorns, and 3-piece, black patent leather strap. Use department issued hat badge.

Dress Coat:

Marlo White coat with silver piping. The coat will be adorned on the collar with two 1 ¼" replica department badges with "HG" in the center.

Use: The coat must be neatly pressed; all buttons will be buttoned at all times.

## gloves:

white gloves; leather or cotton.

**Use:** Worn over black undershirt.

## Trousers:

Marlo White, 100% wool, with 1" silver braid from top of pocket to bottom of cuff.

## Trouser Belt:

Same as Sworn **Class "A"** Uniform.

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

## Duty Belt:

Sam Browne brand, Safariland 4 Row Stitch Sam Browne Belt type with silver (nickel finish) buckle. Safariland brand belt with high gloss black, not basket weave. Holster and four (4) keepers to match high gloss belt

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

## Footwear:

Bates brand or similar high gloss (Corfam), low quarter shoes.

**Use:** Worn with black dress socks.

## Sunglasses:

Oakley:  Ejector model, matte black with prism black polarized lenses.

**Use:** To protect the vision of members when exposed to the UV rays of the sun.

## Shoulder Cords:

N/2121B-RWhite, white shoulder braid, with button loop. Worn on the right shoulder.

**Use:** Can be purchased online at Leon Uniform:
http://www.leonuniform.com/shouldercord.htm

## Nameplate:

Blackinton is the standard of the regulation nameplate. Plate shall be silver in color to match badge and will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and 5/8" tall with initial of first name, period, and full last name in black letters.

## Honor Guard Pin:

Blackinton is the standard of the regulation honor guard pin. The Blackinton Commendation Bar A9924-C, is white/rhodium, and inscribed with "Honor Guard." The pin to be worn centered and above the nameplate.

**Use:** Can be purchased online at EPoliceSupply.com



# OPTIONAL AUTHORIZED EQUIPMENT SWORN

## Eyewear:

Any lenses, frames, or straps worn while in uniform should be primarily to enhance vision and be practical during patrol operations and physical exertion. Eccentric colors and shapes that detract from a professional appearance while in uniform are not authorized.

**Use:** When necessary to perform work-related task. Straps should be plain blue or black in color.

## Headband/Ear Warmers:

Solid black headbands/ear warmers are optional. They can be of any thermal, fleece, microfleece, or similar material. Headband to be worn no lower than the eyebrows and fit snugly on the head.

**Use:** Earmuffs and crochet style headbands are not authorized. Headbands/ear warmers authorized during inclement weather or at supervisors' discretion.

## Gloves:

Black unlined, unweighted gloves that fit the hand snugly so that all safety equipment items can be used are authorized.

**Use:** During inclement weather.

## Dickey, Turtleneck, & Mock Turtleneck:

All three articles must be black and plain-woven. The dickey and turtleneck collars must be no more than 5" wide. The mock turtleneck collar must be no more than 2" wide. No visible printing is permitted.

**Use:** All three articles are allowed when wearing the long sleeve shirt or utility uniform. They are *not* authorized when the Class "A" Uniform is required or when wearing a short sleeve shirt.

## Knife:

Authorized knives must have a folding blade less than 5" long and fit snugly into a holder if worn on the duty belt. Knives may be carried on the uniform trouser pockets.

**Use:** Knife holders on the duty belt must match the other equipment holders.

## Earpieces:

Earpieces are authorized for use when in uniform.

**Use:** The earpiece is worn when using Department radios and telephones. The earpiece wire is a potential safety hazard and should be secured under the clothing and as close to the neck as possible. The earpiece and wire must be neutral or dark tinted.

# SWAT UNIFORM

The SWAT Uniform is authorized for SWAT members, Tactical Medics, and Commander(s)only during SWAT operations, SWAT training, and other events as authorized by the Crisis Response Unit (CRU) Commander(s).

## Uniform Shirt:

The Crye G3 brand LAC Combat shirt #5124 is the standard SWAT Uniform shirt.

- One (1) subdued United States of America flag will be attached with Velcro onto the left shoulder.
- One (1) subdued TPD SWAT patch will be attached with Velcro onto the left shoulder, directly below the USA flag patch.
- One (1) subdued TPD SWAT patch will be attached with Velcro onto the right shoulder. This will include the Tactical Medics.

## Trousers:

The Crye G3 brand LAC Combat pant #5124 is the standard SWAT Uniform pant. As with other equipment, replacement will be considered ono an as-needed basis.

## Trouser Belt:

No specific brand is required; however, it must be similar in quality to 5.11, 1 ¾" wide, trouser belt black, Camo or OD green to match SWAT Uniform.

**Use:** The standard SWAT Tactical Uniform is navy blue. The Tactical Commanders may authorize snipers and observers to utilize alternate uniforms to meet the environmental needs of an operation. While participating in training with the entry team, snipers and observers will wear the standard navy-blue uniform. The shirt will be neatly tucked inside the trousers.

## Hats:

1. A black baseball-style cap with one (1) silver Tracy Police 2 ½" SWAT patch sewn or embroidered onto the center of the front crown. The patch will be embroidered with "SWAT" instead of "POLICE." Inscribing the last name in block letters on the back of fitted cap is optional.

The stitching shall be silver to match patch. The other specifications of the SWAT cap will be identical to the **Class "B"** baseball cap.

2. A black "Boonie" style hat with optional one (1) Tracy Police 2 ½" or SWAT patch sewn to the center of the front.

3. A black knit cap with optional one (1) Tracy Police 2 ½" SWAT patch sewn on.

**Use:** The wearing of a hat is optional. Only the three (3) hats listed above are authorized.

## Tactical/Entry Vest:

SWAT Team members shall only utilize ***department issued*** tactical vests and carriers, to include the NIJ .06 Level III SA ballistic plates.

Names, "POLICE" identifiers, and cloth police patches will be attached with Velcro on the front. The SWAT vest will also have name, and "POLICE" identifiers on the back also attached with Velcro. One (1) silver 3" subdued Tracy Police SWAT badge will be attached with Velcro on the front left side of the vest.

**Use:** The vest along with identifying patches shall be worn during any type of tactical operation and tactical training for safety and identification.

## SWAT SPECIAL EVENT/TRAINING UNIFORM:

### Polo Shirt:

Navy blue First Tactical brand Polo model number (112509) with one (1) silver subdued 3" Tracy Police SWAT badge sewn on the left side of the chest. The member's first initial and last name in block letters (example: J. DOE) will be embroidered in silver or gold ½" block letters on the right side of the chest to match badge.

### Trousers:

Grey 5.11 brand Stryker pant.

### Trouser Belt:

Same as Sworn **Class "B"** Uniform.

**Use:** The SWAT training uniform will be worn by members who are presenting training to civilians, outside businesses, or Officers from TPD or another agency.

### Socks:

Black crew length socks.

**Use:** To be worn with footwear

### Shoes:

Black hiking or tactical *boots* are the only authorized footwear.
**Use:** Athletic shoes, even high-top ones, are not authorized.

## SWAT COLD WEATHER SWEATSHIRT:

The SWAT cold weather sweatshirt shall be black with white silkscreen print. The back of the sweatshirt shall have “POLICE” in 2 ½” block letters. Both sleeves of the sweatshirt shall have “POLICE” down each sleeve along with a Tracy Police SWAT patch matching the authorized SWAT patch worn on the tactical uniform. The front of the sweatshirt shall have the 3” subdued Tracy Police SWAT badge sewn on the left side of the chest.

**Use:** SWAT officers are allowed to wear a black performance style hooded sweatshirts during cold weather tactical training and tactical operations.

# PROFESSIONAL STAFF UNIFORM

## ALL PROFESSIONAL STAFF (CLASS "A") UNIFORM

The Class "A" Uniform is optional. The Class "A" Uniform for Professional Staff is to be purchased at one's own expense or purchased through the uniform allowance. Tracy PD will purchase a shield for those who purchase a Class "A" Uniform. Please contact the Office of the Chief of Police Executive Assistant for ordering specifications.

The Professional Staff Class "A" Uniform is to be worn for formal events such as funerals, swearing in ceremonies, department issued photographs to name a few. If you elect to not purchase a Class "A" Uniform, please review attire for Professional Staff at Formal Events.

### Class "A" Shirt:

TPD patches on both sleeves and appropriate insignias as described in this policy.

The Flying Cross #252R66 short sleeve (Women's), #202W66 long sleeve (Women's); Men's styles 95R66 short sleeve and 45W66 long sleeve are the standard of the Class "B" Uniform. The shirts are French Blue with ***pleated*** front breast pockets and shoulder epaulets. Department patches for are sewn onto both sleeves. Service stripes are sewn onto the left sleeve.

**Use:** The shirt must be neatly tucked into the trousers and cuffs will remain buttoned at all times. The collar will be worn closed, and a tie shall be worn.

### Undershirt:

A navy-blue crewneck undershirt shall be worn with French Blue uniform shirts.

### Nameplate on Shirt:

The standard nameplate brand is Blackinton, model J-1, silver in color, with a polished finish. The nameplate will be worn centered above the right pocket flap. The bottom of the nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and ½" tall with the following inscribed: Initial of first name, period, and full last name in black lettering.

### Shields:

Ed Jones is the standard of the regulation shields; Professional Staff shall wear the Ed Jones EJ 792C metal shield. When in uniform, supervisors and managers shall wear the Ed Jones EJ 792 C metal shield with "Supervisor" or "Manager" inscribed. Shield number shall coincide with members designated unit assignment. Any other shield must meet or exceed their standards in all respects. The shield number is inscribed on the bottom center of the shield and corresponds with the member's unit assignment.

## Professional Staff Unit Supervisor shield and insignia:

The Professional Staff Unit Supervisor's shield will have the word "Supervisor" incorporated on to it, and a "Supervisor" rocker patch centered and sewn above each shoulder patch.

Crime Prevention Specialist: 1-9
Code Enforcement: 10, 11, 12…
(Includes Parking Interns)
Office of the Chief: 400 Series
Crime Scene Unit: 500 Series
Community Services: 600 Series
Animal Services: 700 Series
Records Unit: 800 Series
Dispatch Supervisors: 900 Series




## Police Support Services Bureau Manager badge and insignia:

The Police Support Services Bureau Managers' badge and nameplate will be identical to that of Sworn Command Staff in gold (brass).

## Trousers:

Trousers can be with or without a SAP pocket. The Flying Cross trouser with a SAP pocket is model 47289 (Men's) and 47289W (Women's). Without a SAP pocket is 47280-86 (Men's) and 47280W-86 (Women's) is for the standard of the Class "A" Uniform. The trousers are made of 75% Dacron Polyester and 25% Wool. Plain front with straight side pockets with exposed top and bottom cord. Bottom of leg will be plain and hemmed allowing the front to rest on the shoe without any break. The front of the leg should touch the top of the footwear and the back of the leg should be between 1" and 1 ½" from the ground.

## Trouser Belt:

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield. The Police Support Services Bureau Managers' hardware will be gold (brass).

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

## Tie and Tie Bar:

There is no specific brand. The tie is a black standard, clip-on or break-away Dacron, wool, or other

quality fabric with a basic conservative knot at the top (Windsor knot). The tie should have a maximum width of 3 ½" and the bottom of tie must be within 1" from the top of the duty belt. When a tie is worn, a tie bar may also be worn. The tie bar shall match the color of the badge (silver or gold).

**Use:** The standard tie bar is worn centered and horizontally aligned on the tie between the third and fourth shirt buttons. The tie is required for **Class "A"** Uniforms. An optional Class "A" Uniform tie for Professional Staff ladies is the black cross over tie.

## Duty Belt:

Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish to match shield. All other accessories will have hidden snaps or Velcro closures. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference examples. Nylon gear is optional.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

## Footwear:

Authorized boots must be black in color, with smooth rounded toe, with seams or stitching being optional. Either boots (duty style) or "low-quarter" dress shoes made of full grain, scuff resistant and smooth leather, or high gloss poromeric (Corfam) material capable of accepting high gloss polish. The optional dress Oxford shoe, full gloss finish is approved for the Class "A" Uniform.

**Use:** This footwear is required whenever wearing the Class "A" Uniform.

## Socks:

Black crew length socks.

**Use:** To be worn with footwear

## ATTIRE FOR PROFESSIONAL STAFF DEPARTMENT EMPLOYEES AT FORMAL EVENTS

For formal events such as funerals, swearing in ceremonies, department photographs, (Drug Abuse Resistance Education (DARE) graduations, etc., where Professional Staff will be representing the department, it is expected they wear business attire that conforms to the Lexipol General Order 1024 *"Uniform Regulations"* or the Professional Staff **Class "A"** Uniform.

## Black Suit:

Men shall wear black or dark blue business attire to include a long-sleeved dress shirt, tie, tailored sport coat or suit. Women shall wear black business attire to include tailored pantsuits, skirts no shorter than 2 fingers above the knee and worn with a black or dark blue blazer. Women can wear black or neutral hosiery. TPD lapel star, patch or shield may be worn with attire.

## Footwear:

Black closed toe shoes, no strappy sandals, or platforms. Women can wear basic pumps with a heel no higher than 2" in length.

## Hygiene:

Men shall have their hair neatly trimmed or groomed, face clean shaven or beard neatly trimmed. Women shall have their hair neatly groomed.

## Accessories:

Accessories to be kept simple, modest jewelry, make-up should be minimal and in conservative tones, and minimal cologne and perfume.

## Polo Shirt (optional):

Cloth shield is embroidered or sewn on the left breast with assignment and position (Code Enforcement- Admin, Animal Shelter- Aid, etc.) included. First initial, period, and last name directly embroidered on shirt, centered above right front breast in ½" block letters in thread grey/silver in color matching the shield. "Animal Services" silkscreened or printed in white 3" block letters on back center across the shoulders.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). Long sleeve style F5357 (Women's), style F5315 (Men's)

# CODE ENFORCEMENT



## CODE ENFORCEMENT CLASS "A" UNIFORM:

Shall follow the same standards as the Class "A" Professional Staff Standard.

## CODE ENFORCEMENT CLASS "B" UNIFORM:

This uniform is designed to be the day-to-day uniform for Code Enforcement Officers.

### Baseball Cap:

Black baseball cap "Flexfit" or adjustable with TPD silver-star sewn on front of cap with unit identifier in center or blank center with filigree. Net-like material on the cap is authorized. It is optional to have the last name in block letters embroidered on the back of the cap.

**Use:** The baseball cap is optional and authorized when wearing

### Class "B" or "C" Uniform.

### Polo Shirt:

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) S/S style 41060 (Men's), style 61173 (Women's); L/S style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy S/S- style 122509 (Women's), style 112509 (Men's) L/S- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue S/S style F5327 (Women's), style F5341 (Men's). L/S style F5357 (Women's), style F5315 (Men's)

Code Enforcement cloth shield is embroidered or sewn on the left breast. First initial followed by last name directly embroidered onto shirt, centered on right breast, with bottom edge of name parallel to bottom edge of the shield in ½" block letters, using silver thread to match cloth shield. The Unit name "Code Enforcement" shall be silkscreened or printed in white 3" block letters center on back across the shoulders.

**Use:** This is the standard shirt for day-to-day operations of the Unit. The shirt must be neatly tucked into the trousers at all times.




## Undershirt:

When visible, a black crewneck undershirt shall be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar. "T.P.D." may be embroidered in ½", block letters on the left portion of the collar. Embroidery thread shall match color of the shield.

**Use:** A black undershirt without visible designs or logos is required with any open collared uniform shirt.

## Trousers:

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

## Trouser Belt:

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

## Duty Belt:

Authorized duty belt is black, standard (2 ¼") width basket-weave finish. Belt may be leather or similar synthetic. All visible hardware will be nickel finish. All other hardware will have hidden snaps. The Sam Browne type belt (with or without Velcro) is a reference example. Nylon gear is optional.

**Use:** The duty belt is optional, but when in use shall be worn so that the trouser belt is covered, and all attached equipment is secured.

## Duty Jacket:

No specific brand is required; however, the jacket shall be the traditional black duty jacket with collar and two flap pockets above the waist. The jacked shall have epaulets on each shoulder. TPD patches are to be worn on the shoulders with the "Code Enforcement" identifying rocker above the patches. The metal shield shall be worn on the duty jacket. The jacket shall be similar to the "Duty" or "Tuffy" jacket in nylon, Gortex, or other weather repellent material. Jacket shall have first initial, period, last name in block letters embroidered or affixed to the jacket at the right breast in white lettering or a name plate used. If a nameplate is worn, it shall have the same

specifications as the Sworn **Class "B"** nameplate.

**Use:** Authorized for any inclement weather.

## Load Bearing Vests (Code Enforcement):

Professional Staff who are assigned to wear a duty belt may wear a load bearing vest carrier, provided at their own cost. If worn, it shall conform to the following standards:

- Brand: Point Blank
- Color: Dark Navy Blue
- The department member's assigned Shield shall be worn on the upper left side of the load bearing vest,
- A non-reflective name tag shall be worn on the upper right side of the load bearing vest
- The employee's first initial and last name shall be on the name tag in white type.
- The back of the vest shall have a patch bearing "Code Enforcement" with white type 4" block lettering.
- Pouches must be dark navy blue, ballistic cloth, with no visible manufacturer logos.
- Set up of the pouches and inspection to ensure proper set up (Secured properly, mandatory carry items, damaged pouches, etc.) to be done prior to the member wearing the vest carrier for the first time, and then on a regular basis by a member of the DTAC Cadre.

## Equipment to be carried on the Vest Carrier-Mandatory

All required equipment that is not carried on the members belt must be carried on the load bearing vest carrier. All equipment should be carried in a manner similar to the configuration previously carried on their duty belt. The configuration of the equipment must be reviewed and approved by a member of the DTAC cadre, prior to wearing the load bearing vest on duty.

## Equipment carried on the Vest Carrier-Optional

The following optional equipment maybe worn on the load bearing vest carrier:

- Radio
- OC Spray
- Flashlight
- Keys
- PPE Pouch
- Body Worn Cameras







## Footwear:

Black laced boot or shoe with smooth rounded toe with optional seams or stitching capable of accepting a high gloss polish.

Optional: The black boot can also be a modern tactical boot. The boot would be durable made of synthetic leather, canvas, or suede upper material similar to a matte finish.

## Socks:

Black crew length socks.

**Use:** Required to be worn with footwear.

## Shields:

Code Enforcement Officers shall wear the Ed Jones EJ 792 C metal shield. When in uniform, supervisors and managers shall wear the Ed Jones EJ 792 C metal shield with “Supervisor” or “Manager” inscribed. Shield number shall coincide with members designated Unit. Unit “Supervisor” or “Manager” shall wear rocker patch centered and sewn above each shoulder patch.

## CODE ENFORCEMENT CLASS “C” SUMMER UNIFORM:



## Baseball Cap:

Black baseball cap “Flexfit” or adjustable with TPD Silver Star sewn on the front of the cap, with unit initials in the center or blank center with filigree. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match shield.

## Short Sleeve Shirt:

Same as Code Enforcement Class “B” Uniform.

## Shorts:

No specific brand is required; however, it must be similar in quality and style to the 5.11 Apex Short (#73334 Men’s) or 5.11 Taclite Pro (#63071 Women’s). LAPD or Dark Blue, hemmed at a maximum of “2” above the knee. The Class “C” Uniform is authorized in the months of May through mid-October.

## Trouser Belt:

Same as Class “B” Uniform.

## Duty Belt:

Optional with Class “C”, but if worn, same as Class “B” Uniform.

## Footwear:

Black athletic shoes or black boots.

## Socks:

Black in color

## Shields and patches:

Same as Class “B” Uniform specifications. Shield may be worn on a belt holder or lanyard when not wearing load bearing vest.

# CRIME SCENE INVESTIGATIONS UNIT

## CRIME SCENE INVESTIGATIONS UNIT CLASS "A" UNIFORM:

The Class "A" Uniform will be the same as the Professional Staff Class "A" Uniform.

## CRIME SCENE INVESIGATIONS UNIT CLASS "B":

Crime Scene Investigations Unit Class "B" Uniform is the standard uniform for CSI on a daily basis when performing patrol functions.

### Baseball Cap:

Black baseball cap "Flexfit" or adjustable with TPD Silver Star sewn on the front of the cap, with unit initials in the center. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match star.

**Use:** The baseball cap is optional and authorized when wearing **Class "B" or "C"** Uniforms.

### Uniform Shirt:

No specific brand is required; however, it must be similar in quality to 5.11 TDU shirt #72002, #71339 (Men's) and #62016, #61025 (Women's). Dark navy-blue utility shirt, long or short sleeve with non-pleated front pockets and shoulder epaulets. TPD patches on both sleeves, and appropriate insignia. Issued TPD shield affixed above left front breast pocket. First initial, period, followed by last name directly embroidered onto shirt, centered above right front breast pocket, in ½" block letters, thread to match color of cloth badge. "CSI" directly embroidered onto shirt, centered above name in ½" block letters in gray/silver thread.

Optional outer carrier uniform shirt: Dark navy Blue Blauer brand SS Polyester Armorskin Base Shirt model 8372 and 8372W, (long sleeve or short sleeve) with TPD patches and rank insignia on both shoulders are authorized.

### Undershirt:

Black crewneck undershirt to be worn. Turtleneck or mock turtleneck are optional, and to be worn only with long sleeve shirts (Polo or utility) and open collar.

### Trousers:

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

## Trouser Belt:

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one-pronged silver finish buckle to match the shield. The buckle is approximately 2 ½" high by 2" wide

## Footwear:

Black laced boot or shoe with smooth rounded toe with optional seams or stitching capable of accepting a high gloss polish.

Optional: The black boot can also be a modern tactical boot. The boot would be durable made of synthetic leather, canvas, or suede upper material similar to a matte finish.

## Socks:

Black crew length sock.

## Shield, Name tag, Insignia on Shirt:

Current department issued shield worn above left pocket. The back of the shirt shall have a patch bearing "CSI" with gray/silver colored 4" letters sewn on it. Name tag shall include first initial, period, followed by last name, directly embroidered onto shirt, centered above right front breast pocket, in ½" block letters, using gray/silver thread to match badge. The letters "CSI" embroidered in ½" gray/silver thread to match shield, centered above the name. The CSI Unit Supervisor shall have "CSI Supervisor" embroidered in ½" silver colored block lettering and centered above the right front pocket flap and below the embroidered name. Shoulder patches are the same as Sworn.

## Crime Scene Investigations Unit Supervisor shield and insignia:

The Crime Scene Investigations Unit Supervisor's shield will have the word "Supervisor" incorporated on to it, and a "Supervisor" rocker patch centered and sewn above each shoulder patch.

## Authorized Sweater:

No specific brand is required; however, it must be blue or black in color. Sweater can be button or zip without patches or badges.

## Property and Evidence Technician:

The Property and Evidence Technician's uniform specifications are identical to the Crime Scene Investigations Unit with the following exception: "EVIDENCE" embroidery in place of "CSI".

## CRIME SCENE INVESTIGATIONS UNIT CLASS "C" (SUMMER) UNIFORM:

The following uniform regulations and standards apply to all Tracy Police Department uniformed

personnel wearing the summer uniform. The summer uniform will ordinarily be authorized for use from May through mid-October but may be adjusted as deemed necessary by the Chief of Police. This uniform is optional for Interns and Police Assistants.

## Baseball Cap:

Black baseball cap "Flexfit" or adjustable with TPD silver star sewn on the front of the cap, with unit initials in the center. Caps with sections of net like material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match star.

**Use:** The baseball cap is optional and authorized when wearing **Class "B" or "C"** Uniform Polo Shirt.

## Polo:

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable.
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). long sleeve style F5357 (Women's), style F5315 (Men's).

Shield shall be embroidered, or sewn shield centered on left breast in dark silver/grey/black. First initial followed by last name directly embroidered onto shirt, centered on right breast, with bottom edge of name parallel to bottom edge of the shield in ½" block letters, using silver thread to match cloth shield. CSI cloth shield is embroidered on the left breast. The letters "CSI" will be silkscreened or printed in white 3" block letters centered on the back across the shoulders.

## Trousers:

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

## Trouser Belt:

Same as Sworn **Class "B"** Uniform.

## Shorts:

No specific brand is required; however, it must be similar in quality and style to 5.11 Apex Shorts (#73334 Men's) or 5.11 Taclite Pro (#63071 Women's). LAPD or Dark Blue, hemmed at maximum of 2" above the knee. The **Class "C"** Uniform is authorized in the months of May through mid-October.

## Undershirt:

Black crewneck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar. "T.P.D." may be embroidered in ½", block letters on the left portion of the collar. Embroidery thread shall match color of the badge.

## Duty Belt:

Same as Sworn **Class "B"** Uniform.

## Footwear:

Same as Sworn **Class "C"** Uniform.

## Socks:

Same as Sworn **Class "C"** Uniform.

## Shields, Rank Insignia, Service Stripes, nameplates, and patches:

Same as **Class "B"** Uniform specifications

## Load Bearing Vests for (CSI):

Professional Staff who are assigned to wear a duty belt may wear a load bearing vest carrier, provided at their own cost. If worn, it shall conform to the following standards:

- Brand: Point Blank
- Color: Dark Navy Blue
- The department member's assigned Shield SHALL be worn on the upper left side of the load bearing vest.
- A non-reflective name tag shall be worn on the upper right side of the load bearing vest.
- The employee's first initial and last name shall be on the name tag in white or gray block letters.
- The back of the vest shall have a patch bearing "CSI" with white or gray type 4" block letters.
- Pouches must be dark navy blue, ballistic cloth, with no visible manufacturer logos.
- Set up of the pouches and inspection to ensure proper set up (Secured properly, mandatory carry items, damaged pouches, etc.) to be done prior to the member wearing the vest carrier for the first time, and then on a regular basis by a member of the DTAC Cadre.

# COMMUNITY SERVICE OFFICERS, PARKING INTERNS AND CRIME PREVENTION SPECIALIST

## Community Service Officer / Parking Intern / Crime Prevention Specialist Class A' Uniform:

The Class "A" Uniform will be the same as the Professional Staff Class "A" Uniform.

## Community Service Officer / Parking Intern / Crime Prevention Specialist Class B' Uniform:

### Baseball Cap (Optional):

Black baseball cap "Flexfit" or adjustable with TPD Silver Star sewn on the front of the cap, with unit initials in the center. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match star.

**Use:** To protect the members from inclement weather or overexposure to direct sun. The baseball cap is optional and authorized when wearing **Class "B"** Uniform or utility uniform (**Class "D"**).

### Shirt:

French Blue shirt with epaulets on shoulders. TPD patches on both sleeves and appropriate insignias as described in this policy.

The Flying Cross #252R66 short sleeve (Women's), #202W66 long sleeve (Women's); Men's styles 95R66 short sleeve and 45W66 long sleeve are the standard of the Class "B" Uniform. The shirts are French Blue with ***pleated*** front breast pockets and shoulder epaulets. Department patches for are sewn onto both sleeves. Service stripes are sewn onto the left sleeve.

**Use:** Long sleeve shirts are optional and when worn cuffs shall not be rolled.

### Undershirt:

A navy-blue crewneck undershirt shall be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** A navy blue undershirt without visible designs or logos is required with any uniform.

## Trousers:

Trousers are non-bloused, dark blue utility pants with plain front and cargo pockets on the back side and legs.

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

## Trouser Belt:

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

## Duty Belt:

Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish to match shield. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference example. Nylon gear is optional.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

## Duty Jacket:

No specific brand is required; however, it must be similar in quality to a traditional "Duty" or "Tuffy" jacket in either nylon, Gortex, or other weather repellent material. A modern jacket such as First Tactical Softshell jacket may also be worn. Jackets shall be black with TPD patches on shoulders, silver cloth badge (centered on left breast) sewn and first initial, period, followed by last name in thread matching the badge color in ½" block letters embroidered centered above the right pocket and parallel to the bottom of the cloth badge/shield. Gold badge for Command Staff, silver badge for all others.

**Use:** The duty jacket is worn at the discretion of the member.

## Rain Wear:

Black weatherproof jacket and pants (optional). Brand and style not specified and can be any weatherproof material.

**Use:** Authorized during inclement weather.

## Knit Sweater:

Black, V-neck "commando sweater" with TPD patches on each shoulder. Metal shield and 1" black name tag with first initial and last name in block letters embroidered in silver thread to be worn.

**Use:** The sweater is optional. Sweater material is ribbed wool or synthetic material, cloth shoulders with epaulets and elbows, and badge tab.

## Footwear:

Black laced boot or shoe with smooth rounded toe with optional seams or stitching capable of accepting a high gloss polish.
Optional: The black boot can also be a modern tactical boot. The boot would be durable made of synthetic leather, canvas, or suede upper material similar to a matte finish.

## Socks:

Black crew length socks.

**Use:** To be worn with footwear

## Insignia and Nameplate on Uniform:

Current department issued shield. To be worn above the left pocket. If wearing a mourning band, it will be affixed horizontally across the state seal. The standard nameplate brand is Blackinton, model J-1, silver in color, with a polished finish. The nameplate will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and ½" tall with initial of first name, period, and full last name in black lettering.

One TPD shoulder patch centered on each sleeve, ¾" below shoulder seam.

## Load Bearing Vests (CSO):

Professional Staff who are assigned to wear a duty belt may wear a load bearing vest carrier, provided at their own cost. If worn, it shall conform to the following standards:

- Brand: Point Blank
- Color: Dark Navy Blue
- The department member's assigned Shield SHALL be worn on the upper left side of the load bearing vest.
- A non-reflective name tag shall be worn on the upper right side of the load bearing vest.
- The employee's first initial and last name shall be on the name tag in white type block letters.
- The back of the vest shall have a patch bearing "CSO" with white type 4" blackletters.

- Pouches must be dark navy blue, ballistic cloth, with no visible manufacturer logos.
- Set up of the pouches and inspection to ensure proper set up (Secured properly, mandatory carry items, damaged pouches, etc.) to be done prior to the member wearing the vest carrier for the first time, and then on a regular basis by a member of the DTAC Cadre.

## Equipment to be carried on the Vest Carrier-Mandatory:

All required equipment that is not carried on the members belt must be carried on the load bearing vest carrier.

All equipment should be carried in a manner similar to the configuration previously carried on their duty belt. The configuration of the equipment must be reviewed and approved by a Member of the DTAC cadre, prior to wearing the load bearing vest on duty.

## Equipment carried on the Vest Carrier-Optional:

The following optional equipment maybe worn on the load bearing vest carrier:

- Radio
- OC Spray
- Flashlight
- Keys
- PPE Pouch
- Body Worn Cameras

While it is recommended the radio be carried on the duty belt, Professional Staff may carry the radio on the vest. Multi-tools and flashlights shall be carried in a pouch, NOT hanging off of a pouch. Uniform Used with Load Bearing Vest:

For CSO and Parking Interns wearing a load bearing vest the following uniform shall apply:

- French Blue Blauer brand SS Polyester Armorskin Base Shirt model 8372 and 8372W, (long sleeve or short sleeve) with TPD patches and rank insignia on both shoulders, or
- French Blue **Class "B"** Uniform shirt, as specified in the uniform manual, and
- French Blue **Class "B"** Uniform pants, as specified in the uniform manual.

## Community Service Officer / Parking Intern / Crime Prevention Specialist Class C' Summer Uniform:

### Baseball Cap:

Black baseball cap "Flexfit" or adjustable with TPD silver star sewn on the front of the cap, with unit initials in the center. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match star.

### Short Sleeve:

Same as CSO **Class "B"** Uniform

**Use:** A navy blue crewneck undershirt without visible designs or logos with any uniform.

### Shorts:

No specific brand is required; however, it must be similar in quality and style to 5.11 Apex Short (#73334 Men's) or 5.11 Taclite Pro (#63071 Women's). LAPD or Dark Blue, hemmed at a maximum of 2" above the knee. Cargo pockets shall be straight and rectangular.

**Use:** The shorts are worn as part of the **Class "C"** Uniform and is authorized in the months of May through mid-October.

### Duty Belt:

Same as CSO **Class "B"** Uniform.

Footwear:
Black athletic shoes (all black, no trim or logos of different color). No specification.

**Use:** This footwear is required when wearing **Class "C"** Uniform.

### Socks:

Black crew length socks.

**Use:** To be worn with footwear

## Community Service Officer / Parking Intern / Crime Prevention Specialist Class E' Uniform:

The CSO/Traffic Intern/Crime Prevention Specialist Units may wear a unit Polo Shirt with navy blue BDU pants on days directed by the supervisor. This is not intended to replace the **Class "B"** or **Class "C"** Uniforms and is meant to be worn at late night or weekend callouts or during special training or operation days. It can be worn in lieu of the civilian attire on holidays, or at out-of-town training, where members need to present a uniform appearance.

### Polo Shirt:

Department shield shall embroider or sewn on shield with the unit's name in the middle of the badge on the left breast area. First initial, period, and last name in block letters directly embroidered onto shirt, centered above right front breast in ½" block letters in thread matching the shield. The Unit name "CSO", "Traffic Intern" or "Crime Prevention" shall be silkscreened or printed in white 3" block letters centered on the back across the shoulders.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) S/S style 41060 (Men's), style 61173 (Women's); L/S style 42056 (Men's), Women's unavailable.
- First Tactical Performance Polo Midnight Navy S/S- style 122509 (Women's), style 112509 (Men's) L/S- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue S/S style F5327 (Women's), style F5341 (Men's). L/S style F5357 (Women's), style F5315 (Men's).

### Undershirt:

Black crew neck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** Black crew neck undershirt without visible designs or logos is required with any uniform.

### Trousers:

Same as CSO **Class "B"** Uniform.

### Department Awards/Special Assignment Pin on Shirt:

No department awards/special assignment pins shall be worn with the **Class "E"** Uniform

# ANIMAL SERVICES UNIT

## Animal Services Unit Class "A" Uniform Specifications

Refer to Professional Staff **Class "A"** Uniform.

## Animal Services Unit Class "B" or "C" Uniform Specifications

### Baseball Cap (Animal Service Officer or Animal Services Aid):

Black baseball cap "Flexfit" or adjustable with TPD silver star sewn on the front of the cap, with unit initials in the center. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted caps is optional. The stitching shall be silver to match star.

### Polo Shirt:

ASO cloth shield is embroidered or sewn on the left breast with animal services included. First initial, period, and last name directly embroidered on shirt, centered above right front breast in ½" block letters in thread grey/silver in color matching the shield. "Animal Services" silkscreened or printed in white 3" block letters on back center across the shoulders.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). long sleeve style F5357 (Women's), style F5315 (Men's)

See Below: Embroidered or sewn for the ASO cloth shield is on the left breast of the Polo shirt




**Use:** This is the standard duty uniform, when worn, cuffs shall not be rolled.

## Undershirt:

Navy blue crew neck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** A navy blue crew neck undershirt without visible designs or logos is required with any uniform.

## Trousers:

Plain front and cargo pockets on the back side and the legs. The front of the leg should touch the top of the footwear and the back of the leg should be between 1" and 1 ½" from the ground.

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

**Use:** The trousers should fit comfortably so that the edges of the front pockets lay flat and parallel.

## Trouser Belt:

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

## Duty Jacket:

No specific brand is required; however, it must be similar in quality to a traditional "Duty" or "Tuffy" jacket in either nylon, Gortex, or other weather repellent material. A modern jacket such as First Tactical Softshell jacket may also be worn. Jackets shall be black with TPD patches on

shoulders, silver cloth badge (centered on left breast) sewn and first initial, period, followed by last name in thread matching the badge color in ½" block letters embroidered centered above the right pocket and parallel to the bottom of the cloth badge/shield- TPD patches on shoulders and "Animal Services" rocker patch above TPD patch.

**Use:** Authorized during inclement weather. Rain wear can be of any weatherproof material.

## Duty Belt:

Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference example. Nylon gear is optional.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

## Footwear:

Black footwear (all black, no trim or logos of different color). No specification.

## Socks:

Black crew length socks.

## Load Bearing Vests (Animal Services):

Professional Staff who are assigned to wear a duty belt may wear a load bearing vest carrier. If worn, it shall conform to the following standards:

- Brand: Point Blank
- Color: Dark Navy Blue
- The department member's assigned Shield SHALL be worn on the upper left side of the load bearing vest.
- A non-reflective name tag shall be worn on the upper right side of the load bearing vest. The employee's first initial and last name shall be on the name tag in white type.
- The back of the vest shall have a patch bearing the name "Animal Control" with white type 4" block lettering.
- Pouches must be dark navy blue, ballistic cloth, with no visible manufacturer logos.
    - Set up of the pouches and inspection to ensure proper set up (Secured properly, mandatory carry items, damaged pouches, etc.) to be done prior to the member wearing the vest carrier for the first time, and then on a regular basis by a member of the DTAC Cadre.

## Equipment to be carried on the Vest Carrier-Mandatory

All required equipment that is not carried on the members belt must be carried on the load bearing vest carrier.

All equipment should be carried in a manner similar to the configuration previously carried on their duty belt. The configuration of the equipment must be reviewed and approved by a member of the DTAC cadre, prior to wearing the load bearing vest on duty.

## Equipment carried on the Vest Carrier-Optional

The following optional equipment maybe worn on the load bearing vest carrier:

- Radio
- OC Spray
- Flashlight
- Keys
- PPE Pouch
- Body Worn Cameras

## Animal Services Unit Class "C" Summer Uniform

The following uniform regulations and standards apply to all Tracy Police Department uniformed personnel wearing the summer uniform. The summer uniform will ordinarily be authorized for use from the month of May through mid-October but may be adjusted as deemed necessary by the Chief of Police. The summer uniform is only approved for Animal Services Officer and Animal Services Aid.

### Baseball Cap (Animal Services Officer or Animal Services Aid):

Black baseball cap "Flexfit" or adjustable with TPD Silver Star sewn on the front of the cap, with unit initials in the center. Caps with sections of netlike material are not authorized. Inscribing the last name in block letters on the back of the fitted cap is optional. The stitching shall be silver to match star.

**Use:** The baseball cap is optional and authorized when wearing **Class "B" or "C"** Uniforms.

### Short Sleeve Shirt:

Same as **Class "B"** Uniform (Polo) with ASO shield

### Shorts:

No specific brand is required; however, it must be similar in quality and style to 5.11 Apex Short (#73334 Men's) or 5.11 Taclite Pro (#63071 Women's). LAPD or Dark Blue, hemmed at a maximum of 2" above the knee. **Class "C"** Uniform is authorized in the months of May through mid-October.

### Shorts Belt:

The shorts belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

### Footwear:

Black athletic shoes (all black, no trim or logos of different color). No specification.

**Use:** This footwear is required when wearing **Class "C"** Uniform.

### Socks:

Black crew length socks.

**Use:** To be worn with footwear.

## Insignia and Nameplate on Uniform:

ASO **Class "B"** Uniform (Polo).

## Duty Belt:

Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference example. Nylon gear is optional.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured

# PUBLIC SAFETY DISPATCHERS

The following uniform regulations and standards apply to all Tracy Police Department Dispatchers. It shall set a uniformed guideline for dispatchers.

## Public Safety Dispatch Class "C" Uniform

### Shirt:

Navy Blue in color. Dispatch cloth shield is embroidered or sewn on the left breast area with unit name included. First initial, period, and last name directly embroidered onto shirt, centered above right front breast in ½" block letters in thread silver/grey matching the shield.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). long sleeve style F5357 (Women's), style F5315 (Men's)

### Undershirt:

Navy blue crew neck undershirt is optional.

### Trousers:

Navy blue utility with plain front and cargo pockets on the back side and the legs. The pant leg shall have no break.

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

### Shoes:

Black closed toe shoes (can be black tennis shoes). No trim or logo of a different color. Work boots or dress boots maybe worn; however, the pants must go over the boots.

### Socks:

Black crew length socks

### Jackets or Sweaters:

No specific brand however must be similar to Sport Tek Sweatshirt Full Zip (ST259) or ¼ Zip (LST253). Color options Graphic Heather (grey), Navy or Black.

Navy blue or black sweaters and jackets may be worn while on duty. Sweaters/sweatshirts with hoodies are not authorized. A solid navy-blue blanket maybe worn in the Dispatch Center

## Baseball Caps:

Black baseball cap "Flexfit" or adjustable with TPD silver star sewn on the front of the cap, with unit initials in the center. Caps with sections of net like material are not authorized. Inscribing the last name in block letters on the back of the fitted caps is optional. The stitching shall be silver to match star. Baseball caps are not to be worn inside the dispatch center. Baseball caps may be worn for outside events with approval.

## Tactical Dispatch Uniform

Tactical Dispatcher's may wear their black Tactical Dispatch Polo with black pants or their dispatch uniform on call outs.

## Pink Patch Project:

PSD may wear a pink polo that is purchased at their expense. The PSDs are not required to have the department logo or name embroidered on the polo.

## Court Appearance:

PSD's may wear their uniform for a court appearance however they shall wear a trouser belt and tuck in their polo shirt. Trouser belt shall be traditional trouser belt that is black basket weave leather, 1 ¾ inch wide, with a plain rectangular one prong silver finish buckle to match the badge or Velcro black basket weave leather belt. If a buckle is worn, the buckle is approximately 2 ½ inch by 2 inch wide.

PSD may also appear in court in business attire. Business attire shall consist of, business suit, tie, sports coat slacks (men) and business attire (women).

## Ride Along Attire:

PSDs on duty who ride-along with officers in the field shall wear their Class C Uniform. During cold weather, personnel are allowed to wear sweaters, coats, or windbreakers without department patches.

If the PSD is off duty, they shall wear business casual in accordance with the department's policy for civilian ride along.

## Dispatch Flag Emblem

PSD may have the approved Dispatch Flag logo embroidered on their jackets at their own expense.

# POLICE RECORDS UNIT

## Police Records Class "A" Uniform:

The records staff **Class "A"** Uniform will be the same as the Professional Staff **Class "A"** Uniform.

## Police Records Class "B" Uniform:

### Uniform Shirt:

French Blue, short, or long sleeve shirt with breast pockets and shoulder epaulets. TPD patches on both sleeves and appropriate insignias as described in this policy.

The Flying Cross #252R66 short sleeve (Women's), #202W66 long sleeve (Women's); Men's styles 95R66 short sleeve and 45W66 long sleeve are the standard of the Class "B" Uniform. The shirts are French Blue with ***pleated*** front breast pockets and shoulder epaulets. Department patches for are sewn onto both sleeves. Service stripes are sewn onto the left sleeve.

**Use:** The shirt must be neatly tucked into the trousers and cuffs will remain buttoned at all times. The collar will be worn closed.

### Undershirt:

A navy-blue crewneck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** A navy blue crewneck undershirt without visible designs or logos is required with any uniform.

### Trousers:

Trousers can be with or without a SAP pocket. The Flying Cross trouser with a SAP pocket is model 47289 (Men's) and 47289W (Women's). Without a SAP pocket is 47280-86 (Men's) and 47280W-86 (Women's) is for the standard of the Class "A" Uniform. The trousers are made of 75% Dacron Polyester and 25% Wool. Plain front with straight side pockets with exposed top and bottom cord. Bottom of leg will be plain and hemmed allowing the front to rest on the shoe without any break.

### Trouser Belt:

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one-pronged silver finish buckle to match the badge. The buckle is approximately 2 ½" high by 2" wide.

### Skirt:

LAPD, dark navy-blue skirt. Plain front with straight side pockets. Skirt bottom ends at the knee.

Footwear:

Black, closed toe leather style material capable of accepting shine. No sling back or mule style shoes are allowed.

## Socks:

Black crew length socks.

## Nameplate:

The standard nameplate brand is Blackinton, model J-1, with a polished silver finish. Nameplate will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. The metal name plate is 2 ½" wide and ½" tall with initial of first name, period, and full last name in black lettering.

**Use:** The nameplate is worn on uniform shirts. The nameplate is centered above the right pocket flap.

## Shields:

Members of the Records Unit shall wear the Ed Jones EJ 792 C metal shield. When in uniform, supervisors and managers shall wear the Ed Jones EJ 792 C metal shield with "Supervisor" or "Manager" inscribed. Shield number shall coincide with members designated Unit. Unit "Supervisor" shall wear rocker patch centered and sewn above each shoulder patch.







## Police Records Class “C” Uniform:

Members of the Records Unit may purchase at their own expense a navy-blue polo shirt. The uniform guidelines for Records Class “C” shall be the same as PSD Class C.

# EXPLORERS

## Explorer Cadet Class "A" Uniform

### Class "A" Shirt:

The shirt will be a French Blue long sleeve shirt with pleated breast pockets and shoulder epaulets. TPD patches on right sleeve and "Explorer" patch on the left sleeve.

Flying Cross #202W66 long sleeve (Women's), and 45W66 long sleeve (Men's) The shirts are French Blue with ***pleated*** front breast pockets and shoulder epaulets. Department patches for are sewn onto both sleeves with "Explorer" patch.

**Use:** The shirt must be neatly tucked into the trousers and cuffs will remain buttoned at all times. The collar will be worn closed, and a tie shall be worn.

**Use:** The shirt must be neatly tucked into the trousers and cuffs will remain buttoned at all times. The collar will be worn closed, and a tie shall be worn.

### Undershirt:

A navy-blue crewneck undershirt shall be worn with all uniform shirts. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

### Nameplate:

The standard nameplate brand is Blackinton, model J-1, silver in color, with a polished finish. The nameplate will be worn centered above the right pocket flap. The bottom of the nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and ½" tall with the following inscribed: Initial of first name, period, and full last name in black lettering.

### Badge:

Current department issued Explorer badge worn above left pocket. If wearing a mourning band, it will be worn at the 2 o'clock to the 8 o'clock positions.

### Trousers- Class A and B:

Dark navy-blue trousers, plain front with straight side pockets with two back pockets.

Trousers can be with or without a SAP pocket. The Flying Cross trouser with a SAP pocket is model 47289 (Men's) and 47289W (Women's). Without a SAP pocket is 47280-86 (Men's) and 47280W-86 (Women's) is for the standard of the Class "A" Uniform. The trousers are made of 75% Dacron Polyester and 25% Wool. Plain front with straight side pockets with exposed top and bottom cord. Bottom of leg will be plain and hemmed allowing the front to rest on the

Trousers- Class D:

Black in color with flush side pockets.

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).

## Trouser Belt:

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one-pronged silver finish buckle to match the badge. The buckle is approximately 2 ½" high by 2" wide.

## Duty Belt:

Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference example. Nylon gear is optional.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

## Footwear:

Same as Sworn **Class "B"** Uniform.

## Socks:

Black crew length socks.

## Duty Jacket:

Dark navy-blue jacket with pockets on the front. Cloth Explorer badge sewn above left front breast pocket. The words "TRACY POLICE EXPLORER" in block letters laminated on the back in silver lettering.

Must be similar in quality to a traditional "Duty" or "Tuffy" jacket in either nylon, Gortex, or other weather repellent material. A modern jacket such as First Tactical Softshell jacket may also be worn. Jackets shall be black with TPD patches on shoulders, silver cloth badge (centered on left breast) sewn and first initial, period, followed by last name in thread matching the badge color in ½" block letters embroidered centered above the right pocket and parallel to the bottom of the cloth badge/shield- TPD patches on shoulders and "Explorer" rocker patch above TPD patch.

**Explorer Cadet Class "B" Uniform**

## Short Sleeve Shirt:

French Blue, short sleeve shirt with pleated breast pockets and shoulder epaulets patch on right sleeve and "Explorer" patch on the left sleeve.

The shirt will be a French Blue long sleeve shirt with pleated breast pockets and shoulder epaulets. TPD patches on right sleeve and "Explorer" patch on the left sleeve.

Flying Cross #252R66 short sleeve (Women's), and 95R66 short sleeve (Men's) are the standard of the Class "B" Uniform. The shirts are French Blue with ***pleated*** front breast pockets and shoulder epaulets. Department patches for are sewn onto both sleeves with "Explorer" patch.

**Use:** The shirt must be neatly tucked into the trousers and cuffs will remain buttoned at all times. The collar will be worn closed, and a tie shall be worn.

## Undershirt:

A navy-blue crewneck undershirt shall be worn with all uniform shirts.

**Use:** A navy blue undershirt without visible designs or logos is required with any uniform.

## Trousers:

Same as Cadet **Class "A"** Uniform.

## Trouser Belt:

Same as Cadet **Class "A"** Uniform.

## Duty Belt:

Authorized duty belts are black standard (2 ¼") width with basket weave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference example. Nylon gear is optional.

**Use:** The duty belt is worn so that the trouser belt is covered, and all attached equipment is secured.

## Footwear:

Same as Sworn **Class "B"** Uniform.

## Socks:

Same as Sworn **Class "B"** Uniform

## Duty Jacket:

Same as Cadet **Class "A"** Uniform.

## Explorer Cadet Class "D" Uniform (Training)

## Shirt:

Embroidered or sewn 7-point star with the "504" Unit in the middle of the badge on the left breast area. First initial, period, and last name directly embroidered on shirt, centered above right front breast in ½" block letters in thread grey/silver in color matching the badge. "EXPLORER" silkscreened or printed in white 3" block letters on back centered across the shoulders.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). long sleeve style F5357 (Women's), style F5315 (Men's)

## Undershirt:

A navy-blue crewneck undershirt to be worn.

**Use:** A navy blue crewneck undershirt without visible designs or logos is required with any uniform.

## Trousers:

No specific brand is required; however, it must be similar in quality to 5.11 BDU/TDU pants. Trousers are non-bloused, utility pants with plain front and cargo pockets on the back side and the legs. Color shall be black.

- Dark Navy Blue 5.11 Apex (724)- style 64446 (Women's), style 74434 (Men's).
- Midnight Navy First Tactical V2, 124011 (Women's), style 114011 (Men's).
  **Explorer Sergeant and advisors will choose

## Trouser Belt:

Same as Sworn **Class "B"** Uniform.

## Duty Belt:

Same as Sworn **Class "B"** Uniform.

## Footwear:

Same as Sworn **Class "B"** Uniform.

## Socks:

Same as Sworn **Class "B"** Uniform.

## Duty Jacket:

Same as Sworn **Class "B"** Uniform

# CHAPLAINS

## Chaplain Class "A" Uniform

The Chaplains **Class "A"** Uniform will be the same as the Sworn **Class "A"** Uniform, with the following exceptions or additions:

### Soft Cap:

The same cap that is described in the Sworn **Class "A"** Uniform section shall be used. The Chaplains will wear a silver metallic snake coil strap with silver "P" buttons on their caps.

### Soft Cap Emblem:

The same cap emblem that is described in the Sworn **Class "A"** Uniform section shall be used. The Chaplains emblem will be silver and bear the word "CHAPLAIN" on the top band.

### Nameplate:

Blackinton is the standard of the regulation nameplate. The nameplate shall be silver in color and will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and 5/8" tall with initial of first name, period, and full last name in black lettering.

### Rank Insignia on Jacket:

One silver cross on each epaulet with silver Gilt metal "T.P.D." pin affixed to the collar lapel for Chaplains.

### Shirt:

The same shirt that is described in the Sworn **Class "A"** Uniform section shall be used. One silver cross on each collar tip shall be worn.

### Trouser:

The same trouser as described in the Sworn **Class "A"** Uniform section shall be used.

### Trouser Belt:

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

### Sleeve Braid on Jacket:

One "½" stripe of gold with blue in the center for Chaplains, placed "3" above the cuff.

## "P" Buttons on Jackets:

Chaplains will wear silver "P" buttons on each epaulet, pocket flaps and waist tabs

## Chaplain Class "B" Uniform

The Chaplain **Class "B"** uniform will be the same as the Sworn Class "B" Uniform, with the following exceptions or additions:

Shirt:
In addition to the specifications listed for the Sworn **Class "B"** Uniform shirt, Chaplains will wear a single silver cross on the tip of each shirt collar.

## Chaplain Class "E" Uniform

This is the preferred uniform for Chaplains to wear while on a ride-along or attending informal meetings at the Department. The Chaplain **Class "E"** Uniform will be the same as the Sworn **Class "E"** Uniform, with the following exceptions or additions:

### Polo Shirt:

No specific brand is required; however, it must be similar in quality to 5.11 Tactical Performance or Propper Polo, charcoal gray in color. Name and badge, (with the word "Chaplain" on the badge), shall be embroidered or sewn on the shirt as described Sworn **Class "E"** Uniform standards. Embroidery shall be done in light gray/silver thread. "CHAPLAIN" silkscreened or printed in light silver/gray 3" block letters on back centered across the shoulders.

### Trousers:

No specific brand is required; however, it must be similar in quality to 5.11 BDU/TDU pants. Trousers are non-bloused, black utility pants with plain front and cargo pockets on the back side and the legs.

### Trouser Belt:

Same as Sworn **Class "E"** Uniform.

### Duty Belt:

A duty belt is authorized for Chaplains while wearing the **Class "E"** Uniform. Authorized equipment to be worn on the belt includes, radio and radio holster, phone in a clip or holster, and keys surrounded by a Velcro close key hush style holder

# VIPS

## Volunteers in Police Services Class "B" Uniform

### Shirt:

No Specific brand is required; however, it must be similar in quality to Flying Cross/Horace Small. White long or short sleeve shirt. Pleated front pockets with scalloped flaps and shoulder epaulets. TPD patches on both sleeves, one "Volunteer" rocker patch centered above each shoulder patch and appropriate insignias as described in this policy.




### Undershirt:

White crewneck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** A white crewneck undershirt without visible designs or logos is required with any uniform.

### Trousers:

LAPD, dark navy-blue trousers. Plain front with straight side pockets, one watch pocket and two back pockets with exposed top and bottom  front will rest on the shoe without any break

The Flying Cross #49W8486 long sleeve (Men's), 149W8486 long sleeve (Women's), #99R8486 short sleeve (Men's), and #199R8486 short sleeve (Women's) is the standard of the Class "B" Uniform. The shirts are dark navy-blue shirts and are made of 75% Dacron Polyester and 25% Wool with ***non-pleated*** front breast pockets and shoulder epaulets.



### Trouser Belt:

The traditional Trouser belt is black basket weave leather; 1 ¾" wide, with a plain rectangular one pronged with a silver finish buckle to match shield. The buckle is approximately 2 ½" high by 2" wide. All visible hardware (buckle) will be nickel finish to match shield.

### Footwear:

Black colored laced boots or shoe. Black athletic shoes are allowed and must have no trim or logo of a different color.

### Socks:

Black crew length socks.

## Duty Belt:

Authorized duty belts are black standard (2 ¼") width with basketweave finish either leather or similar synthetic. All visible hardware (buckle) will be nickel finish. All other hardware will have hidden snaps. The Sam/Sally Browne type belt with or without (Velcro) buckle are reference examples. Nylon gear is optional.

## Baseball cap:

Same as Sworn **Class "B"** Uniform.

## Nameplate:

Blackinton is the standard of the regulation nameplate. Plate shall be silver in color and will be worn centered above the right pocket flap. The bottom of nameplate shall be parallel to and touch the top of the pocket. The metal nameplate is 2 ½" wide and ½" tall with initial of first name, period, and full last name in black lettering.

## Volunteers in Police Services Class "C" Uniform

The following uniform regulations and standards apply to all Tracy Police Department uniformed VIPS wearing the summer uniform. The summer uniform will ordinarily be authorized for use from May through mid-October but may be adjusted as deemed necessary by the Chief of Police.

### Uniform baseball cap and watch cap:

Same as Sworn **Class "B"** Uniform.

### Polo Shirt:

"VIPS" shield on left front breast. First initial, period, followed by last name directly embroidered on shirt, centered above right front breast pocket, in ½" block letters, using navy blue thread. "VIPS" silkscreened or printed in light silver/gray 3" block letters on back centered across the shoulders.

- 5.11 Tactical Performance Professional Polo- Dark Navy Blue (724) short sleeve style 41060 (Men's), style 61173 (Women's); long sleeve style 42056 (Men's), Women's unavailable
- First Tactical Performance Polo Midnight Navy short sleeve- style 122509 (Women's), style 112509 (Men's) long sleeve- style 121503 (Women's), style 111503 (Men's).
- Proper I.C.E. Performance Polo- LAPD Blue short sleeve style F5327 (Women's), style F5341 (Men's). long sleeve style F5357 (Women's), style F5315 (Men's)

### Undershirt:

White crewneck undershirt to be worn. Turtleneck or mock turtleneck is optional with long sleeve shirt and open collar.

**Use:** A white crewneck undershirt without visible designs or logos is required with any uniform

### Shorts:

Same as Sworn **Class "C"** Uniform.

### Duty Belt:

Same as Sworn **Class "B"** Uniform.

### Footwear:

Same as Sworn **Class "C"** Uniform.

### Socks:

Same as Sworn **Class "C"** Uniform

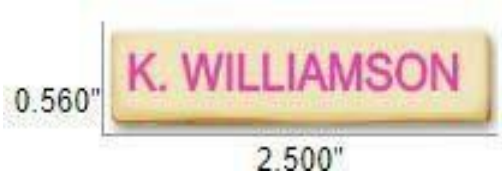
# ADDITIONAL SWORN AND PROFESSIONAL STAFF UNIFORM REGULATIONS.

The regulations listed below pertain to all Sworn and Professional Staff.

## Pink Patch/Badge Project:

"Pink Patch" and "Pink Badge Project" for Breast Cancer Awareness Month based on Special Order 19-02, effective October 1st through October 31st, TPD Sworn and Professional Staff may wear a TPD Breast Cancer Awareness Month (BCAM) badge or shield from the Ed Jones Company. Sworn and Professional Staff, who purchase a BCAM badge or shield and/or BCAM patches are authorized to wear the BCAM badge or shield and/or BCAM patches consistent with current uniform standards and regulations. Members may wear pink lettering on nameplates fashioned after Blackinton model nameplates. Members may wear pink hash marks on **Class "A" or "B"** Uniform shirts. Nameplates can be order through Badge and Wallet **https://badgeandwallet.com/** Refer to Special Order 19-02 for additional details.




## Continuous Professional Training (CPT) Attire:

While attending CPT or on other days, as approved by management, professional staff may wear plain, conservative, casual dress clothing. Jeans or other denim pants are acceptable when in good repair. Hats, shorts, t-shirts, halter tops, tube tops, bare midriffs, backless tops, tank tops, brightly colored athletic shoes, leggings, sweatpants, sweatshirts, and thong-type sandals are not permitted.

## Maternity Attire:

Pregnant employees have the option of wearing the maternity uniform. Management may approve any exceptions to these standards. Maternity attire shall be a skirt, or pants, which are identical in color. A uniform Polo shirt or maternity shirt that is identical in color to the dark blue, charcoal gray or light grey (may be worn untucked, provided that the bottom of the shirt is uniformly hemmed to no shorted than 6" below the waistband and no longer than the bottom on the pants zipper.

## Ride Along Attire:

On duty personnel who ride-along with officers in the field shall wear their **Class "C"** Uniform. During cold weather, personnel are allowed to wear sweaters, coats, or windbreakers without Department patches

## Courtroom Attire:

Wearing part uniform and part civilian clothes is not permitted. Personnel who are representing the department in court shall abide by the following dress code: Business suit and tie; sport coat, slacks, and tie (Men) and appropriate business-like attire (Women). Member shall not wear the TPD uniform to court when not acting in an official capacity and on duty.

## Additional Articles of Clothing allowed:

Only navy-blue sweaters and jackets shall be worn while on duty. Sweaters with hoodies are not authorized. Undergarments shall be worn underneath the uniform shirt. A solid navy-blue blanket may be worn in the Dispatch Center

# POST Human Trafficking Survivor's Waiver of Rights to an Advocate.pdf

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# APPENDIX

## Human Trafficking Survivor's Waiver of Rights to an Advocate

You have the right to have an advocate present during any interview with law enforcement and during other subsequent examinations and proceedings. Please be advised that there are certain benefits of being represented by an advocate, including, among other things, confidentiality and evidentiary privilege, emotional support, assistance in accessing resources, and assistance with understanding your legal rights. There is no cost to you if you request an advocate. If you request an advocate, the officer will contact the appropriate organization and arrange for the advocate to be present for any further interviews, examinations, or other proceedings.

Accordingly, you may request that your advocate be present for this and any further interviews or examinations.

If you choose to waive your right to an advocate, you may revoke that waiver at any time and request an advocate. By signing this document, you, as a survivor of human trafficking, are indicating that you understand and are waiving your rights to an advocate. I hereby waive my right to an advocate as a survivor of human trafficking:

| Name | |
|---|---|
| Signature | Date |
| Declined to Sign (if the victim provides a reason for refusing to sign, state the reason): | |

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